

GOVERNANCE AND POLICY COMMITTEE REGULAR MEETING Public Session

AGENDA February 2, 2021

Markus de Domenico, Chair
Trustee Ward 2

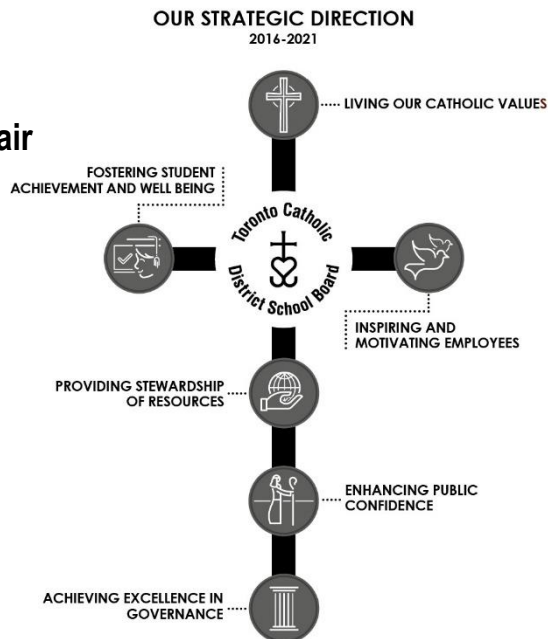
Nancy Crawford
Ex-Officio

Norman Di Pasquale, Vice-Chair
Trustee Ward 9

Joseph Martino
Ex-Officio

Ida Li Preti
Trustee Ward 3

Teresa Lubinski
Trustee Ward 4



MISSION

*The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.
We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.*

VISION

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Recording Secretary: Sophia Harris, 416-222-8282 Ext. 2293
Assistant Recording Secretary: Skeeter Hinds-Barnett, 416-222-8282 Ext. 2298
Assistant Recording Secretary: Sarah Pellegrini, 416-222-8282 Ext. 2207

Dr. Brendan Browne
Director of Education

Joseph Martino
Chair of the Board

TERMS OF REFERENCE FOR GOVERNANCE AND POLICY COMMITTEE

The Governance Framework Committee is responsible for:

A. Ensuring that governance structures, policies, protocols, processes and performance metrics:

- i). advance the vision of the TCDSB, rooted in Catholic values and teachings.
- ii). support the achievement of our Multi-Year Plan.
- iii). conform to best practices.
- iv). provide strategic cohesion and consistency.
- v). comply with the Education Act and other pertinent legislation.

B. Providing a meta policy framework to ensure all policy formation, monitoring and evaluation follow a standard process that reflects exemplary practices in policy development.

C. Carrying out a continuous review of the roster of existing policy to ensure conformity and advancement of (A) above.

D. Identifying the supports (e.g. capacity training) needed to implement the governance framework.

E. Ensuring ongoing governance reviews of the Board.

F. Ensuring that the TCDSB By-laws and the Trustee Code of Conduct reflect the vision and mission of the Board and adhere to good governance practices, the Education Act and other pertinent legislation.

LAND ACKNOWLEDGEMENT

Out of our deep respect for Indigenous peoples in Canada, we acknowledge that all Toronto Catholic District School Board properties are situated upon traditional territories of the Anishinabek (a-ni-shna-bek), the Haudenosaunee (hoh-Dee-noh-Shoh-nee) Confederacy, and the Wendat peoples. We also acknowledge the land covered by Treaty 13 is held by the Mississaugas of the Credit First Nation and Toronto is subject to The Dish with One Spoon covenant. We also recognize the contributions and enduring presence of all First Nations, Métis, and Inuit peoples in Ontario and the rest of Canada.

La Reconnaissance du Territoire

Nous témoignons du plus grand respect pour les Peuples autochtones au Canada et nous avons à cœur de souligner que tous les immeubles du Toronto Catholic District School Board sont situés sur les terres traditionnelles de la Nation Anishinabek, de la Confédération de Haudenosaunees et des Wendats. Il est également important de noter que le territoire visé par le Traité 13 est celui des Mississaugas de la Première Nation Credit et que celui de Toronto est protégé par l'accord d'« un plat à une cuillère ». Nous tenons également à rappeler la présence pérenne et l'importance des contributions des Premières Nations, des Metis et des Inuits en Ontario, et dans tout le Canada.

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AGENDA THE REGULAR MEETING OF THE GOVERNANCE AND POLICY COMMITTEE

PUBLIC SESSION

Markus de Domenico, Chair

Norman Di Pasquale, Vice Chair

Tuesday, February 2, 2021

7:00 P.M.

Pages

1. Call to Order
2. Opening Prayer
3. Land Acknowledgement
4. Roll Call & Apologies
5. Approval of the Agenda
6. Declarations of Interest
7. Approval and Signing of the Minutes of the Meeting held January 12, 2021 1 - 8
8. Delegations
9. Presentation
 - 9.a. Jeffrey Abrams, Integrity Commissioner, Principles Integrity regarding Changes to Trustee Code of Conduct (Refer to Item 14a)
10. Notices of Motion

11.	Consent and Review	
12.	Unfinished Business	
13.	Matters referred or deferred	
14.	Staff Reports	
14.a.	Revision of the Trustee Code of Conduct Policy (T.04) (Refer Item 9a)	9 - 69
14.b.	Suspensions and Expulsions Policy (S.S.01) Update	70 - 144
14.c.	Rescindment of Signing Officers Policy (F.M.02)	145 - 147
14.d.	Update to Delegation and Public Participation Policy (T.14) Delegation Form	148 - 152
15.	Listing of Communications	
16.	Inquiries and Miscellaneous	
17.	Updating of Pending List	
17.a.	Monthly Pending List	153 - 158
17.b.	Annual Policy Priority Schedule	159 - 160
18.	Adjournment	

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MINUTES OF THE REGULAR VIRTUAL MEETING OF THE GOVERNANCE AND POLICY COMMITTEE PUBLIC SESSION

HELD TUESDAY, JANUARY 12, 2021

PRESENT:

Trustees:

M. de Domenico, Chair – In Person
N. Di Pasquale, Vice-Chair
T. Lubinski
I. Li Preti
N. Crawford - Ex-Officio
J. Martino – Ex-Officio

Non-Voting Trustee: M. Rizzo

Staff:

B. Browne
C. Fernandes
S. Camacho
P. Matthews
C. Onyia

S. Harris, Recording Secretary
S. Hinds-Barnett, Assistant Recording Secretary

External Guests:

A. Robertson, Parliamentarian
J. Abrams, Integrity Commissioner, Principles Integrity

5. Approval of the Agenda

MOVED by Trustee Crawford, seconded by Trustee Martino, that the Agenda be approved.

The Motion was declared

CARRIED

6. Declarations of Interest

There were none.

7. Approval and Signing of the Minutes

MOVED by Trustee Martino, seconded by Trustee Lubinski, that the Minutes of the Meeting held November 10, 2020 be approved.

The Motion was declared

CARRIED

14. Staff Reports

MOVED by Trustee Di Pasquale, seconded by Trustee Martino, that Item 14a) be adopted as follows:

- 14a) Revision of the Trustee Code of Conduct Policy T.04** that the revised draft Trustee Code of Conduct Policy (T.04), provided in Appendix A and the accompanying guidelines in Appendix B, be adopted.

MOVED in AMENDMENT by Trustee Di Pasquale, seconded by Trustee Li Preti,:

- 1) That Staff create a section of the Trustee Code of Conduct specific to Student Trustees;
- 2) That Staff consider whether the inclusion of Items d) and e) in the *Eligible Complainant* list, Page 52, should only apply to Municipal Conflict of Interest Act complaints; and
- 3) That Staff consider adding flowcharts for the processes outlined in Appendix B of the Report.

MOVED by Trustee Di Pasquale, seconded by Trustee Martino, that the AMENDMENT be tabled.

Results of the Vote taken, as follows:

In Favour

Opposed

Trustees Crawford
de Domenico
Di Pasquale
Li Preti
Lubinski
Martino

The Motion to Table was declared

CARRIED

With the consent of the Assembly, Trustee Di Pasquale withdrew the Main Motion (which automatically also withdrew the AMENDMENT).

MOVED by Trustee Di Pasquale, seconded by Trustee Martino, that the Revision of the Trustee Code of Conduct Policy T.04 report be referred back to Staff with the following recommendations:

- 1) That Staff create a section of the Trustee Code of Conduct specific to Student Trustees;
- 2) That Staff consider whether the inclusion of Items d) and e) in the *Eligible Complainant* list, Page 52, should only apply to Municipal Conflict of Interest Act complaints; and
- 3) That Staff consider adding flowcharts for the processes outlined in Appendix B of the Report.

MOVED in AMENDMENT by Trustee Crawford, seconded by Trustee Lubinski:

1. That Policy S.S.09 Safe School Code of Conduct be included in the *Cross References* section, Page 12;
2. That in Appendix A relating to “*held to a higher standard*”, reference to our *Catholic Faith and the Oath of Office* we make each year be included, Page 14 or 3 of 39, first paragraph, last line;
3. That in Appendix A of the Report, *Canadian Conference of Catholic Bishops* be replaced with the *Assembly of Catholic Bishops of Ontario* (ACBO), Page 15 or 4 of 39, Item c);
4. That Principles Integrity and Toronto Catholic District School Board (TCDSB) Staff review Policy S.S.09 to determine if Policy S.S.09 is the

- overarching Code of Conduct of the TCDSB, serving all potential complainants and all potential situations;
5. That the TCDSB Trustee Code of Conduct limit the potential complainants to align with the Education Act, Section 218.3; and
 6. That the Trustee Code of Conduct policy comply with the current meta-policy format, and that all other material be included as an appendix Manual.

Results of the Vote taken on the AMENDMENT, as follows:

In Favour

Opposed

Trustees Crawford
de Domenico
Di Pasquale
Li Preti
Lubinski
Martino

The AMENDMENT was declared

CARRIED

MOVED in AMENDMENT by Trustee Li Preti, seconded by Trustee Di Pasquale, that the Integrity Commissioner determine whether or not a Trustee may be able to fundraise to cover expenses incurred (e.g. legal consultant fees) and, if allowed, consider the criteria, process and parameters.

Results of the Vote taken on the AMENDMENT, as follows:

In Favour

Opposed

Trustees Crawford
de Domenico
Di Pasquale
Li Preti
Martino

Lubinski

The AMENDMENT was declared

CARRIED

MOVED in AMENDMENT by Trustee Lubinski, seconded by Trustee Martino:

- 1) That the General Introduction reflect *Catholic Values* along with the *Board's Mission and Vision* relating to Faith, Community and Culture, Page 15 or 4 of 39, first paragraph; and
- 2) That Item c) include Archdiocese of Toronto, Page 15 or 4 of 39.

Results of the Vote taken on the AMENDMENT, as follows:

In Favour

Opposed

Trustees Crawford
de Domenico
Di Pasquale
Li Preti
Lubinski
Martino

The AMENDMENT was declared

CARRIED

Results of the Vote taken on the Motion, as amended, as follows:

In Favour

Opposed

Trustees Crawford
de Domenico
Di Pasquale
Li Preti
Lubinski
Martino

The Motion, as amended, was declared

CARRIED

18. Adjournment

MOVED by Trustee Martino, seconded by Trustee Li Preti, that the meeting be adjourned.

Results of the Vote taken, as follows:

In Favour

Opposed

Trustees Crawford
de Domenico
Di Pasquale
Li Preti

Lubinski
Martino

The Motion was declared

CARRIED

SECRETARY

CHAIR



REPORT TO

GOVERNANCE AND POLICY COMMITTEE

REVISION OF THE TRUSTEE CODE OF CONDUCT POLICY T.04

*For we are His workmanship, created in Christ Jesus for good work, which God prepared beforehand that we should walk in them. **Ephesians 2:10***

Created, Draft

January 5, 2021

First Tabling

January 12, 2021

Review

February 2, 2021

Paul Matthews, General Legal Counsel

RECOMMENDATION REPORT

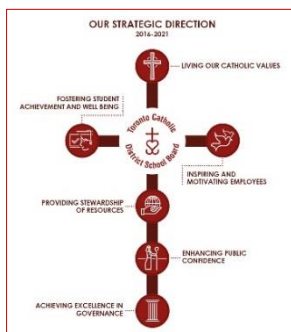
Vision:

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:

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We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.



Brendan Browne, PhD
Director of Education

D. Koenig
Associate Director
of Academic Affairs

S. Camacho
Acting Associate Director
Facilities, Business and
Community Development

A. EXECUTIVE SUMMARY

At the January 12, 2021 meeting of the Governance and Policy Committee, the Committee received the first draft of a completely revised Trustee Code of Conduct Policy T.04. The draft presented at that meeting was intended to and did start a conversation between the newly appointed Integrity Commissioner and the Committee about the content of a new Trustee Code of Conduct Policy and Protocol. The proposed new policy is a complete re-write of the existing policy. The Committee asked the Integrity Commissioner to make additional revisions to the Policy and to advise the Committee with respect to various issues raised at the meeting including:

1. Creating a section of the Trustee Code of Conduct specific to the Student Trustees.
2. Consider whether eligible complainants permitted under the Policy should include complainants permitted under the Municipal Conflict of Interest Act.
3. Consider limiting eligible complainants to members of the Board of Trustees as required under Section 218.3(1) of the Education Act, and;
4. Advise the Committee whether it is advisable to permit Trustees to fundraise to pay for expenses incurred to defend against allegations made against them while in their performance of their duties as a trustee.

At this meeting of the Committee, the Integrity Commissioner will advise the Committee about the issues described above and will continue to advise the Committee with respect to other issues that may arise at the meeting which will inform the second draft of the proposed Trustee Code of Conduct Policy.

The cumulative staff time required to prepare this report was 15 hours

B. PURPOSE

This Recommendation Report is on the Order Paper of the Governance Policy Committee as it recommends policy revision.

C. BACKGROUND

1. This draft of the proposed Trustee Code of Conduct Policy includes revisions adopted by the Committee on January 12, 2021. Attached at Appendix A is the revised draft policy which will be subject to further debate and revision at this meeting of the Committee.
2. The proposed draft protocol is attached at Appendix B.
3. The Integrity Commissioner has provided a memo attached at Appendix C which addresses various issues raised at the January 12, 2021 meeting.
4. Upon receiving further direction from the Committee, a second draft of the policy will be presented for approval by the Committee.
5. The next draft of the policy will be reformatted to include a table of contents to make the Policy user friendly by formatting the policy by rule/regulation number and listing each of the rule/regulations in the table of contents so that the document will read like a user guide to Trustee Code of Conduct matters.

D. EVIDENCE

This proposed policy is a complete revision of the existing policy and is submitted by the Integrity Commissioner in consultation with the Director of Education and General Legal Counsel.

E. METRICS AND ACCOUNTABILITY

1. Recommendations in this report will be monitored by the Director, with the support of Legal Services.
2. Further reports will be brought to the Board in accordance with the policy review schedule.

F. IMPLEMENTATION

When finalized by the Committee, this policy will be presented to the Board of Trustees for its consideration and approval.

G. STAFF RECOMMENDATION

Staff recommends that the Committee further consider the draft policy Trustee Code of Conduct T.04 and consider such further amendments as proposed by the Integrity Commissioner.



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

Date Approved:	Date of Next Review:	Dates of Amendments:
<p>Cross References: Education Act, R.S.O. 1990, c. E.2 Municipal Act, 2001, S.O. 2001, c. 25 Municipal Conflict of Interest Act, R.S.O. 1990, c. M50 (MCIA) Municipal Elections Act, 1996, SO 1996, c. 32 Municipal Freedom of Information and Protection of Privacy Act, R.S.O 1990, C. M.56 (MFIPPA) Criminal Code of Canada R.S.S., 1985, c. C-46 Human Rights Code, R.S.O. 1990, c. H. 19 <i>Harassment and Discrimination Policy H.M.14</i> <i>Fair Practice in Hiring and Promotion Policy H.M.40</i> <i>Trustee Services and Expenditures Policy T.17</i> <i>Trustee Honorarium T.05</i> <i>Code of Conduct S.S.09</i></p>		
<p>Appendix A – Trustee Code of Conduct Protocol</p>		

Purpose:

This *Code of Conduct* applies to all Trustees. It is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. As a living document the Code of Conduct will be brought forward for review at the end of each term of the Board, when relevant legislation is amended, and at other times when appropriate to ensure that it remains current and continues to be a useful guide to Trustees.



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

Commentary and examples used in this *Code of Conduct* are illustrative and not exhaustive. From time to time additional commentary and examples may be added to this document by the Integrity Commissioner and supplementary materials may also be produced as deemed appropriate.

Where a Trustee discloses all known facts to the Integrity Commissioner and as long as those facts remain unchanged, the Trustee may rely on written advice provided by the Integrity Commissioner. The Integrity Commissioner will be bound by the advice given, as long as the facts remain unchanged, in the event that they are asked to investigate a complaint.

Trustees seeking clarification of any part of this *Code* should consult with the Integrity Commissioner.

The *Education Act* is the primary piece of legislation governing school boards however there are other statutes that govern the conduct of elected officials. It is intended that the *Code of Conduct* operate together with and as a supplement to applicable legislation, including the:

- *Education Act*
- *Municipal Act, 2001;*
- *Municipal Conflict of Interest Act (MCIA);*
- *Municipal Elections Act, 1996;*
- *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA);*
- *Criminal Code of Canada*
- *Ontario Human Rights Code*

Trustees are expected to discharge their duties and responsibilities in a professional and ethical manner consistent with Gospel Values and the teachings of the Catholic Church.



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: TRUSTEE CODE OF CONDUCT

POLICY NO: T.04

General Introduction:

Trustees of the Toronto Catholic District School Board (Trustees) recognize their obligation to serve the Board's students and staff, their constituents and the general public in a conscientious and diligent manner understanding that as leaders of the community, they are held to a higher standard of behaviour and conduct. **That standard includes upholding the Catholic Faith and adhering to the Oath of Office taken each year at the Caucus meeting.**

Trustees represent all the citizens in the Catholic community in the City of Toronto and are responsible to the electorate through the democratic process. Fellow citizens have entrusted trustees through the electoral process with the education of all students in the community they serve as their advocates. The public is entitled to expect the highest standard from the school trustees that it elects.

Trustees recognize that ethics and integrity are at the core of public confidence in government and in the political process; that elected officials are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence, avoids the improper use of influence of their office and conflicts of interests, both apparent and real. They recognize the need to uphold both the letter and the spirit of the law including policies adopted by the Board.

Catholic Trustees, as representatives of the Catholic community must ensure that the mission of Catholic education, as part of the broader mission of the Church is fulfilled. Because of this unique and distinctive mission, Catholic school trustees honour a set of additional expectations that have been set for them by the Church and by the Catholic community. The vocational call to trusteeship is to serve.

This Code of Conduct ensures that Trustees share a common basis and understanding for acceptable conduct of Trustees, in concert with and beyond the minimum



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: TRUSTEE CODE OF CONDUCT

POLICY NO: T.04

standards of behaviour set out in the existing legislative framework. **The Toronto Catholic District School Board is an inclusive learning community rooted in the love of Christ. We educate students to grow in grace and knowledge and to lead lives of faith, hope and charity.**

Our vision of Catholic education invites each one of us— parents, students, teachers, principals, chaplains, support staff, trustees, clergy, supervisory personnel — to work together as a community of believers committed to putting the values of our faith into practice in the daily life of the school, the home, and in all of society. (Fulfilling the Promise Assembly of Catholic Bishops of Ontario)

We Believe...

- **in the worth and dignity of every person**
- **in the critical role that our Catholic schools play in promoting Gospel values, social justice, environmental responsibility, human solidarity and the common good**
- **that high standards and expectations foster greater achievement**
- **that people thrive in a safe, healthy and compassionate environment grounded in respect for the diversity of every person**
- **that teaching is responsive to individual needs**
- **that teaching and learning should be rooted in research and evidence**
- **that each of us shares responsibility for creating collaborative communities of learning**
- **that equity, diversity, accessibility and inclusivity are integral to the Catholic community**
- **that the 21st century competencies – collaboration, real world problem solving and innovation, knowledge construction, skilled communication, self-regulation and the use of information communication technology for learning, are essential.**



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

This Code of Conduct is consistent with the principles of transparent and accountable government, and is reflective of the Board's values relating to Faith, Community and Culture which require each Trustee, within the duties prescribed in the Education Act, its Regulations and other applicable legislation, and reflecting a ministry within the Church, to:

- a) appreciate that Catholic schools are an expression of the teaching mission of the Church;
- b) provide an example to the Catholic Community that reflects the teaching of the Church;
- c) facilitate the best possible Catholic education according to the programs approved by the provincial Minister of Education and supported by the ~~Canadian Conference of Catholic Bishops~~ **Archdiocese of Toronto and the Assembly of Catholic Bishops of Ontario (ACBO);**
- d) recognize and rigorously defend the constitutional right of Catholic education and the democratic and corporate authority of the Board;
- g) work to improve personal knowledge of current Catholic educational research and practices;
- h) affirm a strong sense of Christian Catholic Community; and
- i) provide support, encouragement and prayer for the efforts of all persons engaged in the ministry of Catholic Education in Canada;

Alignment with MYSP:

Living Our Catholic values

Strengthening Public Confidence

Fostering Student Achievement and Well-Being

Achieving Excellence in Governance

Providing Stewardship of Resources



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

Inspiring and Motivating Employees

Policy:

1. Trustees shall serve the public and their constituents in a conscientious and diligent manner.
2. Trustees should be committed to performing their functions with integrity impartiality and transparency.
3. Trustees shall perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.
4. There is a benefit to School Boards when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

Regulations:

1. Avoidance of Conflicts of Interest

In this Regulation:

- a. “disqualifying interest” means an interest in a matter that, by virtue of the relationship between the Trustee and other persons or bodies associated with the matter, is of such a nature that reasonable persons fully informed of the facts would believe that the Trustee could not participate impartially in the decision-making processes related to the matter.
- b. “non-disqualifying interest” means an interest in a matter that, by virtue of the relationship between the Trustee and other persons or bodies associated with the matter, is of such a nature that reasonable persons fully informed of the facts would believe that the Trustee could participate impartially in the



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

decision-making processes related to the matter so long as:

The Trustee fully discloses the interest so as to provide transparency about the relationship; and

The Trustee states why the interest does not prevent the Trustee from making an impartial decision on the matter.

1. Trustees shall not participate in the decision-making processes associated with their office when prohibited to do so by the *Municipal Conflict of Interest Act*.
2. Trustees shall not participate in the decision-making processes associated with their office when they have a disqualifying interest in a matter.
3. For greater certainty:
 - a) Trustees shall not participate in the decision-making processes associated with their office when they have a direct, indirect or deemed pecuniary interest in a matter, except in compliance with the *Municipal Conflict of Interest Act*.
 - b) Trustees shall not participate in the decision-making processes associated with their office when they have an interest that though in compliance with the *Municipal Conflict of Interest Act*, is nevertheless a disqualifying interest by virtue of the nature of the relationship between the Trustee and other persons or bodies to be affected by the decision.
4. Treatment of Non-Disqualifying Interests:
 - a) Trustees may participate in the decision-making processes associated with their office when they have a non-disqualifying interest provided they file at their earliest opportunity a Transparency Disclosure in a form and manner established by the Director of Education acting in consultation with the Integrity

Page 7 of 40



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

Commissioner.

- b) Transparency Disclosures are public documents and shall be available for public viewing on the Board web site.
- c) The determination of whether an actual disqualifying interest or an actual non-disqualifying interest exists, when challenged, is subject to the determination by the Integrity Commissioner of whether a reasonable person fully informed of the facts would believe that the Trustee could not participate impartially in the decision-making processes related to the matter.

Commentary

Trustees should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and private conflicts of interest, both apparent and real. Trustees shall also not extend in the discharge of their official duties, preferential treatment to Family members, organizations or groups in which they or their Family members have a direct or indirect pecuniary interest.

Trustees have a common understanding that in carrying out their duties as a Trustee, they will not participate in activities that grant, or appear to grant, any special consideration, treatment or advantage to a Family member or an individual which is not available to every other individual.

Trustees may seek conflict of interest or other advice, in writing, from the Integrity Commissioner. Where members choose to seek external legal advice on conflict of interest or other Code of Conduct issues, these fees will not be reimbursed by the TCDSB and cannot be charged to any office account.



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: TRUSTEE CODE OF CONDUCT

POLICY NO: T.04

When a member, despite the existence of an interest, believes that he or she may still participate in a matter with an open mind, the public interest is best served when the Trustee is able to articulate the interest, and why the interest does not amount to a disqualifying conflict of interest.

Trustees must remain at arm's length when Board staff or the Board is asked to consider a matter involving a Family member or a person or organization with whom the Trustee has a real or apparent conflict of interest.

5. Trustees who seek advice from the Integrity Commissioner with respect to the application of this Regulation may rely on the provisions of Part B. "Framework and Interpretation" (paragraph 3) and the Regulation 17, "Acting on Advice of Integrity Commissioner."
6. Trustees shall avoid any interest in any contract made by him/her in an official capacity and shall not contract with the Board or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof.
7. Trustees, while holding public office, shall not engage in an occupation or the management of a business that conflicts with their ability to diligently carry out their role as a Trustee, and shall not in any case profit directly or indirectly from such business that does or has contracted with the TCDSB.
8. Despite paragraph g., a Trustee may hold office or a directorship in an agency, board, commission or corporation where the Trustee has been appointed by the Board or by the Federal or Provincial Government.



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: TRUSTEE CODE OF CONDUCT

POLICY NO: T.04

9. Despite paragraph g. a Trustee may hold office or directorship in a charitable, service or other not-for-profit corporation subject to the Trustee disclosing all material facts to the Integrity Commissioner and obtaining a written opinion from the Integrity Commissioner approving the activity, as carried out in the specified manner, which concludes that the Trustee does not have a conflict between his/her private interest and public duty. In circumstances where the Integrity Commissioner has given the Trustee a qualified opinion, the Trustee may remedy the situation in the manner specified by the Integrity Commissioner.

Commentary

Trustees should exercise caution if accepting such positions if the organization could be seeking a benefit or preferential treatment from the Board at any time

The legislative obligation is set out in the Municipal Conflict of Interest (MCIA). If the Trustee, or a family member of the Trustee, sits on a body which has a pecuniary interest in a matter before the Board (such as an application for grant, support or other contribution), that Trustee has a deemed pecuniary interest. The Trustee should disclose the interest and should not participate in or vote on such matter, in compliance with the obligations of s.5, MCIA.

The Code of Conduct captures the broader common law responsibility and requires members to avoid the appearance of favoring organizations or groups on which the Trustee's family members serve.

Family members of Trustees are not precluded, or even discouraged, from serving on not-for-profit organizations or other bodies. However, where family members of Trustees serve in such a capacity, the Trustee should declare a conflict of interest whenever there is a matter for the Board consideration in which the not-for-profit organization or body has a pecuniary interest.



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

2. Gifts, Benefits and Hospitality

In this Regulation:

- a. “Gift” means money, fee, advance, payment, gift, gift certificate, promise to pay, property, travel, accommodation, entertainment, hospitality or any other personal benefit connected directly or indirectly with the performance of a Trustee’s duties of office, but excludes:
 - i. Compensation authorized by law;
 - ii. Political contributions otherwise reported by law, in the case of Trustees running for office;
 - iii. Services provided by persons volunteering their time;
 - iv. Contributions of value that are specifically addressed in other provisions of this Code
 - v. Gifts provided to the TCDSB and which are logged, archived and/or publicly displayed as such.
- b. A Gift provided with the Trustee’s knowledge to a Family member that is connected directly or indirectly to the performance of the Trustee’s duties, is deemed to be a Gift to that Trustee.
- c. “Token of Appreciation” means such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, or which are a suitable memento of a function honouring the Trustee.



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: TRUSTEE CODE OF CONDUCT

POLICY NO: T.04

- d. “Official Hospitality” means food, lodging, transportation and entertainment provided by Provincial, Regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country or at a conference, seminar or event where the Trustee is either speaking or attending in an official capacity at an official event (such as at meetings of AMO, FCM, or conducted by providers of continuing education).
 - e. “Business Hospitality” means entertainment, food and beverages consumed at banquets, receptions or similar events, if:
 - i. attendance serves a legitimate business purpose;
 - ii. the person extending the invitation or a representative of the organization is in attendance; and
 - iii. the value is reasonable and the invitations infrequent;
 - f. “Publications” means communication to the offices of a Trustee, including subscriptions to newspapers, and periodicals.
1. No Trustee shall accept any Gift unless expressly permitted by this Regulation.
 2. No Trustee shall accept any Gift involving the use of property or facilities, such as a vehicle, office, club membership or vacation property at less than reasonable market value or at no cost. Notwithstanding this prohibition, with specific approval provided by the Board, a Trustee may be sponsored to attend educational site visits connected with an identified project.
 3. Gifts identified in Column B of *Gift Treatment and Disclosure Table* may



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: TRUSTEE CODE OF CONDUCT

POLICY NO: T.04

be accepted by a Trustee provided the Gift is disclosed in accordance with the conditions set out in Column 'C'.

4. Gift Disclosure, where required, is to be accomplished by filing within 30 days of receipt of the gift or reaching the annual limit, a Trustee Information Statement in a form prescribed by the Integrity Commissioner and providing same to the Board Recording Secretary for posting on the Board's web site.
5. Gifts identified in Column B shall not be accepted, without the Integrity Commissioner's specific approval, when the conditions set out in Column 'D' are applicable.
6. In providing advice to a Trustee about their obligations respecting Gifts, or in considering any inquiry with respect to a Trustee Information Statement or an assertion that this Regulation has been breached, or in providing consent, where required, that a Gift may be accepted, the Integrity Commissioner shall determine whether the receipt of the Gift might, in the opinion of the Integrity Commissioner, create a conflict between a private interest and the public duty of the Trustee. In the event that the Integrity Commissioner makes that preliminary determination, they shall call upon the Trustee to justify receipt of the gift or benefit.
7. Should the Integrity Commissioner determine the receipt of a Gift was inappropriate, the Integrity Commissioner may direct the Trustee to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or the Integrity Commissioner may order the Trustee to forfeit the gift or remit the value of any gift or benefit already consumed to the TCDSB. Any such direction ordered by the Integrity Commissioner shall be a matter of public record.



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: TRUSTEE CODE OF CONDUCT

POLICY NO: T.04

Gift Treatment and Disclosure

A	B	C	D
<u>Type of Gift</u>	<u>Examples</u>	<u>Gift Disclosure</u> <i>Apparent Value at which Gift, or the cumulative value from one source in a calendar year is disclosable</i>	<u>Gift No Longer Allowable</u> <i>Condition or Actual Value beyond which gift is not allowable (Value assessed on basis of single Gift or cumulative Gift value from one source in calendar year) (without Integrity Commissioner approval)</i>
Token of Appreciation	Plaques, Pens, Mugs, Vase, Event Photos, and similar	No need to record - Deemed Zero Value	Actual Value of a single gift is over \$100 (allowable with IC approval)
	Perishable (includes flowers, food)	No need to record - Deemed Zero Value	Excludes Alcohol with actual value over \$100
	Gift to Board	Not a 'Gift'. No need to record. Board staff to record and take possession unless otherwise on public display. Deemed Zero Value	N/A
Course of Business	Publications	No need to record - Deemed Zero Value	N/A
	Art	\$100	\$100
	Business Meals	\$100	\$100
	Business Hospitality	\$100	\$250 More than two Event Tickets (Golf, Gala, Sporting, Entertainment) per event More than one event per year from the same person or organization



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: TRUSTEE CODE OF CONDUCT

POLICY NO: T.04

			(allowable with IC approval)
	Official Hospitality	\$100	No limit

Commentary

Gifts and benefits are often received by elected officials in the course of their duties and attendance at public functions is expected and is considered part of their role. Business-related entertainment and gift-giving can be a token of respect and admiration for the elected official, but can also be seen as an instrument of influence and manipulation. The object of this regulation is to provide transparency around the receipt of incidental gifts and benefits and to establish a threshold where the total value could be perceived as potentially influencing a decision.

The practical problems that nominal gifts and benefits create require a Code of Conduct that provides clarity and transparency. Personal integrity and sound business practices require that relationships with developers, vendors, contractors or others doing business with the Board be such that no Trustee is perceived as showing favouritism or bias toward the giver. There will never be a perfect solution.

Each Trustee is individually accountable to the public and is encouraged to keep a list of all gifts and benefits received from individuals, firms or associations, with estimated values, for review by the Integrity Commissioner in the event of a complaint.

Use of real estate or significant assets or facilities (i.e. a vehicle, office, vacation property or club membership) at a reduced rate or at no cost is not an acceptable



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

gift or benefit. The purpose of the Code is not to prohibit Trustees from accepting all invitations to socialize at a vacation property with personal friends who are in no way associated with the business of the TCDSB.

Proper caution and diligence must however be exercised when a social function occurs within close proximity to the individual having an issue before the Board or staff for approval. It is always prudent to consult with the Integrity Commissioner before accepting or attending at any such engagements. Any doubts about the propriety of a gift should be resolved in favour of not accepting it or not keeping it. It may be helpful to consult with the Integrity Commissioner when a Trustee chooses to decline a gift as well as when a recipient may opt to keep a gift.

An invitation to attend a function with a developer or supplier could be seen as allowing the giver an opportunity to influence the elected official. Such invitations should only be accepted if the invitation is within the scope of permissible gifts and benefits, meaning that Trustees should not consistently accept invitations from the same individual or corporation and should avoid any appearance of favouritism.

An invitation to attend a fund-raising gala, provided the Trustee is not consistently attending such events as a guest of the same individual or corporation, is also part of the responsibilities of holding public office. Where a Trustee is uncertain in regard to whether an invitation is or is not appropriate, it may be prudent to consult with the Integrity Commissioner before attending any such event.

Regular invitations to lunch or dinner with persons who are considered friends of Trustees is acceptable in situations where the Trustee pays their portion of the meal expense and treats it as a personal expense, meaning a claim is not made under the Trustee Services and Expenditures Policy T.17. Proper caution and diligence not to discuss matters before the Board for a decision must be exercised



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

at all times. When in doubt it is prudent to consult with the Integrity Commissioner.

3. Trustee's Role in Funding Charitable/Community Events

There are a range of expenses that support a Trustee's role in community development and engagement activities within their ward. For federal and provincial elected officials, these expenses are often paid for by Riding Association funds. Locally-elected officials do not have this benefit. Trustees should refer to the *Trustee Services and Expenditures Policy T.17* for guidance of expenses eligible for reimbursement.

1. As community leaders, Trustees may lend their support to and encourage community donations to registered charitable, not-for-profit and other community-based groups. Monies raised through fundraising efforts shall go directly to the groups or volunteers or chapters acting as local organizers of the group and Trustees should not handle any funds on behalf of such organizations.

Trustees routinely perform important work in supporting charitable causes and in so doing, there is a need for transparency respecting the Trustee's involvement. The following guidelines shall apply:

- a) Trustees should not directly or indirectly manage or control any monies received relating to community or charitable organizations fundraising;
- b) Trustees or persons acting on behalf of a Trustee shall not solicit or accept support in any form from an individual, group or corporation, with any pending significant matter or procurement proposal before the Board, which the Trustee knew or ought to have known about;



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: TRUSTEE CODE OF CONDUCT

POLICY NO: T.04

- c) With reference to member-organized community events, Trustees must report to the Integrity Commissioner, the names of all donors and the value of their donation that supplement the event;
- d) Where a Trustee sponsors and/or lends support to a community or charitable event, this *Code* recognizes that all donations are subject to the *Trustee Services and Expenditures Policy T.17*;
- e) No donation cheques should be made payable to a Trustee. Trustees may only accept donation cheques made payable to a Business Improvement Association, charity or community group and only for the purpose of passing the cheques on to such group;
- f) Trustees should not handle any cash on behalf of any charitable organization, not-for-profit or community group, and should always remain at arm's length from the financial aspects of these community and external events. If a Trustee agrees to fundraise on behalf of a charity or community group, the Trustee should

2. Nothing included herein affects the entitlement of a Trustee to:

- a) urge constituents, businesses or other groups to support community events and advance the needs of a charitable organization put on by others in the Trustee's ward or elsewhere in the City of Toronto;
- b) play an advisory ex officio or honorary role in any charitable or non-profit organization that holds community events in the Trustees' ward; and



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

- c) collaborate with the TCDSB and its affiliates to hold community events.

Commentary

By virtue of the office, Trustees will be called upon to assist various charities, service clubs and other non-profits as well as community associations, by accepting an honorary role in the organization, lending their name or support to it or assisting in fundraising. Transparency and accountability are best achieved in today's era by encouraging contributors to make donations to such organizations on-line through a website or where that is not possible through a cheque made payable directly to the organization. Cash should never be accepted.

4. Confidential Information

1. No Trustee shall disclose the content of any such matter, or the substance of deliberations, of an *in-camera* meeting until the Board discusses the information at a meeting that is open to the public or releases the information to the public.
2. No Trustee shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except where required by law or authorized by the Board to do so.
3. No Trustee shall use confidential information for personal or private gain, or for the gain of Family members or any person or corporation.



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

4. No Trustee should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of Board property or assets.
5. Trustees should not access or attempt to gain access to confidential information in the custody of the Board unless it is necessary for the performance of their duties and is not prohibited by Board policy.

Commentary:

Confidential Information includes information in the possession of, or received in confidence by, the TCDSB that the TCDSB is either prohibited from disclosing, or is required to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act (“MFIPPA”), or any other legislation.

MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.

The Education Act allows information that concerns personnel, labour relations, litigation, property acquisitions and security of the property of the Board, and matters authorized in other legislation including MFIPPA, to remain confidential. For the purposes of the Code of Conduct, “confidential information” includes this type of information.

As elected officials, Trustees will receive highly sensitive and confidential information concerning residents who need their assistance. This is consistent with the nature of the Trustees’ duties Constituency records that are at all times under the control of the Trustee and are not subject to MFIPPA.



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

Where it is clear that a communication was not made in a confidential manner (i.e. copied to others, or made in the presence of others) or the manner of communication undermines the validity of labelling it “Confidential”, such communication will not be given any higher level of confidentiality than any other communication. The words “Privileged”, “Confidential” or “Private” will not be understood to preclude the appropriate sharing of the communication for the limited purpose of reviewing, responding or looking into the subject-matter of the communication.

5. Use of Board Resources

1. No Trustee shall use for personal purposes any staff services, property, equipment, services, supplies, websites, blogs, or other Board-owned materials, other than for purposes connected with the discharge of their Board duties.
2. No Trustee shall obtain personal financial gain from the use or sale of Board developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations or any other item capable of being patented. Trustees acknowledge and do not dispute that all such property remains exclusively that of the TCDSB.
3. No Trustee shall use information gained in the execution of his or her duties that is not available to the general public, for any purposes other than his or her official duties.

Commentary

Trustees, by virtue of their position, have access to a wide variety of property, equipment, services and supplies to assist them in the conduct of their Board



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

duties as public officials.

Trustees are held to a higher standard of behaviour and conduct and therefore should not use TCDSB property for any purpose other than for carrying out their official duties. For clarity, this Regulation is intended to prohibit the use of Board resources for purposes such as running a home business. It is not intended to prohibit occasional personal use, but it should be subject to practical limitations.

Careful attention should be given to the provisions of the Board's Trustee Services and Expenditures Policy T.17 which identifies allowable expenses. During election campaigns, the provisions of Regulations 6 and 7 will apply.

4. No Trustee shall use the services of Board staff, or make requests for documents or information from Board staff, unless such information is required for the purpose of carrying out their duties as public officials.
5. No Trustee shall include in his or her website, newsletters, E-mails or other printed material, advertising of businesses in the Board, including the distribution of gift certificates, free tickets or a compiled list of businesses located in a ward.

6. Election Campaigns

1. Trustees are required to follow the provisions of the *Municipal Elections Act, 1996* and Trustees are accountable under the provisions of that statute.



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: TRUSTEE CODE OF CONDUCT

POLICY NO: T.04

2. No Trustee shall use the facilities, equipment, supplies, services, staff or other resources of the Board (including the Board's newsletters, individual websites linked through the Board's website and social media accounts used for ward communication) for any election campaign or campaign-related activities and all such sites shall not use the TCDSB logo.

- a) If a member of the Board uses any social media account for campaign purposes, such account must not be created or supported by Board resources or use the TCDSB logo. Social media accounts used for campaign purposes must utilize personal cell phones, tablets and/or computers.
- b) To avoid confusion with any website or social media accounts used for the Trustee's work, Trustees who choose to create or use social media accounts for campaign communications must include, for the duration of the campaign, a clear statement on each campaign website or social media account's home page indicating that the account is being used for election campaign purposes.
- c) Despite the foregoing, Trustees are allowed to place campaign phone numbers, websites and E-mail addresses on election pages on the Board's website may be available and authorized for use by all candidates for school board office.



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: TRUSTEE CODE OF CONDUCT

POLICY NO: T.04

3. In a municipal election year, commencing May 1 (alternate: July 2) until the date of the election, Trustees may not publish newsletters or distribute newsletters in TCDSB facilities. All newsletters distributed through the mail must be post- marked by no later than May 1 (alternate July 2) in an election year. Trustees may, during such period, use Board facilities to communicate important notifications to separate school supporters in their ward by E-mail or by letter on the Trustee's usual letterhead.

4. In a municipal election year, commencing on May 1(alternate July 2), until the date of the election, no candidate, including Trustees, may directly or indirectly book any TCDSB facility for any purpose that might be perceived as an election campaign purpose.

Commentary

Staff should not interpret or provide advice to Trustees regarding the requirements placed on candidates for municipal office.

Trustees should not authorize any event that could be perceived as the TCDSB providing them with an advantage over other candidates. It is the personal responsibility of Trustees to ensure that any use of facilities or the services of staff are carried out in accordance with applicable legislation. Staff are not responsible for monitoring and advising Trustees or any other candidates, in this regard.



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

5. No Trustees shall use the services of persons for campaign related Activities during hours in which those persons receive any compensation from the Board.
6. The Integrity Commissioner may at any time be consulted with regard to complying with any part of Regulation 6.

7. Improper Use of Influence

1. No Trustee shall use the influence of their office for any purpose other than for the exercise of their official duties.

If the Board has taken a position in an Ontario Municipal Board/Local Planning Appeal Tribunal (“OMB/LPAT”) matter and instructed the Board’s legal counsel to appear at a hearing in support of such position, no member of the Board who disagrees with such position, shall give evidence at such hearing or otherwise work against the will of the Board in such matter. With the consent of the lawyer assigned to represent the Board at an OMB/LPAT hearing, a member of the Board who is in support of the the Board instructions to such lawyer, may give evidence at an OMB/LPAT hearing. Notwithstanding the above, if the OMB/LPAT has decided to mediate a dispute between parties in a matter, any member of the Board may offer his or her services to assist with such mediation regardless of his or her position in the matter and participate, if approved by the OMB/LPAT mediator.



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

Commentary

Examples of prohibited conduct are the use of one's status as a Trustee to improperly influence the decision of another person to the private advantage of oneself, or one's Family member, or friends. This would include attempts to secure preferential treatment beyond activities in which Trustees normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of a future advantage through a Trustee's supposed influence within the Board in return for present actions or inaction.

Contact with members of tribunals appointed by the Board on any case might be viewed as attempts to intimidate the tribunal member. Generally, Trustees should not take part in the proceedings of any other tribunal where the Board is a party unless such participation is approved by the Integrity Commissioner

2. Pursuant to section 283 of the *Education Act*, the Director of Education is the CEO of the Board and has exclusive authority to direct Board staff. The Board, and not individual Trustees appropriately give direction to the Director of Education.

Note from p. 7 of T.04:

No Trustee shall use his or her position, authority or influence for personal, financial or material gain or personal business purposes or for the personal, financial or material gain or business purposes of a relative, friend and/or business associate. Every Trustee shall uphold and enhance all Board business operations by:

- a) maintaining an unimpeachable standard of integrity in all their relationships, both inside and outside the Board;



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: TRUSTEE CODE OF CONDUCT

POLICY NO: T.04

- b) fostering the highest standard of professional competence amongst those for whom they are responsible;
- c) complying with and being seen to comply the letter and spirit of:
 - The laws of Canada and the Province of Ontario,
 - Contractual obligations applicable to the Board; and
- d) rejecting and denouncing any business practice that is improper or inappropriate or may appear to be improper or inappropriate.

8. Business Relations

1. No Trustee shall allow the prospect of his/her future employment by a person or entity to affect the performance of their duties to the Board, detrimentally or otherwise.
2. No Trustee shall borrow money from any person who regularly does business with the Board unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money, such as a credit union.
3. No Trustee shall act as a paid agent before the Board or a committee of the Board or any agency, board or committee of the Board.
4. No Trustee shall refer a third party to a person, partnership or corporation in exchange for payment or other personal benefit.



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

9. Trustee Conduct

Conduct at the Board and Committee Meetings:

1. Trustees shall conduct themselves at the Board and committee meetings with decorum in accordance with the provisions of the Board's Operating By-law.
2. Trustees shall endeavour to conduct and convey the Board's business and all their duties in an open and transparent manner (other than for those decisions which by virtue of legislation are authorized to be dealt with in a confidential manner in closed session), and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.

Commentary

Trustees recognize the importance of cooperation and strive to create an atmosphere during Board and committee meetings that is conducive to solving the issues before the Board, listening to various points of view and using respectful language and behaviour in relation to all of those in attendance.

Various statutes, the Board's Operating By-law and decisions by courts and quasi-judicial tribunals and the Information and Privacy Commission, establish when the Board can discuss issues in closed session. Transparency requires that the Board apply these regulations narrowly so as to best ensure that decisions are held in public session as often as possible.

Unless prohibited by law, Trustees should clearly identify to the public how a decision was reached and the rationale for so doing.



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: TRUSTEE CODE OF CONDUCT

POLICY NO: T.04

3. Trustees shall make every effort to participate diligently in the activities of the committees, agencies, boards, commissions and advisory committees to which they are appointed by the Board or by virtue of being an elected official.

Commentary

Individual Trustees are appointed to committees, agencies, boards and commissions based on their various backgrounds and their ability to contribute to matters before them, bringing their expertise and experience. Trustees should not be absent from the Board or committee meetings, or from those of agencies, boards and commissions to which they are appointed without reasonable justification (for example, illness of the Trustee, family circumstance, or other Board business) for more than three consecutive scheduled meetings or on a regular basis.

4. Trustees shall conduct themselves with appropriate decorum at all times.

Commentary

As leaders in the community, Trustees are held to a higher standard of behaviour and conduct, and accordingly their behaviour should be exemplary.

10. Media Communications

1. Trustees will accurately communicate the decisions of the Toronto Catholic District School Board, even if they disagree with the majority decision of the Board, and by so doing affirm the respect for and integrity in the decision-making processes of the Board.



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

2. Trustees will keep confidential information confidential, until such time as the matter can properly be made public.
3. In all media communications, including social media, Trustees will treat each other, staff and members of the public with decorum, dignity and respect, and shall avoid messaging that amounts to abuse, bullying or intimidation.

Commentary

A Trustee may state that he/she did not support a decision, or voted against the decision. A Trustee should refrain from making disparaging comments about other Trustees or about the Board's processes and decisions.

When communicating with the media, a Trustee should at all times refrain from speculating or reflecting upon the motives of other Trustees in respect of their actions as a Trustee.

While openness in government is critical, governments also must respect confidentiality when a matter must remain, at least for a period of time, confidential. Breaches of confidentiality by Trustees erodes public confidence.

While Trustees are encouraged to actively participate in vigorous debate, Trustees should understand that they are part of a democratically elected representative body and should not engage in social media as if they are outsiders. In this regard, caution should be exercised when blogging, posting, tweeting, re-posting and linking to posts using social media, whether the member is using a personal account or a Board account.

Trustees who post blogs should recognize that the Canadian Association of Journalists has identified the ethical conflict faced by journalists holding elected



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

public office. It is recognized that there may be an irreconcilable conflict in carrying out both roles at the same time.

While social media can be an excellent tool for communicating quickly with constituents and sharing ideas and obtaining input, social media can breed incivility that generally is avoided in face-to-face interactions. In a world where a transitory comment can become part of the permanent record, Trustees should exercise restraint in reacting too quickly, or promoting the social media posts of others whose views may be disparaging of the Board's decisions or another Trustee's perspectives.

11. Respect for Board By-laws and Policies

1. Trustees shall encourage public respect for the Board and its by-laws.
2. Trustees shall adhere to such by-laws, policies and procedures adopted by the Board that are applicable to them.

Commentary

A Trustee must not encourage disobedience of a Board decision or by-law in responding to a member of the public, as this undermines confidence in the Board and in the Rules of Law.

Trustees are required to observe the policies and procedures established by the Board at all times, and are directed to pay special attention to, and comply strictly with, the Board's Operating By-law and Trustee Services and Expenditures Policy T.17. In exceptional circumstances, a Trustee may request the Board grant an exemption from any policy.



POLICY SECTION: TRUSTEES
 SUB-SECTION:
 POLICY NAME: TRUSTEE CODE OF CONDUCT
 POLICY NO: T.04

12. Respectful Workplace

1. Trustees are governed by the Board's *Harassment and Discrimination Policy H.M.14*. All Trustees have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination and harassment.
2. All complaints received involving Trustees under the *Harassment and Discrimination Policy H.M.14*. shall be referred to the Integrity Commissioner for processing in accordance with both the said policy and the *Trustees Code of Conduct Complaints Protocol*.
3. The *Ontario Human Rights Code* applies in addition to the Board's *Harassment and Discrimination Policy H.M.14*

Commentary

It is the policy of Board of Trustees that all persons be treated fairly in the workplace in an environment free of discrimination or personal and sexual harassment.

The Board's Harassment and Discrimination Policy H.M.14 ensures a safe and respectful workplace environment and provides for the appropriate management of any occurrences of harassment and discrimination as those terms are defined in the policy.

The Board's Harassment and Discrimination Policy H.M.14 applies equally to members of staff and Trustees. It will provide guidance to the Integrity Commissioner when a complaint is received involving a Trustee.



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: TRUSTEE CODE OF CONDUCT

POLICY NO: T.04

13. Conduct Respecting Staff

1. No Trustee shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
2. No Trustee shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.
3. Trustees shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual Trustee or faction of the Board.
4. No Trustee shall maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff, and all Trustees shall show respect for the professional capacities of the staff of the Board.

Commentary

Under the direction of the Director of Education, staff serve the Board as a whole, and the combined interests of all Trustees as evidenced through the decisions of the Board. Only the Board as a whole has the authority to approve budget, policy, committee processes and other matters.

Accordingly, Trustees shall direct requests outside of the Board-approved budget, process or policy, to the Director of Education or directly to the Board.

In practical terms, there are distinct and specialized roles carried out by the Board as a whole and by the Trustees when performing their other roles. The key



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: TRUSTEE CODE OF CONDUCT

POLICY NO: T.04

requirements of these roles include dealing with constituents and the general public, participating as committee members and as chairs of committees, and participating as Board representatives on agencies, boards, commissions and other bodies. Similarly, there are distinct and specialized roles expected of Board staff in both the carrying out of their responsibilities and in dealing with the Board. Staff are expected to provide information to Trustees that they are entitled to.

Board staff are accountable to the Director of Education who is accountable to the Board. Sometimes the line between staff duties and activities that are political in nature is not clear. Trustees must respect the difference between the two in making requests of staff.

Trustees should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalty of persons in power, or their personal opinions.

the Board's Harassment and Discrimination Policy H.M.14 , Code of Conduct Policy S.S.09 applies to Trustees. Staff and Trustees are entitled to be treated with respect and dignity in the workplace.

It is inappropriate for a Trustee to attempt to influence staff to circumvent normal processes, or overlook deficiencies in an operational matter. It is also inappropriate for Trustees to involve themselves in matters of administration or departmental management which fall within the jurisdiction of the Director of Education. Any such attempts may be reported to the Integrity Commissioner.



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

14. Employment of a Trustee's Relatives/Family Members and Acquaintances

1. No Trustee shall attempt to influence the outcome of a recruitment process to favour a friend, Family member or other relative of the Trustee.
2. No Trustees shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any Family member.
3. No Trustee shall supervise a Family member, or be placed in a position of influence over a Family member.
4. No Trustee shall attempt to use a Family relationship for his or her personal benefit or gain.
5. Every Trustee shall adhere to the Board's *Fair Practice in Hiring and Promotion H.M.11* policy.

Commentary

If a Family member of a Trustee is an applicant for employment with the Board or is a candidate for promotion or transfer, the Family member will proceed through the usual selection process pursuant to the Board's hiring policies, with no special consideration.

15. Not Undermine, Work Against the Board's Decisions

1. Trustees shall not actively undermine the implementation of the Board's decisions.



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

Commentary

The role of elected officials, once a Board decision is made, is to support the implementation of that decision, not to work against its implementation, publicly or behind the scenes. the Board decisions are arrived at following discussion and debate, reflecting the democratic process. Trustees are expected to engage in debate with their fellow the Board members through the democratic process of government. However, once the Board has made its decision, Trustees must recognize that decision as the duly considered decision of the Board. As members of that body, Trustees who do not agree with the decision - are not to engage in activities that seek to challenge or undermine that decision.

Trustees can express disagreement with the Board's decisions, but it is contrary to the ethical behaviour of Trustees to actively seek to undermine, challenge or work against the Board's decisions.

2. Trustees shall not engage in litigation or other legal challenges against the TCDSB or the Board's decisions. Despite this provision:
 - a. Members may pursue a complaint or request for investigation under a statutory scheme dealing with requirements for open and transparent processes, access to information, the protection of privacy, or the protection of human rights;
 - b. Members are not restricted from participating in litigation or other legal challenges if they are uniquely impacted by the decision, such as when the Board has imposed a penalty or reprimand following a report of the Integrity Commissioner;
 - c. Members are not restricted from participating in litigation or other legal challenges if they did not participate, and were not entitled to participate, in the deliberations and respective decision of the Board, or in regard to which the the Board has made a



POLICY SECTION: TRUSTEES
SUB-SECTION:
POLICY NAME: TRUSTEE CODE OF CONDUCT
POLICY NO: T.04

decision in regard to their interests, in circumstances where they are uniquely impacted by the decision.

Commentary

When members are allowed to participate in activities to challenge the Board's properly considered decisions, such as legal challenges or other forms of litigation, this is contrary to the interests of the TCDSB as determined by the decision of the democratically elected governing body, the Board. Formal advocacy can create challenges to staff as to when and how much information can be provided to the Board (legal advice for example) because of the potential for a legal challenge, which may benefit an involved Trustee who would have 'insider knowledge'.

3. Despite this Regulation, Trustees may seek to have a Board decision reconsidered in accordance with the Board's Operating By-law.

16.Reprisals and Obstruction

1. It is a violation of the *Code of Conduct* to obstruct the Integrity Commissioner in the carrying out of their responsibilities.
2. No Trustee shall threaten or undertake any active reprisal against a person initiating an inquiry or complaint under the *Code of Conduct*, or against a person who provides information to the Integrity Commissioner in any Investigation.
3. It is a violation of the *Code of Conduct* to destroy documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a formal complaint has been lodged under the *Code of Conduct*.



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: TRUSTEE CODE OF CONDUCT

POLICY NO: T.04

17. Acting on Advice of Integrity Commissioner

1. Any written advice given by the Integrity Commissioner to a Trustee binds the Integrity Commissioner in any subsequent consideration of the conduct of the Trustee in the same matter, as long as all the relevant facts were disclosed to the Integrity Commissioner, and the Trustee adhered to the advice given.

18. Implementation:

1. Trustees are expected to formally and informally review their adherence to the Code on a regular basis or when so requested by the Board.
2. At the beginning of each term, Trustees will be expected to meet with the Integrity Commissioner and/or attend training conducted by the Integrity Commissioner.

Commentary

Trustees are expected to understand the obligations on elected official set out in this Code of Conduct, and are encouraged to contact the Integrity Commissioner for any clarification required. A Code of Conduct component will be included as part of the orientation for each new term of the Board.



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: TRUSTEE CODE OF CONDUCT

POLICY NO: T.04

Definitions:

Family

Includes “child”, “parent” and “spouse” as those terms are defined in the *Municipal Conflict of Interest Act* (set out below for ease of reference), and also includes

- step-child and grand-child;
- siblings and step-siblings;
- aunt/uncle, niece/nephew, first cousins
- in-laws, including mother/father, sister/brother, daughter/son
- any person who lives with the Trustee on a permanent basis.

Child

A child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;

Parent

A parent who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;

Spouse

A person to whom the person is married or with whom the person is living in a conjugal relationship outside of marriage;

Trustee

A member of the Board of Trustees of the Toronto Catholic District School Board, including the Chair.

TCDSB

The Toronto Catholic District School Board



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: TRUSTEE CODE OF CONDUCT

POLICY NO: T.04

Social Media

Publicly available, third party hosted, interactive web technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network.

Staff

Includes the Director of Education, Associate Directors, Superintendents, Directors, Managers, Supervisors [better description of Board Administrative Staff?] and all non-union and union staff whether full-time, part- time, contract, seasonal or volunteers.

Nomination Day

The last day for filing or withdrawing a nomination as provided for by the Municipal Elections Act, 1996.

Evaluation and Metrics:

The effectiveness of the policy will be determined by measuring the following:

There will be a review by Trustees of this policy every two years starting in January 2018 to ensure understating, awareness and effectiveness.

APPENDIX A

TCDSB CODE OF
CONDUCT
COMPLAINT
PROTOCOL

TCDSB CODE OF CONDUCT COMPLAINT PROTOCOL

Definitions:

“Eligible Complainant” means:

- a) a Trustee, student, staff member, contractor or service provider of the TCDSB;
- b) a Roman Catholic (Separate School) elector;
- c) an Eastern Right Catholic;
- d) a representative of an organization demonstrably interested in TCDSB matters; or
- e) such other persons demonstrably interested in TCDSB matters.

PART A: INFORMAL COMPLAINT PROCEDURE

Any Eligible Complainant who has identified or witnessed behaviour or an activity by a Trustee that they believe is in contravention of the *Trustees Code of Conduct* (the “Code”) may wish to address the prohibited behaviour or activity themselves as follows:

- (1) advise the Trustee that the behaviour or activity contravenes the Code;
- (2) encourage the Trustee to stop the prohibited behaviour or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (4) if applicable, confirm to the Trustee their satisfaction with the response of the Trustee; or, if applicable, advise the Trustee of their dissatisfaction with the response; and
- (5) consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

All Eligible Complainants are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code. With the consent of the complaining individual or organization and the member, the Integrity Commissioner may be part of any informal process. However, it is not a precondition or a prerequisite

that those complaining must pursue the informal complaint procedure before pursuing the Formal Complaint Procedure in Part B.

**PART B: FORMAL COMPLAINT PROCEDURE TO BRING
ALLEGED BREACHES TO THE ATTENTION OF THE
BOARD:**

Initial Complaint

1. (1) A request from an Eligible Complainant for an investigation of a complaint that a Trustee has contravened the Trustees Code of Conduct (the “complaint”) shall be brought to the attention of the Board by sending it directly to the Integrity Commissioner by E-mail substantially in the form attached to this Protocol as Schedule “A”, or delivered in hard copy to an address the Integrity Commissioner may designate for that purpose.
- (2) All complaints shall be submitted by an identifiable Eligible Complainant (which includes an authorized signing officer of an organization).
- (3) A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the Trustees Code of Conduct. The complaint should include the name of the applicable Trustee, the provision of the Code allegedly contravened, facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during normal business hours.
- (4) Election Blackout Period:

No investigation shall be commenced or continued, nor shall the Integrity Commissioner report to the Board respecting an investigation, within the election period described within s.223.4 and 223.4.1 of the *Municipal Act*, except as described in those sections.

Classification by Integrity Commissioner

2. (1) Upon receipt of a complaint, the Integrity Commissioner shall make an initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Trustees Code of Conduct and not covered by other legislation, a complaint with respect to the *Municipal Conflict of Interest Act* or other relevant the Board policies.
- (2) If the complaint, on its face, is not a complaint with respect to non-compliance with the Trustees Code of Conduct or another Board policy governing ethical behaviour or the *Municipal Conflict of Interest Act*, or if the complaint is covered by other legislation, the Integrity Commissioner shall advise the complainant in writing as follows:
 - (a) if the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force;
 - (b) if the complaint on its face is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter;
 - (c) the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, and shall be provided with any additional reasons and referrals as the Integrity Commissioner considers appropriate. The Integrity Commissioner may proceed with that part of the complaint that is within jurisdiction.
- (3) The Integrity Commissioner may reformulate a complaint by

restating, narrowing or clarifying the complaint so that the public interest will be best served were the complaint to be pursued.

- (4) The Integrity Commissioner may report to the Board that a specific complaint is not within the jurisdiction of the Integrity Commissioner.
- (5) The Integrity Commissioner shall report annually to the Board on complaints not within the jurisdiction of the Integrity Commissioner, or which have been resolved informally by the Integrity Commissioner, but, where possible, shall not disclose information that could identify a person concerned.

Investigation

- 3. (1) The Integrity Commissioner is responsible for performing the duties set out in this Protocol independently and shall report directly to the Board in respect of all such matters. In applying this Protocol, the Integrity Commissioner shall retain the discretion to conduct investigations applying the principles of procedural fairness, and any deviation from the provisions of this Protocol for that purpose shall not invalidate the investigation or result in the Integrity Commissioner losing jurisdiction.
- (2) If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, or that the pursuit of the investigation would not, in the opinion of the Integrity Commissioner, be in the public interest, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.
- (3) The Integrity Commissioner shall file an annual report to the Board respecting the advice, education and investigations carried out in the previous year, and developments or recommendations of significance related to the role of the Integrity Commissioner. Other than in exceptional circumstances, the Integrity Commissioner will not report

to the Board on any complaint described in subsection (2) except as part of an annual or other periodic report.

- (4) Where the Integrity Commissioner rejects or terminates an investigation pursuant to this section, reasons shall be provided.
4. (1) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under section 3, the Commissioner shall investigate and may attempt to settle the complaint.
 5. (1) The Integrity Commissioner will proceed as follows, except where otherwise required in the context of a particular situation, the principles of procedural fairness:
 - (a) provide the complaint (or where the complaint has been restated in accordance with subsection 2(3), the restatement) and relevant supporting material to the member whose conduct is in question and provide the member with a reasonable opportunity to respond.
 - (2) Except where the Integrity Commissioner determines that it is not in the public interest to do so, the name of the complainant shall be provided as part of the complaint documents.
 - (3) The Integrity Commissioner may speak to anyone relevant to the complaint, and access and examine any information as the Integrity Commissioner believes to be necessary to support an investigation into a matter, including all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the TCDSB, and the Integrity Commissioner may enter any Board work location relevant to the complaint for the purposes of investigation and settlement.
 - (4) The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any Trustee unless the member has had reasonable notice of the basis for and an opportunity to comment on the proposed findings.

- (5) The Integrity Commissioner may make interim reports to the Board where necessary and as required to address any instances of interference, obstruction or retaliation encountered during the investigation.
6.
 - (1) The Integrity Commissioner shall report to the complainant and the respective Trustee generally no later than 90 days after the making of the complaint.
 - (2) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also submit a public report to the Board outlining the findings, and any recommended corrective action.
 - (3) Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to the Board except as part of an annual or other periodic report.
 - (4) Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.
7. If the Integrity Commissioner determines that there has been no contravention of the Trustees Code of Conduct or that a contravention occurred although the member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.
8. the Recording Secretary shall process the report for the next meeting of the Board.

Board Review

9.
 - (1) The Integrity Commissioner's report shall be considered to be a report brought to the attention of the Board pursuant to subsection 218.3(1) of the *Education Act*.

- (2) Consideration of the Integrity Commissioner's report by the Board satisfies the requirement of the Board to make inquiries into the matter pursuant to subsection 218.3 (2) of the Education Act.
- (3) The Board shall consider the Integrity Commissioner's report at a meeting open to the public provided that where the breach or alleged breach involves:
 - (a) the security of the property of the Board;
 - (b) the disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian;
 - (c) the acquisition or disposal of a school site;
 - (d) decisions in respect of negotiations with employees of the board; or
 - (e) litigation affecting the board,

the meeting may be closed to the public to the extent required to permit the Board to consider such confidential content so long as the vote on whether the Trustee has breached the Trustees Code of Conduct, and any vote on any imposition of a sanction, is open to the public.

- (4) If after consideration of the Integrity Commissioner's report the Board determines that a Trustee has breached the Trustees Code of Conduct, the Board may:
 - a) Censure the Trustee
 - b) Bar the Trustee from attending all or part of a meeting of the Board or a meeting of a committee of the Board
 - c) Bar the Trustee from sitting on one or more committees of the Board, for the period of time specified by the Board
 - d) Revoke the appointment of the Trustee as Chair of the

Board or as Chair of a Committee of the Board, or as a member of a body to which the Board appoints one or more Trustees

- e) Such other remedies within the Board's power to impose that are directly relevant to the nature of the breach and/or which are designed to prevent future occurrences of a similar breach. Without restricting the generality of the foregoing such remedies may include:
 - a. a request that a genuine apology be made
 - b. training as may be recommended by the Integrity Commissioner
 - c. the Board adopting a public resolution disassociating itself from any action or statement the Trustee has been found to have taken or made.

Consequences of the Imposition of a Sanction

- (5) A Trustee who is barred from attending all or part of a meeting of the Board or a meeting of a committee of the Board is not entitled to receive any materials that relate to that meeting or that part of the meeting that are not available to the members of the public.
- (6) Where a Trustee is barred from attending all or part of a meeting of the Board the Trustee's absence is deemed to be authorization for the Trustee to be absent from the meeting for the purpose of clause 228 (1) (b) of the Education Act.
- (7) If the Board determines that a Trustee has breached the Trustees Code or Conduct under subsection (4),
 - (a) the Board shall give the Trustee written notice of the determination and of any sanction imposed by the Board;
 - (b) the notice shall inform the Trustee that he or she may make written submissions to the Board in respect of the determination

or sanction by a date specified in the notice that is at least 14 days after the notice is received by the member; and
(c) the Board shall consider any submissions made by the Trustee in accordance with clause (b) and shall confirm or revoke the determination within 14 days after the submissions are received.

- (8) If the Board revokes a determination under clause (7) (c), any sanction imposed by the Board is revoked.
- (9) If the Board confirms a determination under clause (7) (c), the board shall, within the time referred to in that clause, confirm, vary or revoke the sanction.
- (10) If a sanction is varied or revoked under subsection (8) or (9), the variation or revocation shall be deemed to be effective as of the date the original determination was made under subsection (4).
- (11) The Board's deliberations and voting to confirm or revoke a determination that the Trustee has breached the Trustees Code of Conduct, or to confirm, vary or revoke a sanction imposed as a consequence, shall be open to the public and only such portions of the meeting as provided for in subsection (3) may be closed to the public.

Confidentiality

- 10. (1) The Integrity Commissioner and every person acting under her or his instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of any investigation except as required by law in a criminal proceeding.
- (2) All reports from the Integrity Commissioner to the Board will be made available to the public.
- (3) Any references by the Integrity Commissioner in an annual or other periodic report to a complaint or an investigation shall not disclose confidential information that could identify a person concerned.
- (4) The Integrity Commissioner in a report to the Board on whether a

Trustee has violated the Code of Conduct shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.

**Schedule
“A”
Complaint
Form**

I (name of Eligible Complainant).

being an Eligible Complainant on the basis that I am (select all that are relevant)

- ☐ a Trustee, student, staff member, contractor or service provider of the TCDSB;
- ☐ a Roman Catholic (Separate School) elector;
- ☐ an Eastern Right Catholic;
- ☐ a representative of an organization demonstrably interested in TCDSB matters; or
- ☐ an other person demonstrably interested in TCDSB matters,

hereby request the Integrity Commissioner appointed by the Toronto Catholic District School Board to conduct an inquiry about whether or not the following Trustee(s) has contravened the Trustees Code of Conduct or the *Municipal Conflict of Interest Act*:

(name of Trustee(s))

I have reasonable and probable grounds to believe that the above Trustee(s) has contravened the Trustees Code of Conduct and/or the *Municipal Conflict of Interest Act* by reason of the following (please include date, time and location of conduct, the Rules contravened, and particulars, including names of all persons involved, and of all witnesses, and information as to how they can be reached, (attach additional pages as needed):

I hereby request the Integrity Commissioner to conduct an inquiry with respect to the above conduct. Attached are copies of documents and records relevant to the requested inquiry.

APPENDIX B

Signature: _____
Date: _____
Name: _____
Address: _____
Email: _____
Phone: _____

All Fields Mandatory

Email completed Complaint to
Principles *Integrity* at:
postoffice@principlesintegrity.org

February 2, 2021

Chair and Members,
Governance and Policy Committee
Toronto Catholic District School Board
80 Sheppard Avenue East,
Toronto, Ontario, M2N 6E8

Re: Revision of the Trustees Code of Conduct Policy T.04

At its meeting of January 12, 2021, in the course of its discussion on revisions to the Trustees Code of Conduct, the draft documents presented to the Committee were referred back to staff and the Integrity Commissioner along with a series of recommendations.

The purpose of this correspondence is to set out staff's and/or the Integrity Commissioner's proposals and draft text (as applicable), in response to the Committee's recommendations:

1) Create a section of the Trustees Code of Conduct specific to Student Trustees

Though the *Education Act* specifies that student trustees are not members of the Board, the nature of their role, the privileges associated with their position, and their access to confidential information makes it appropriate that they, to a significant extent, be subject to the Trustees Code of Conduct.

Accordingly, it is proposed that Regulation 18 of the draft Code (Implementation) be revised by adding the following provisions:

3. The Trustees Code of Conduct applies to a Student Trustee elected to serve on the Board pursuant to section 55 of the *Education Act* and the regulations made thereunder, provided that:
 - a) In giving broad, liberal interpretation to any provision of the Trustees Code of Conduct any necessary changes shall be inferred given the context and role of a Student Trustee
 - b) Regulation 6, Election Campaigns, does not apply to Student Trustees
 - c) Any complaint regarding whether a Student Trustee has breached the Trustees Code of Conduct shall be administered by the appropriate Board personnel responsible for student discipline and not the Integrity Commissioner, however the Integrity Commissioner may be consulted for guidance on the interpretation and application of the Trustees Code of Conduct.

2) Consider whether the inclusion of Items d) and e) in the definition for Eligible Complainant in the Complaint Protocol should only apply to Municipal Conflict of Interest Act complaints

8) Limit the potential complainants to align with the Education Act, Section 218.3;

Recommendations 2) and 8) of the Committee deal with the same subject matter and so will be treated together here.

The definition for Eligible Complainant in the proposed draft includes the following categories of persons as eligible complainants:

“Eligible Complainant” means:

- a) a Trustee, student, staff member, contractor or service provider of the TCDSB;
- b) a Roman Catholic (Separate School) elector;
- c) an Eastern Rite Catholic;
- d) a representative of an organization demonstrably interested in TCDSB matters; or
- e) such other persons demonstrably interested in TCDSB matters.

The Committee commented on the inclusion of category c), Eastern Rite Catholic. The inclusion of the category follows provisions in the existing Code document, but it may not be necessary to be included on a go-forward basis.

Subsection 218.3 (1) of the *Education Act* provides that Trustees may bring an alleged breach of a code of conduct to the attention of the Board where they have reasonable grounds to believe that a member has breached the code. The Act is silent as to how Trustees are to determine whether reasonable grounds are present.

The Act is likewise silent as to the nature of ‘inquiries’ the Board is to make in light of an alleged breach being brought to the attention of the Board (ss. 218.3 (2)).

The complaint protocol that is being proposed resolves both issues by making it the responsibility of the Integrity Commissioner to receive, triage and investigate complaints so that the Board, when presented with the findings of the Integrity Commissioner, may consider whether a breach of the Code has indeed occurred, and if so, whether a sanction permitted by the Act should be imposed.

When an Integrity Commissioner’s report is placed on a Board agenda, a motion by any Trustee for the report to be considered, or a finding or recommendation endorsed, would be sufficient to satisfy the Act’s requirement that a member of a board bring the alleged breach ‘to the attention of the Board’.

The categories of eligible complainants (subject to the Committee’s recommendations regarding the need to specify Eastern Rite Catholics) represent the likely sources of complaints that might be presented directly to a Trustee were the Board not to have appointed an integrity commissioner. In other words, the list does not represent an expansion of eligible complainants; rather, it recites the likely list of persons who might have cause to bring forward complaints.

Amending the list to exclude any of the listed categories (with the exception, perhaps of Eastern Rite Catholics) will have the result of barring persons who might have legitimate cause to complain to the Board from using the Board's established complaint process. Without access to that process, such persons will be left to bring their complaints through routes of their own making.

3) Consider adding flowcharts for the processes outlined in the Complaint Protocol

Flowcharts will be added once the text of the Protocol is finalized.

4) Add Policy S.S.09 Safe School Code of Conduct in the Cross References section of the Trustee Code of Conduct

The addition will appear in the next draft of the document.

5) In the first paragraph of the General Introduction section of the Code, appearing at page 3 of the document, add reference to the Catholic Faith and the Oath of Office taken by Trustees within the phrase 'understanding that as leaders of the community, they are held to a higher standard of behaviour and conduct'

The addition will appear in the next draft of the document.

6) Following the last paragraph of the General Introduction section of the Code, appearing at page 4 of the document, replace 'Canadian Conference of Catholic Bishops' with the 'Assembly of Catholic Bishops of Ontario (ACBO)'

11) In the last paragraph of the General Introduction section of the Code, appearing at page 4 of the document, include Catholic Values along with the Board's Mission and Vision relating to Faith Community

12) Following the last paragraph of the General Introduction section of the Code, appearing at page 4 of the document, add Archdiocese of Toronto to paragraph c)

Recommendations 6), 11) and 12) of the Committee deal with the same subject matter and so will be treated together here.

The modifications will appear in the next draft of the document.

7) Review Policy S.S.09 to determine if S.S.09 is the overarching Code of Conduct of the TCDSB, serving all potential complainants and all potential situations

Policy S.S.09 is the provincial code of conduct established under section 301(1) of the *Education Act* to govern the behaviour of all persons in schools. The Trustee Code of Conduct is made pursuant to section 218.2 of the Act and is specific to members of the Board, and their broader functions and responsibilities.

9) Comply with the current meta policy format, with all other material being included as an appendix Manual;

The Code of Conduct will be reformatted with a table of contents and clearer pagination, while maintaining the format required by the meta policy format.

10) Consider whether or not a Trustee may fundraise to cover expenses incurred (e.g. legal consultant fees) and, if allowed, what criteria, process and parameters should be established

Specific provisions related to fundraising for legal defence purposes have not yet been included in the draft Code document. If the Board desires that the activity be specifically permitted, it is recommended that Regulation 2, Gifts, Benefits and Hospitality be modified to include the following:

- a) A definition for “Legal Defence Fundraising” to mean fundraising by or on behalf of a Trustee, for the purpose of funding the defence of a matter before a court, tribunal or professional regulatory body, provided that the matter is directly associated with the performance of the Trustee’s duties.
- b) The establishment of the monetary threshold at which each donation (or cumulatively, all donations from a single source in the course of a calendar year) is to be included on a Trustee Information Statement for publication on the Board’s web site
- c) The establishment of the monetary limit at which a donation is no longer allowable
- d) A provision making it improper for the Trustee to directly control or manage any funds raised (in a similar vein to Regulation 3, paragraph 1(f) (Trustee’s Role in Funding Charitable/Community Events)
- e) The addition of commentary speaking to the Trustee’s responsibility to be aware that donations which are received in close proximity to a matter before the Board in which the donor has an interest, may trigger the Trustee’s responsibility to declare the interest and recuse from participation in the matter

We will be in attendance at the Committee’s meeting of February 2, 2021 and will be pleased to address the members questions and comments at that time.



REPORT TO

GOVERNANCE AND POLICY
COMMITTEE

SUSPENSION AND EXPULSION POLICY S.S.01
UPDATE

Let the little children come to me, and do not stop them; for it is to such as these that the kingdom of God belongs.
Luke 18:16

Created, Draft	First Tabling	Review
November 30, 2020	February 2, 2021	Click here to enter a date.

Michael Caccamo, Superintendent of Education for Nurturing our Catholic Community, Safe Schools, Continuing Education, and St. Anne Catholic Academy School of Virtual Learning (Elementary)

RECOMMENDATION REPORT

Vision:

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:

The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.

We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.



Brendan Browne, PhD
Director of Education

D. Koenig
Associate Director
of Academic Affairs

A. EXECUTIVE SUMMARY

This report recommends updating the current Suspension and Expulsion Policy SS.01 to align with changes made to the Education Act on July 30, 2020, through Ontario Regulation 440/20 – Suspension of Elementary School Pupils. The Regulation has eliminated discretionary suspensions (subsection 306(1) of the Education Act) for students in Junior Kindergarten to Grade 3, starting in the 2020-21 school year. Policy SS.01 was also reviewed through a trauma-informed equity lens and was updated to include terms that reflect prohibited grounds of discrimination in Ontario.

The cumulative staff time required to prepare this report was 20 hours.

B. PURPOSE

1. This Recommendation Report is on the Order Paper of the Governance and Policy Committee as it recommends revision to the Suspension and Expulsion Policy SS.01 due to Ontario Regulation 440/20.

C. BACKGROUND

1. The Suspension and Expulsion Policy SS.01 was first approved in November 2014 and has been amended in August 2016 and in June 2019. The Policy is scheduled for regular review in February 2024.
2. Changes to this policy reflect current practice and alignment with changes made to the Education Act on July 30, 2020, through Ontario Regulation 440/20.
3. Field Superintendents and school Principals were advised of the changes to the Education Act eliminating discretionary suspensions for students in Junior Kindergarten to Grade 3 via email on September 10, 2020, and at Principals' meetings on September 16th and 17th, 2020.

D. EVIDENCE/RESEARCH/ANALYSIS

This policy has been amended in consultation with staff from the Safe Schools Department, the Equity, Diversity, Indigenous Education and Community Relations Department, the Special Services Department, the Field Superintendents and Legal Services.

E. METRICS AND ACCOUNTABILITY

1. Recommendations in this report will be monitored by policy development staff.
2. Further reports will be brought to Board in accordance with the policy review schedule.

F. IMPLEMENTATION

1. The updated policy as approved will be posted on the TCDSB policy register.

G. STAFF RECOMMENDATION

Staff recommends that the revised Suspension and Expulsion Policy SS.01 provided in Report Appendix A and the Operational Procedures (Report Appendix B) be approved.



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: Suspension and Expulsion Policy (Consolidated)

POLICY NO: S.S. 01

Date Approved: November 20, 2014	Date of Next Review: February, 2024	Dates of Amendments: August 25, 2016, June 2019
--------------------------------------------	-----------------------------------------------	-----------------------------------------------------------

- Cross References**
- Education Act Part XIII, Behaviour, Discipline and Safety
 - S.S. 09 Code of Conduct
 - S.S. 11 Bullying Prevention and Intervention
 - S.S. 10 Progressive Discipline
 - S.S. 04 Access to School Premises
 - S. 15 Access to Pupils
 - S. 16 Access to Pupil Information
 - S. 17 Suspected Child Abuse
Reporting Police/School Board
Protocol
 - Statutory Powers Procedure Act
 - Program/Policy Memorandum 141, *School Board Programs for Students on Long-Term Suspension*
 - Program/Policy Memorandum 142, *School Board Programs for Expelled Students*
 - Program/Policy Memorandum 144, *Bullying Prevention and Intervention*
 - Program/Policy Memorandum 145, *Progressive Discipline and Promoting Positive Student Behaviour*
 - Program/Policy Memorandum 128, *Provincial Code of Conduct and School Board Codes of Conduct*
 - Program/Policy Memorandum 120, *Reporting Violent Incidents to the Ministry of Education*
 - Human Rights Code, R.S.O. 1990, c. H.19
 - Ontario Policy on Accessible Education for Students with Disabilities



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: Suspension and Expulsion Policy (Consolidated)

POLICY NO: S.S. 01

Operational Procedures:

- ~~Appendix~~ **Section A** - Protocol to Suspension
- ~~Appendix~~ **Section B** - Guidelines to Long-Term Suspension Program (TIPSS)
- ~~Appendix~~ **Section C** - Guidelines to Expulsion Program (~~Monsignor Fraser College St. Martin Campus~~ **St. Martin Catholic School**)
- ~~Appendix~~ **Section D** - Protocol for Suspension Appeals and Expulsion Hearings
- ~~Appendix~~ **Section E** - Statutory Powers Procedure Act
- ~~Appendix~~ **Section F** - Frequently Asked Questions for Suspension Appeal Hearings
- ~~Appendix~~ **Section G** - Frequently Asked Questions for Expulsion Hearings
- ~~Appendix~~ **Section H** - Principal Investigation Guideline
- ~~Appendix~~ **Section I** - Search and Seizure Guideline

Purpose

This policy affirms that, consistent with our Multi-Year Strategic Plan, **Equity Action Plan**, Catholic Social Teachings and Ontario Catholic School Graduate Expectations, the conduct of students as members of the Catholic school community is expected to be modelled upon Christ, and conduct falling below that standard requires appropriate discipline. Creating a positive school climate is a shared responsibility of all stakeholders.

“Act justly, love tenderly and walk humbly with your God.” (Micah: 8)

Scope and Responsibility

This policy extends to all individuals of the TCDSB including students, parents, teachers and school staff, support staff, administrators, community school partners. Trustees and the Director of Education are responsible for this policy.



POLICY SECTION: Safe Schools

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Alignment with MYSP

Fostering Student Achievement and Well-

Being Living Our Catholic Values

Strengthening Public Confidence

Policy

The TCDSB is committed to ensuring that all schools focus on the building of healthy relationships, a safe, inclusive, and accepting learning environment rooted in the Ontario Catholic Graduate Expectations. A positive school climate is established when all aspects of the Code of Conduct Policy are respected. The enforcement of the Code of Conduct Policy, including suspension, referral to the Board for expulsion and intervention/support programs, contributes to the development and maintenance of a positive school climate. Guidelines and procedures are provided to students, parents, guardians and principals to ensure that all processes and outcomes are fair, equitable, and just.

Regulations

1. In accordance with the section 306. of *The Education Act*, hereafter known as *the Act*, a principal shall consider whether to suspend a pupil if ~~he or she~~ **the principal** believes that the pupil has engaged in any of the Activities identified in *Operational Procedures "Protocol to Suspension"* (Appendix A) while at school, at a school related activity, or in other circumstances where engaging in the Activity will have an impact on school climate.
2. In accordance with *the Act* and Program Policy Memorandum 141, the Board will offer the Transitional Intervention Program for Suspended Students (TIPSS) to students on a long- term suspension or suspension pending possible expulsion.

Appendix B: Operational Procedures "Guidelines to Long-Term Suspension Program (TIPSS)"



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: Suspension and Expulsion Policy (Consolidated)

POLICY NO: S.S. 01

3. Upon re-entry from suspension, in accordance with our Catholic faith and traditions, the principal will facilitate a re-entry process that includes opportunity for reflection, reconciliation and acceptance, with appropriate supports and interventions that will be intended to maximize the opportunities for successful return to school.
4. In accordance with section 310. of *the Act* the principal shall suspend a pupil if ~~he or she~~ **the principal** believes that the pupil has engaged in any of the Activities identified in *Operational Procedures "Protocol to Expulsion"* (Appendix C) while at school, at a school related activity, or in other circumstances where engaging in the Activity will have an impact on school climate. Given the more serious nature of these activities, the principal will conduct an in-depth investigation ~~with~~ and consider recommending a school or board expulsion.
5. In accordance with *the Act* and Program Policy Memorandum 142, the Board will offer a program (~~Monsignor Fraser College — St. Martin Campus~~ **St. Martin Catholic School**), for students approved for Board Expulsion. Appendix ~~D~~ **C**: *Operational Procedures "Guidelines to Expulsion Program (~~Monsignor Fraser College — St. Martin Campus~~ St. Martin Catholic School)*
6. Following a School or Board Expulsion, in accordance with our Catholic faith and traditions, the principal will ensure a ~~re-entry~~ transition plan that includes opportunity for reflection, reconciliation and acceptance, with appropriate supports and interventions that will be intended to maximize the opportunities for successful reintegration to school.
7. In accordance with section 309. of *the Act*, the parent, guardian or adult student may appeal the suspension. In accordance with section 311. of *the Act*, if the principal recommends to the board that a pupil be expelled, the board shall hold an expulsion hearing. Appendix E: *Operational Procedures "Protocol for Suspension Appeals and Expulsion Hearings"*



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: Suspension and Expulsion Policy (Consolidated)

POLICY NO: S.S. 01

8. Suspension Appeal Hearings and Expulsion Hearings will be conducted in accordance with the *Statutory Powers Procedure Act*. Appendix F: *Operational Procedures "Statutory Powers Procedure Act"*
9. Suspension Appeal Hearings will be conducted according to the *Operational Procedures "Frequently Asked Questions for Suspension Appeal Hearings"*. (Appendix G)
10. Expulsion Hearings will be conducted according to the *Operational Procedures "Frequently Asked Questions for Expulsion Hearings"*. (Appendix H)

Definitions

School Climate: The learning environment and relationships found within a school and school community. A positive school climate exists when all members of the school community feel safe, included, and accepted, and actively promote positive behaviours and interactions.

Police/School Board Protocol: This protocol has been developed by the four publicly funded district school boards operating within the city of Toronto and Toronto Police Service with the clear purpose of supporting schools as safe, caring, inclusive and accepting places for learning and teaching. The Protocol clearly outlines the roles and responsibilities of school officials and police officers in situations where the police are present at school for a school related incident or in other situations.

Code of Conduct: The Code of Conduct reflects the provincial standards that promote and support respect, civility, responsible citizenship, safety and well-being for all individuals.



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: Suspension and Expulsion Policy (Consolidated)

POLICY NO: S.S. 01

Long-Term Suspension: These include suspensions issued for 6 to 20 days.

Expulsion: *The Act* permits principals to recommend to the Board of Trustees two possible types of expulsion. A **school expulsion** denies a student access to a particular TCDSB school. A **board expulsion** denies a student access to all TCDSB schools.

Evaluation & Metrics

1. Annual review of suspension and expulsion data
2. Review of Safe Schools Progressive Discipline Application statistics
3. Anonymous safe school climate surveys administered to representative groups of TCDSB students, parents and staff
4. Review of hearings appealed to the Child and Family Services Review Board
5. Review of annual suspension appeal hearings and expulsion hearings
6. Review of annual TIPSS statistics
7. Review of annual ~~Monsignor Fraser College, St. Martin Campus,~~ **St. Martin Catholic School** statistics
8. Safe Schools Advisory Committee consultation used to inform direction and priorities

Suspension and Expulsion Policy

OPERATIONAL PROCEDURES

Contents

Section A: Protocol to Suspension Activities Leading to Possible Suspension

Section B: Guidelines to Long-Term Suspension Program (TIPSS)

Section C: Guidelines to Expulsion Program St. Martin Catholic School

Section D: Protocol for Suspension Appeals and Expulsion Hearings

Section E: Statutory Powers Procedure Act

Section F: Frequently Asked Questions for Suspension Appeal Hearings

Section G: Frequently Asked Questions for Expulsion Hearings

Section H: Principal Investigation Guideline

Section I: Search and Seizure Guideline

**~~OPERATIONAL PROCEDURES: Protocol to Suspension Activities
Leading to Possible Suspension~~**

~~APPENDIX~~

SECTION A

Protocol to Suspension Activities Leading to Possible Suspension

APPENDIX SECTION A

Operational Procedures: Protocol to Suspension Activities Leading to Possible Suspension

In accordance with *the Act* section 306 (1) a principal shall consider whether to suspend a pupil if ~~he or she~~ **the principal** believes that the pupil has engaged in any of the following activities while at school, at a school related activity, or in other circumstances where engaging in the Activity will have an impact on school climate:

1. Uttering a threat to inflict serious bodily harm on another person
2. Possessing alcohol, **illegal drugs or, unless the pupil is a medical cannabis user, cannabis**
3. ~~Possessing cannabis, unless the pupil is a medical cannabis user~~
4. **3. Being under the influence of alcohol or, unless the pupil is a medical cannabis user, cannabis**
5. ~~Being under the influence of cannabis, unless the pupil is a medical cannabis user~~
6. **4. Swearing at a teacher or at another person in a position of authority**
7. **5. Committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school**
8. **6. Bullying**
9. **7. Any other activity that is an activity for which a principal may suspend a pupil under the policy of the board.**

Suspension under Board Policy

Under clause 306. (1) 7 of *the Act*, a pupil may be suspended if ~~he or she~~ **the pupil** engages in an activity that is an activity for which a principal may suspend a pupil under a policy of the board.

Under Board policy, activities for which a principal may suspend a pupil include:

- (1) Persistent opposition to authority;
- (2) Habitual neglect of duty;
- (3) Use of profane or improper language;
- (4) Theft;
- (5) Aid/incite harmful behaviour;
- (6) Physical assault;
- (7) Being under the influence of illegal drugs;

- (8) Harassment;
- (9) Fighting;
- (10) Extortion;
- (11) Inappropriate use of electronic communications/media equipment; and/or
- (12) Other – defined as any conduct injurious to the moral tone of the school or to the physical or mental well-being of others.

Suspensions Related to Junior Kindergarten to Grade 3 Pupils

O. Reg 440/20 removes the principal's discretion to suspend pupils in junior kindergarten to Grade 3 for activities listed in subsection 306(1) of the *Education Act*. Serious activities listed in subsection 310(1) will continue to require mandatory suspension.

Activities Leading to a Suspension Pending Possible Expulsion

Under subsection 310. (1) of *the Act*, a principal shall suspend a pupil if ~~he or she~~ **the principal** believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the Activity will have an impact on the school climate:

- (1) Possessing a weapon, including possessing a firearm
- (2) Using a weapon to cause or to threaten bodily harm to another person
- (3) Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner
- (4) Committing a sexual assault
- (5) Trafficking in weapons or in illegal drugs
- (6) Committing robbery
- (7) Giving alcohol **or cannabis** to a minor
- ~~(8) Giving cannabis to a minor~~

~~8.1~~ **7.1** Bullying, if,

- (i) the pupil has been previously suspended for engaging in bullying, and
- (ii) the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person.

Mandatory Suspension of Junior Kindergarten to Grade 3 Pupils Related to Bullying

Where a principal is suspending a student for bullying under s. 310(1)(7.1), the requirement that “the pupil has previously been suspended for engaging in bullying” *no longer applies* to students in junior kindergarten to Grade 3. The remaining requirement, that “the pupil’s continuing presence in the school creates an unacceptable risk to the safety of another person” remains in effect.

- 8.2 **7.2** Any activity listed in subsection 306. (1) of *the Act* that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, **family status, marital status**, or any other similar basis.
- 1- **8.** Any other activity that, under a policy of a board, is an activity for which a principal must suspend a pupil and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the Board that the pupil be expelled.

Suspension Pending Expulsion under Board Policy

Under clause 310. (1) 8 of *the Act*, a pupil must be suspended if ~~he or she~~ **the pupil** engages in an activity that is an activity for which a principal must suspend a pupil under a policy of the board including.

- (1) Possession of explosive substance;
- (2) Refractory conduct;
- (3) Serious or repeated misconduct;
- (4) Conduct injurious to the moral tone of the school or to the physical or mental well-being of others.

~~If a principal decides to suspend a pupil for engaging in an activity described in subsections 306. or 310. of *the Act*, the principal will suspend the pupil from his or her school and from engaging in all school-related activities.~~

Mandatory Investigation before Mandatory Suspension Pending Possible Expulsion of Pupils in Junior Kindergarten to Grade 3

Principals are now required to conduct an investigation respecting the

allegations before imposing a mandatory suspension pending possible expulsion on a student in junior kindergarten to Grade 3 under subsection 310(1).

Suspension Duration and Scope

The minimum duration of a suspension is one school day and the maximum duration is 20 school days.

In considering how long the suspension should be, a principal will take into account any mitigating and/or other factors prescribed by the regulations.

A principal may not suspend a pupil more than once for the same occurrence.

If a principal decides to suspend a pupil for engaging in an activity described in subsections 306. or 310. of *the Act*, the principal will suspend the pupil from the pupil's school and from engaging in all school-related activities.

Mitigating Factors

In recognizing the uniqueness of each child and applying a **trauma-informed** lens of pastoral care, the principal will consider the following mitigating factors in reaching a final determination:

- The pupil does not have the ability to control ~~his or her~~ behaviour.
- The pupil does not have the ability to understand the foreseeable consequences of ~~his or her~~ **the pupil's** behaviour.
- The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.

Other Factors

Similarly, the principal will consider the following other factors in reaching a final determination, once again in recognition of the uniqueness of each child and applying a **trauma-informed** lens of pastoral care:

- The pupil's history.
- Whether a progressive discipline approach has been used with the pupil.
- Whether the activity for which the pupil may be suspended was related to any harassment of the pupil because of ~~his or her~~ **the pupil's** race, **national or**

ethnic origin, **language, colour**, religion, **sex, age, mental or physical** disability, **sexual orientation**, gender **identity, gender expression**, or sexual orientation or **family status, marital status**, or to any other form of harassment.

- How the suspension or expulsion would affect the pupil's ongoing education.
- The age of the pupil.
- In the case of a pupil for whom an individual education plan has been developed,
 - (i) whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan.
 - (ii) whether appropriate individualized accommodation has been provided, and
 - (iii) whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.
- **Whether the pupil has a history of marginalization or trauma.**

Notice of Suspension

A principal who suspends a pupil under S. 306 or S. 310 of the *Act* shall,

- (a) inform the pupil's teacher(s) of the suspension; and
- (b) make all reasonable efforts to inform the pupil's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless,
 - (i) the pupil is at least 18 years old, or
 - (ii) the pupil is 16 or 17 years old and has withdrawn from parental control.
- (c) ensure that written notice is given promptly to the following persons:
 - (1.) the pupil
 - (2.) the pupil's parent or guardian unless,
 - (i.) the pupil is at least 18 years old, or
 - (ii.) the pupil is 16 or 17 years old and has withdrawn from parental control.

Contents of the Notice of Suspension under S. 306 and S. 310 of the *Act*

The notice of suspension will include the following:

- (1) The reason for the suspension;
- (2) The duration of the suspension;
- (3) Information about any program for suspended pupils to which the pupil is assigned;

- (4) Information about the right to appeal the suspension under section 309. of *the Act* including,
- (i) a copy of the Board policies and guidelines governing the appeal process established by the Board under subsection 302. (6) of *the Act*, and;
 - (ii) the name and contact information of the appropriate superintendent of education to whom notice of the appeal must be given under subsection 309. (2) of *the Act*.

Additional Contents of the Notice of Suspension under S. 310 of the Act

In addition to the contents of the Notice of Suspension described immediately above under S. 306 and S. 310 of the *Act*, a notice of suspension under S. 310 of the *Act* must also include:

1. Information about the investigation the principal will conduct under S. 311.1 of the *Act* to determine whether to recommend that the pupil be expelled; and
2. A statement indicating that,
 - (i) There is no immediate right to appeal the suspension,
 - (ii) If the principal does not recommend to the board that the pupil be expelled following the investigation under subsection 311.1, the suspension will become subject to appeal under subsection 311.2, and
 - (iii) If there is an expulsion hearing because the principal recommends to the board that the pupil be expelled, the suspension may be addressed by parties at the hearing.

Suspension Program

When a Principal suspends a pupil, ~~he or she~~ **the principal** shall assign the pupil to a program for suspended pupils in accordance with policies and guidelines issued by the Minister, under sections 306 (5) and 310.(4) of *the Act*.

Receipt of Notice

Where notice is given, it shall be considered to have been received by the person in

accordance with the following rules:

- (1) If the notice is sent by mail or another method in which an original document is sent, the notice shall be considered to have been received by the person to whom it was sent on the fifth school day after the day on which it was sent.
- (2) If the notice is sent by fax or another method of electronic transmission, the notice shall be considered to have been received by the person to whom it was sent on the first school day after the day on which it was sent.

Suspension Appeal

Under section 309. of *the Act*, the parent, guardian or adult student may appeal the decision to suspend a student. (See ~~Appendix~~ Section E)

Procedures for Suspension

- (i) Where a concern arises regarding possible student discipline, a principal will conduct an investigation and consider mitigating factors and other factors.
- (ii) With respect to serious infractions, the principal will consult with the appropriate superintendent of education.
- (iii) Following an investigation, if it is considered necessary to suspend a student, a principal/designate should contact the student's parent/guardian/adult student in order to discuss reasons for the suspension and engage them in becoming part of the plan to change behavior, consistent with our desire for faith-based reconciliation, reformation and restorative practices.
- (iv) If the principal/designate has imposed a suspension pending possible expulsion under section 310. of *the Act*, ~~he or she~~ **the principal** will conduct a principal investigation in order that a final determination can be made.

DEFINITIONS

Bullying – Aggressive and typically repeated behaviour (physical, verbal,

electronic, written or other means) by a student where,

(a) the behaviour is intended to have the effect of, or the student ought to know that the behaviour would likely have the effect of,

- i. causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property, or
- ii. creating a negative environment at a school for another individual, and

(b) the behaviour occurs in a context where there is a real or perceived power imbalance between the student and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, **national or** ethnic origin, sexual orientation, family circumstances **status, marital status, sex,** gender, gender identity, gender expression, race, **colour, language, mental or physical** disability or the receipt of special education.

Cyber-bullying—This is a form of bullying that occurs through the use of technology, including the use of a computer, cellular phone or other electronic devices, using instant/text messaging, social networks, e-mail, websites or any other electronic activities, and includes:

- (a) creating a web page or blog in which the creator assumes the identity of another person;
- (b) impersonating another person as the author of content or messages posted on the internet; and
- (c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.

Cannabis Legislation - The legalization of cannabis in Canada comes with restrictions. Students under 19 years of age must not be in possession of or be under the influence of cannabis at school. In addition, it is a serious activity to give cannabis to a minor which may result in possible expulsion. If the student is a medical cannabis user, specific documentation will be required including, but not

limited to, use/dosage/frequency/and location of administration. It is unlawful to smoke or hold lit cannabis within 20 metres of the perimeter of school property.

Explosive Substance – includes anything used to create an explosive device or is capable or causing an explosion.

Extortion – using threats, accusations or violence or threats of violence to induce any person to do anything or cause anything to be done.

Firearm – any barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable to causing serious bodily injury or death to a person.

Harassment – harassment is ongoing conduct or communication in any form, of attitudes, beliefs, or actions towards an individual or group which might reasonably be known to be unwelcome. A single act or expression can constitute harassment, for example, if it is a serious violation. Harassment may be either subtle or blunt.

This may include harassment based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, family status, or marital status.

Hate Material – includes literature, leaflets, posters, graffiti distributed (or sent by electronic means) to incite violence or hatred against a member of an identifiable group and/or their property. The incitement of hatred or bias-motivated incidents against an identifiable group may include persons distinguished by their race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, **gender identity, gender expression, family status, marital status**, or other similar factor.

Inappropriate Use of Electronic Communications/Media – the intentional use of an electronic device or communication medium, such as, but not limited to, all features of a phone, a cell phone, digital camera, blackberry, e-mails, school hotlines, Web-based communication sites and print material, such as flyers, school newspapers and brochures, that negatively impact on the well-being of another person and/or the learning environment in accordance with the definition of Harassment (as set out above).

Non Consensual Sharing of Intimate Images – Knowingly publishing, distributing, transmitting, selling, making available, or advertising an intimate image of another person while knowing that the person depicted in the image did not give their consent, or being reckless as to whether the person gave their consent. The term “intimate image” refers to a visual recording such as a photograph, film, or video recording of a person in which the person is nude or engaged in explicit sexual activity and which was created in circumstances that gave rise to a reasonable expectation of privacy.

Physical Assault – the intentional application of force directly or indirectly in any degree at all, to a person without the person’s consent.

Physical Assault Causing Bodily Harm – physical assault is the intentional application of force in any degree at all to a person without that person’s consent. Bodily harm refers to any hurt or injury that is more than merely transient or trifling in nature which interferes with the health or comfort of the person, and includes but is not limited to injuries that receive medial attention. Any cut that requires stitches or any broken or fractured bone should be considered a serious injury. Serious injury could also include multiple minor injuries.

Possession of a Weapon – means anything used, designed to be used or intended for use in causing death or injury to any person, or to threaten or intimidate any person. It can include objects which can be used as weapons. Objects such as a pen, or a screwdriver, if displayed to threaten or intimidate, become weapons under this definition. A weapon includes a firearm and any device that is designed or intended to resemble a weapon.

Racial Harassment – means engaging in a course of vexatious comment or conduct pertaining to a person’s race which is known, or reasonably ought to be known, to be offensive, inappropriate, intimidating, hostile and unwelcome. Race refers to a group of people of common ancestry, distinguished from others by physical characteristics, such as colour of skin, shape of eyes, hair texture or facial features. The term is also used to designate social categories into which societies divide people according to such characteristics.

Refractory Conduct – means resisting control or discipline, unmanageable, rebellious refusal to comply with or flagrant disregard of Board policy. A single act

itself can constitute refractory conduct.

Replica Firearm – is any device that is designed or intended to resemble a firearm.

Robbery – a robbery occurs where a person uses violence or threats of violence to steal money or other property from a victim.

Sexual Assault – a sexual assault occurs where a person, without consent, intentionally applies force to another person in circumstances of a sexual nature such as to violate the sexual integrity of the victim.

Sexual Harassment – sexual harassment occurs when a person receives unwelcome sexual attention from another person, whose comments or conduct are known or should reasonably be known to be offensive, inappropriate, intimidating, hostile and unwelcome. It also includes sexist, ~~or~~ homophobic, **transphobic, or gender identity-based** jokes or materials.

Threat to Inflict Serious Bodily Harm – a threat to cause death or serious bodily harm to a person.

Trafficking in Drugs and/or Harmful Substances – means to sell, administer, transfer, transport, send or deliver any harmful substance, illicit drug or narcotic as set out in the Controlled Drugs and Substance Act.

~~OPERATIONAL PROCEDURES: Guidelines to Long-Term
Suspension Program (TIPSS)~~

~~APPENDIX~~

SECTION B

Guidelines to Long-Term Suspension Program (TIPSS)

**APPENDIX
SECTION B****Operational Procedures: Guidelines to Long-Term Suspension Program (TIPSS)**

Our Gospel Values ground us in the belief that every individual has God-given talents and abilities, and the potential for redemption and reconciliation when we err.

In accordance with *the Act* and Program Policy Memorandum 141, the Board will offer the Transitional Intervention Program for Suspended Students (TIPSS).

Parents of students under the age of 18, students over 18, students 16/17 years of age who have withdrawn from parental control who receive a suspension greater than 5 days or a suspension pending possible expulsion must indicate by written signature their desire to participate in the program knowing that it has the following obligations:

- i) For students on longer than a 5 day suspension a teacher will be assigned by the St. Martin Principal/Vice Principal to work with the student for a two hour session 3 or 4 days a week. This schedule may alter due to PD days, conferences or other Safe Schools events.
- ii) A Student Action Plan (SAP) will be developed by the home school principal in collaboration with appropriate staff to delineate the academic and non-academic program needs/goals of the student.
- iii) The TIPSS teacher will meet the suspended student in a Toronto Public Library (TPL) site.
- iv) The student will identify himself/herself to the TPL staff.
- v) The student will wear appropriate attire for the TIPSS session including the school uniform if it is part of the home school's expectation.
- vi) The student will conduct himself/herself in a manner that is congruent with the expectations of the Board's Code of Conduct, as well as the expectations of the Public Library. If the TIPSS teacher or library staff feel that their safety or ability to carry on with their work is compromised by the student's behavior, then the student will forfeit the right to the program. The St. Martin Principal/Vice Principal will be informed when such a situation occurs and will inform the school principal who will note this on the Student Action Plan (SAP).

vii) For students on greater than 10 day suspension or suspension pending possible expulsion a social worker will be assigned to meet with the student to address nonacademic needs. This is a mandatory expectation of the program. The TIPSS social worker will follow up with the home school social worker to support the student's transition back to community once the suspension has been served.

~~OPERATIONAL PROCEDURES: Guidelines to Expulsion Program (Monsignor
Fraser College — St. Martin Campus, St. Martin Catholic
School)~~

~~APPENDIX~~

~~Section C~~

~~Guidelines to Expulsion Program
(Monsignor Fraser College — St.
Martin Campus St. Martin
Catholic School)~~

~~APPENDIX~~ **SECTION C**

Operational Procedures: Guidelines to Expulsion Program (~~Monsignor Fraser College—St. Martin Campus~~ **St. Martin Catholic School)**

Our Gospel Values ground us in the belief of the fundamental goodness of each person. It is our intent through our Expulsion Programs to support students in their journey back to community schools and the fulfilment of our Catholic Graduate School Expectations. Our goal is to nurture their personal development and growth, based on redemption, reconciliation, and a teaching of positive pro-social behaviours rooted in our Catholic Social Teachings.

In accordance with *the Act* and Program Policy Memorandum 142, the Toronto Catholic District School Board will offer the Program for Students on Expulsion.

Parents of a student, ~~or~~ students over 18, students 16/17 years of age who have withdrawn from parental control who receive expulsions from all schools of the Board must indicate by written signature their desire to participate in the TCDSB Expulsion Program knowing that it has the following obligations:

- a) Secondary and elementary students will attend the expulsion program and follow the structure of the program as determined by the principal and staff of ~~Monsignor Fraser College—St. Martin Campus~~ **St. Martin Catholic School**.
- b) A Student Action Plan (SAP) will be developed to delineate the academic and non-academic program needs of the student. It must indicate goals, objectives and learning expectations; measures of success; strategies and types of support. When a student has successfully met the objectives of the program for expelled students and is considered ready to be readmitted to another school of the board, a re-entry plan must be developed as part of the SAP to assist with the student's transition and successful integration.

c) Students attending the program are expected to follow the T.C.D.S.B. Code of Conduct and are subject to progressive disciplinary measures. In the event that an expelled student's conduct at the program is so detrimental to the program staff or other students that there is a safety risk or complete inability to teach and learn, the student forfeits ~~his/her~~ **the** right to attend the program. This will be noted on the student's SAP. Ongoing social work assistance will be provided the youth with ~~his/her~~ social/emotional needs. Alternative academic programming will be provided.

d) A student who has been expelled from all schools of a board and/or ~~his/her~~ **the student's** parents may apply in writing to The Associate Director of Academic Affairs to request that the student be readmitted to a school of the board. For Students subject to a school expulsion, where the student and/or ~~his/her~~ **the student's** parent(s) wish that the student return to ~~his/her~~ **the** original school, the student and/or parent may also apply in writing to the Associate Director of Academic Affairs and must provide a specific rationale.

e) The decision as to whether a student has successfully met the objectives of the program as outlined in the SAP rests with the principal and staff of ~~Monsignor Fraser College—St. Martin Campus~~ **St. Martin Catholic School**).

f) In keeping with our faith based belief that we are all members of one community in Christ, the re-entry plan must include a meeting that includes the principal of the receiving school, expulsion program staff, the student, and staff at the receiving school. Where possible the student's parents or other significant family members should be present. Community agency staff relevant to the situation should be included.

The program for students on expulsion will be reviewed every three years.

~~OPERATIONAL PROCEDURES: Protocol for Suspension Appeals and Expulsion Hearings~~

~~APPENDIX~~

SECTION D

Protocol for Suspension Appeals and Expulsion Hearings

APPENDIX SECTION E

Operational Procedures: Protocol for Suspension Appeals and Expulsion Hearings Safe Schools Legislation

The Act determines the way in which schools respond to objectionable behaviour of Ontario students while on school property, engaged in school activities or behaviour that impacts on school climate. All students, teachers, school staff and parents are subject to the Provincial Code of Conduct mandated by the Ministry of Education and defined by each School Board. *The Act* and the Board's Code of Conduct Policy require that a student be considered for suspension or expulsion for certain activities that, by definition, are unacceptable.

Purpose of this Guide

The purpose of this guide is to assist students and their parents/guardians to understand their rights and obligations if a suspension is issued or an expulsion is recommended due to an infraction listed in *the Act*. ~~In the Code of Conduct Policy~~

Cautionary Note

This guide is a simplified summary of the law, Board Policy, and the Board's Rules of Procedure. For accurate reference, further information, and more detail, please contact the principal or superintendent of your school. You may also obtain further information from the Board's Web Site "www.tcdsb.org", by clicking on "Safe Schools".

Suspensions (Section 306. of *the Act*)

It is the responsibility of the school Principal to uphold the Code of Conduct. It is at the discretion of the Principal that a pupil may be suspended for those activities listed in "Guidelines to Suspension".

Mitigating Factors

In recognizing the uniqueness of each child and applying a **trauma-informed** lens of pastoral care, a Principal must consider all mitigating factors before a suspension is issued including the following:

The pupil does not have the ability to control ~~his/her~~ **the pupil's** behaviour.

(i) The pupil does not have the ability to understand the foreseeable consequences of ~~his/her~~ **the pupil's** behaviour.

(ii) The pupil's continuing presence in the school does not create an unacceptable risk to the well-being or safety of any other person.

- Other factors that must be taken into account are: the pupil's history; the use of a progressive discipline approach; whether the activity for which the pupil may be suspended is related to any harassment of the pupil because of ~~his or her~~ **the pupil's** race, **national or** ethnic origin, **language, colour**, religion, **sex, age, mental or physical** disability, **sexual orientation**, gender **identity, gender expression**, ~~or sexual orientation or~~ **family status, marital status**, or to any other form of harassment; how the suspension would affect the pupil's ongoing education; the age of the pupil; whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan (IEP); whether appropriate individualized accommodation has been provided (IEP); ~~or~~ whether the suspension is likely to result in an aggravation or worsening of the pupil's behaviour or conduct (IEP); **or whether the pupil has a history of marginalization or trauma.**

A pupil may still be suspended for any such behaviour, or for other behaviour prohibited by the Board.

Length of Suspensions

Principal may suspend a pupil for a minimum of one (1) school day and a maximum of twenty (20) school days. All suspensions may be appealed.

Appeal of Suspensions

If a pupil is suspended, the parents/guardians may request an appeal in writing to the area superintendent within ten (10) school days from the start of the suspension. A pupil, if an adult or 16 or 17 years old and has withdrawn from

parental control may also exercise this right to appeal. The area superintendent may contact the parties to the appeal and the principal to discuss the details of the possible appeal hearing. The request to appeal must state the rationale for consideration.

Appeal Hearing

A board must hold a hearing to consider the appeal of the suspension and make a decision within fifteen (15) school days from receipt of the appeal. The board may: confirm the suspension; confirm the suspension, but shorten its duration; or quash and expunge the record. The decision of the board is final.

Suspensions Pending Possible Expulsion (Section 310. of the Act)

A Principal shall issue a suspension pending possible expulsion if this pupil engages in an activity listed in “Guidelines to Expulsion”.

A Principal must consider all mitigating factors before a recommendation for expulsion is made to the Safe Schools Hearing Committee.

A Principal must consider all mitigating factors before an expulsion is recommended including the following:

- (i) The pupil does not have the ability to control ~~his/her~~ **the pupil's** behaviour.
- (ii) The pupil does not have the ability to understand the foreseeable consequences of ~~his/her~~ **the pupil's** behaviour.
- (iii) The pupil's continuing presence in the school does not create an unacceptable risk to the well-being or safety of any other person.

Other factors that must be taken into account are: the pupil's history; the use of a progressive discipline approach; whether the activity for which the pupil may be expelled is related to any harassment of the pupil because of ~~his or her~~ **the pupil's** race, **national or** ethnic origin, **language, colour,** religion, **sex, age, mental or physical** disability, **sexual orientation,** gender **identity, gender expression,** ~~or sexual orientation or~~ **family status, marital status,** or to any other form of harassment; how the expulsion would affect the pupil's ongoing education; the age of the pupil; whether the behaviour was a manifestation of a disability identified in the pupil's Individual Education Plan (IEP); whether appropriate individualized accommodation has been provided (IEP); ~~or~~ whether the expulsion is likely to

result in an aggravation or worsening of the pupil's behaviour or conduct (IEP); **or whether the pupil has a history of marginalization or trauma.**

A pupil may still be expelled for any such behaviour, or for persistent violation of Board standards of behaviour, or for other refractory conduct.

Suspension Pending Possible Expulsion

If the principal believes that an infraction listed under section 310 of *the Act* has occurred, the pupil is immediately suspended pending possible expulsion. The principal notifies the parents/guardians, and then conducts an investigation. At the end of the investigation, the Principal completes a report with a decision to confirm the suspension; confirm the suspension, but shorten its duration; quash and expunge the record; or recommend to the Discipline Committee that a school expulsion or a board expulsion be imposed.

The Board may not impose an expulsion if more than twenty (20) school days have lapsed since the suspension pending possible expulsion was issued unless all parties agree to extend the date beyond the 20th day.

Expulsion Hearing

If a school or board expulsion is recommended by the principal, an expulsion hearing must be held by the board within twenty (20) days after the issuing date of the Suspension Pending Possible Expulsion unless all parties agree to extend the date beyond the 20th day.

If there is a recommendation for expulsion, the Discipline Committee will decide to impose an expulsion; or confirm the suspension; or confirm but shorten its duration; or quash and expunge the record at the expulsion hearing.

The decision of the board is final.

An expulsion hearing can be waived by the parent/guardian if the parent/guardian and the principal agree to Minutes of Settlement.

Appeal of Decision to Expel

If the Safe Schools Hearing Committee imposes a school or board expulsion, the parents, guardians, adult pupil, or a pupil who is 16 or 17 year old and who has withdrawn from parental control can appeal the decision to the Child and Family Services Review Board. The Child and Family Services Review Board decision is final and binding.

Appeal of a Suspension When Expulsion is not Recommended (section 310. of *the Act*)

This type of suspension may not be appealed until the Principal delivers a final decision in a report following an investigation.

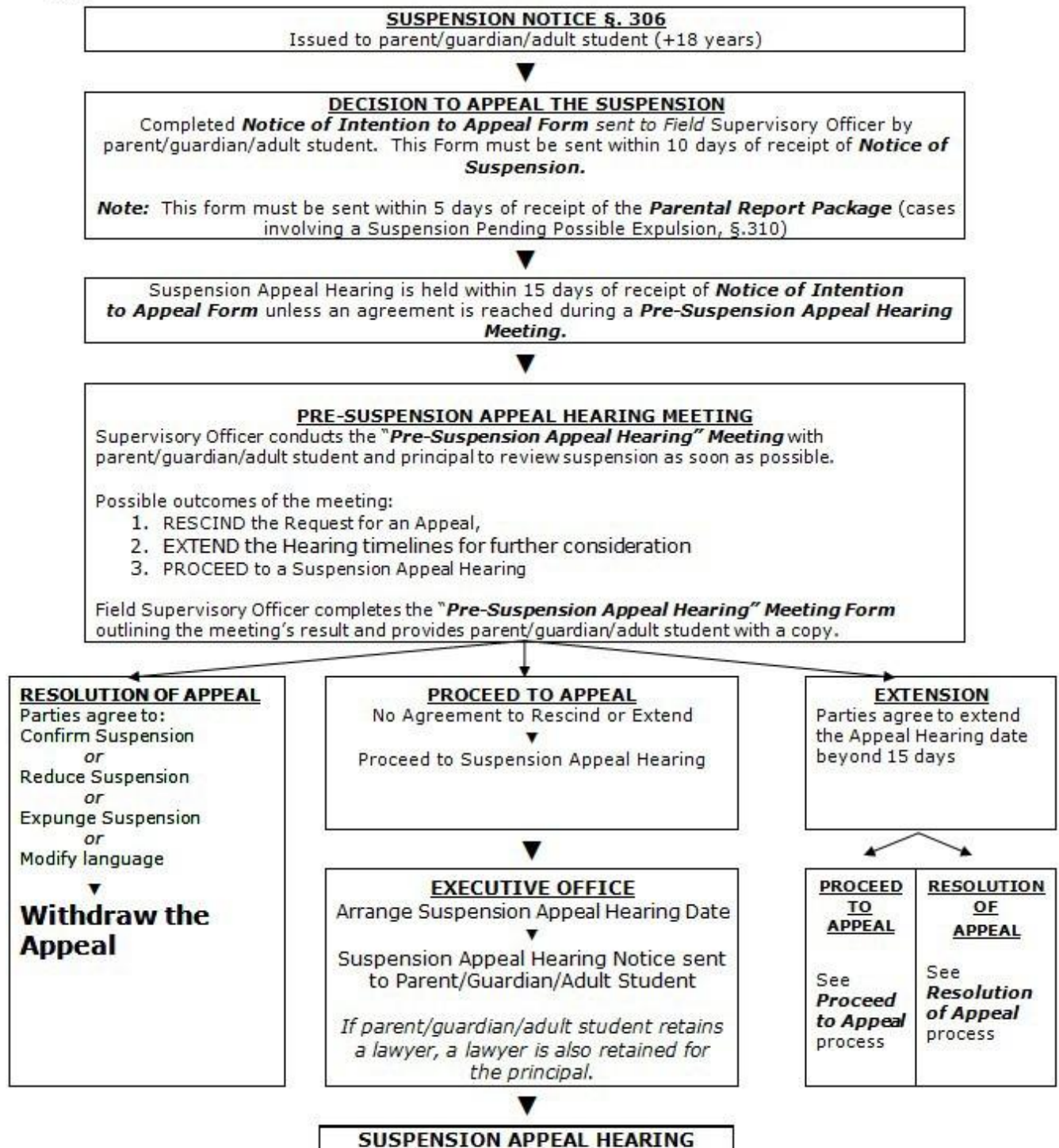
Written notice of appeal of the suspension must be received by the area Superintendent within five (5) days of receipt of report decision. The notice must include a written statement setting out all the reasons for the appeal, and a copy of the Notice of Suspension Pending Expulsion. The Board will hear the appeal of the suspension within fifteen (15) days after receipt of the written notice to appeal the suspension.

Procedure for the Appeal of an Expulsion

Written notice must be given to the Child and Family Services Review Board within thirty (30) days after the expulsion hearing. The Appeal Notice must include a written statement setting out all the reasons for the appeal, and a copy of the expulsion decision by the Committee. The Child and Family Services Review Board will hear the expulsion appeal within thirty (30) days of receiving the notice to appeal the expulsion. The decision of the Child and Family Services Review Board is final.



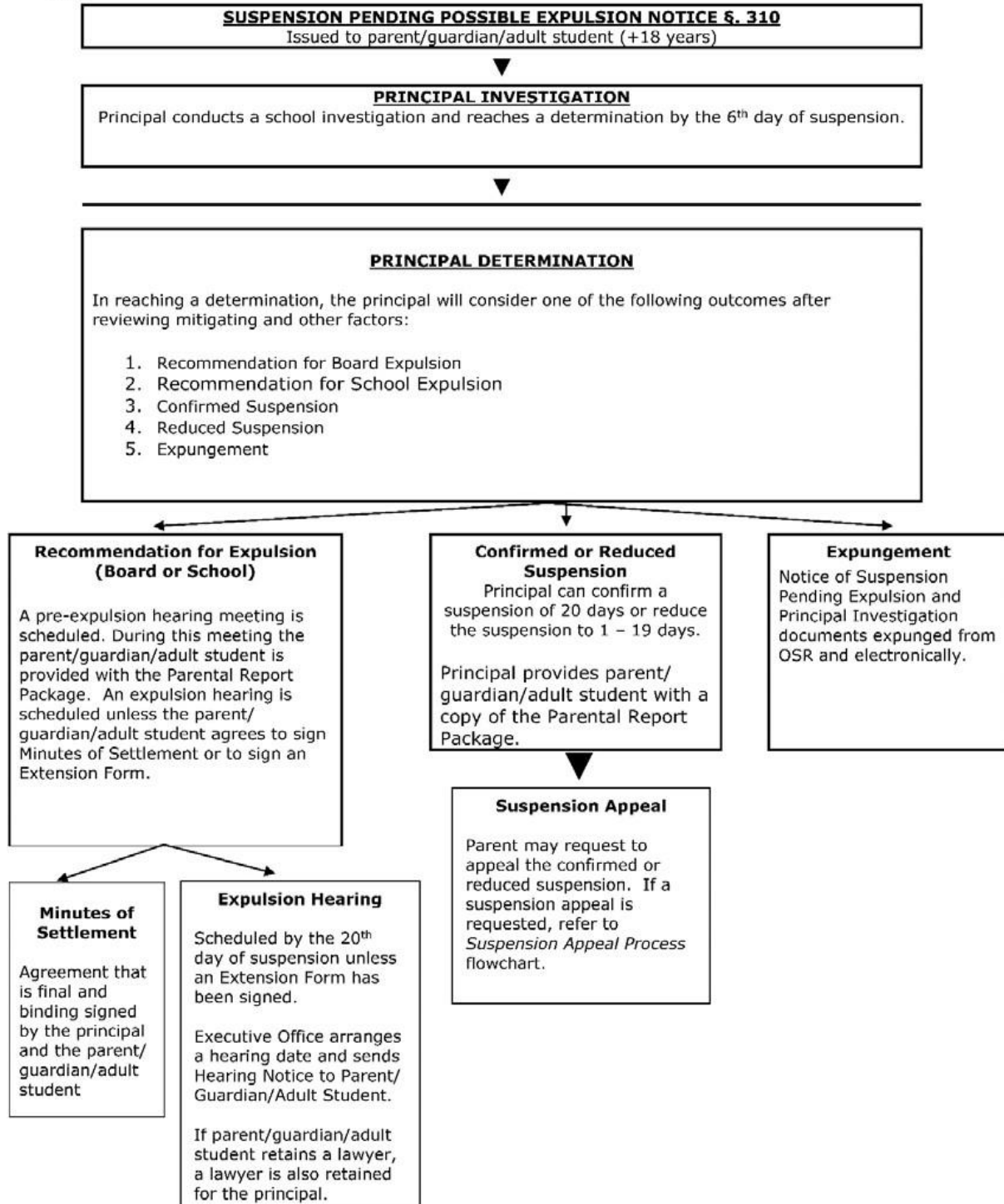
Safe Schools Department SUSPENSION APPEAL PROCESS



Decision of Suspension Appeal Hearing is FINAL



Safe Schools Department EXPULSION HEARING PROCESS



~~OPERATIONAL PROCEDURES: Statutory Powers Procedure Act~~

~~APPENDIX~~

SECTION E

Statutory Powers Procedure Act

APPENDIX SECTION E

Operational Procedures: Statutory Powers Procedure Act

The Board affords the parent (or student if an adult) a hearing following:

- a) a principal's recommendation for the expulsion (School Expulsion or Board Expulsion) of a pupil,
- b) an appeal of the suspension of a pupil

Suspension Appeal Hearings, Expulsion Hearings, and Appeals of Decisions of the Board shall be in accordance with the Rules of Procedures outlined below:

[References are to sections of Statutory Powers Procedure Act ("SPPA") or Education Act ("ACT")]

TABLE OF CONTENTS

1. GENERAL	41
1.1 Proceeding Chair	41
1.2 Liberal Construction of Rules	41
1.3 Different Kinds of Hearings in One PROCEEDING	41
1.4 Waiver of Procedural Requirement	41
1.5 Disposition without Hearing	42
2. PROVISIONS RESPECTING TRUSTEES	42
2.1 Discipline Committee for Procedural or Interlocutory	42
2.2 Decision of Discipline Committee	42
2.3 Expiry of Term	42
2.4 Incapacity of Member	42
3. PROCEEDINGS GENERALLY	42
3.1 Classes of PROCEEDINGS	42
3.2 Parties to All Classes of PROCEEDINGS	42
3.3 Adding Pupil as a Party	43
3.4 Hearings to be Private	43
3.5 Presence of BOARD Solicitor	43
3.6 Maintenance of Order at Hearings	43
3.7 Assistance of Peace Officer	43
4. WITHOLDING COMMENCEMENT OF	43
4.1 Decision not to Process Commencement of	43
4.2 Notice of Decision Not to Process	44
4.3 When Documents Incomplete or Received Late	44
4.4 Resumption of Processing	44

4.5	Dismissal of PROCEEDING without a Hearing	44
4.6	Notice of Intended Dismissal	44
4.7	Reasons for Intended Dismissal to be Set out	45
4.8	Right to Make Submissions	45
4.9	Dismissal	45
1.	DISCLOSURE	45
1.1	Required Disclosure	45
1.2	BOARD May Order Disclosure	46
1.3	Exception to Disclosure of Privileged Information	46
1.4	Where Character, Conduct or Competence of A Party Is In Issue	46
2.	PRE-HEARING CONFERENCES	46
2.1	Pre-Hearing Conferences	46
2.2	Who Presides at Pre-Hearing Conferences	47
2.3	Pre-Hearing Conference Without Prejudice	47
2.4	Orders at Pre-Hearing Conference	47
2.5	Disqualification	47
2.6	Application to Electronic Hearings	47
3.	NOTICES, AND EFFECT OF NON-ATTENDANCE	48
3.1	Notice of Written Hearing	48
3.2	Effect of Non-Attendance at Written Hearing after Due Notice	48
3.3	Notice of Electronic Hearing	48
3.4	Effect of Non-Attendance at Electronic Hearings after Due Notice	49
3.5	Notice of Oral Hearing	49
3.6	Effect of Non-Attendance at Oral Hearing after Due Notice	49
4.	WRITTEN HEARINGS GENERALLY	50
4.1	When Written Hearing not Permitted	50
4.2	Time Limit for Seeking Electronic or Oral Hearing	50
4.3	Exception	50
4.4	Determination by the BOARD	50
5.	ELECTRONIC HEARINGS GENERALLY	50
5.1	When Hearing Electronically not Permitted	50
5.2	Exception not Apply where Procedural Only	50
5.3	Determination by the BOARD	50
5.4	Participants to be Able to Hear One Another	51
5.5	Procedure at Electronic Hearing	51

6.	PROVISIONS AFFECTING BOTH ORAL AND ELECTRONIC HEARINGS	51
6.1	PROCEEDINGS Recorded by the BOARD	51
6.2	Rights of Party at Oral and Electronic Hearings	52
6.3	Cross-examination of Witnesses	52
6.4	Questions in Reply and from the BOARD	52
6.5	Limitation on Examination and Cross-examination	52
7.	APPEAL OF A DECISION TO SUSPEND A PUPIL	52
7.1	Who May Appeal a Suspension	52
7.2	Appeal Required in Writing, and Minimum Content	52
7.3	Time for Bringing Appeal	53
7.4	Response of Board	53
7.5	Hearing in Writing	53
7.6	Appellant to Satisfy BOARD that Principal Was Wrong	53
7.7	Appellant Presents First, Principal Second	53
7.8	Decision of the BOARD	53
8.	REFERRAL OF AN EXPULSION MATTER TO THE BOARD	54
8.1	Time for Referral	54
8.2	Content of Referral	54
8.3	Hearing Electronically	54
8.4	Scheduling of Hearing	54
8.5	Extension of Deadline	54
8.6	PARENT or Pupil Application for Adjournment	55
8.7	Decision of the BOARD	55
8.8	Appeal of the Decision of the Board	55
9.	DEFINITIONS	56

GENERAL

1.1 Proceeding Chair

The Proceeding Chair will be appointed by the Chair of the Board. In the absence of the Chair of the Board, the Safe Schools Hearing Committee members will appoint the Proceeding Chair.

This process for appointing the Proceeding Chair will be followed for each hearing.

1.2 Liberal Construction Of Rules

These Rules shall be liberally construed to secure the just, most expeditious and cost-effective determination of every PROCEEDING on its merits. [SPPA §2]

1.3 Different Kinds Of Hearings In One PROCEEDING

Except as otherwise provided in these Rules, the BOARD may, in a PROCEEDING, hold any combination of written, electronic and oral hearings. [SPPA § 5.2.1]

1.4 Waiver Of Procedural Requirement

Any provision of these Rules, including the time for doing any act or thing, may be waived in the discretion of the BOARD, upon its own motion or upon the application of any party. [SPPA § 4(2)]

1.5 Disposition Without Hearing

If the parties consent, a PROCEEDING may be disposed of by a decision of the BOARD without a hearing provided that both parties agree to Minutes of Settlement. [SPPA § 4.1]

2. PROVISIONS RESPECTING TRUSTEES

2.1 The Safe Schools Hearing Committee for Procedural or Interlocutory Matters

A procedural or interlocutory matter in a PROCEEDING may be heard and determined by a discipline committee consisting of at least three members of the board, as assigned by the CHAIR. [SPPA §4.2(1)]

2.2 Decision Of Discipline Committee

The decision of a majority of the members of the Safe Schools Hearing Committee is the BOARD'S decision. [SPPA §4.2(3)]

2.3 Expiry Of Term

If the term of office of a member of the BOARD who has participated in a hearing expires before a decision is given, the term shall be deemed to continue, but only for the purpose of participating in the decision and for no other purpose. [SPPA §4.3]

2.4 Incapacity Of Member

If the term of office of a member of the BOARD who has participated in a hearing becomes unable, for any reason, to complete the hearing or to participate in the decision, the remaining Trustee or Trustees may complete the hearing and give a decision. [SPPA §4.4(1)]

3. PROCEEDINGS GENERALLY

3.1 Classes of PROCEEDINGS

There shall be two classes of PROCEEDINGS that come before the BOARD:

3.1.1 an appeal against a decision by a principal to impose a suspension; and

3.1.2 a referral by the principal of a matter of expulsion of a pupil. [SPPA §4.7]

3.2 Parties to All Classes of PROCEEDINGS The parties to any class of PROCEEDING shall be:

3.2.1 the pupil if:

i.) the pupil is at least 18 years old, or

ii.) The pupil is 16 or 17 years old and has withdrawn from parental control

3.2.2 the pupil's parent or guardian, unless:

i.) the pupil is at least 18 years old, or

ii.) The pupil is 16 or 17 years old and has withdrawn from parental control, and

3.2.3 the principal of the school in which the pupil is or was enrolled. [ACT 309(8), 311.3(3)]

3.3 Adding Pupil as a Party

Where the PARENT is a party to any class of PROCEEDING, a pupil who is not a party to the suspension appeal or expulsion hearing has the right to be present at the hearing and to make a statement on ~~his or her~~ **their** behalf. [ACT 309(9), 311.3(4)]

3.4 Hearings To Be Private

Since intimate personal matters may be disclosed, the public will be excluded from oral, written and electronic hearings, so that undue embarrassment to any of the parties may be avoided. [SPPA §9(1)]

3.5 Presence of BOARD Solicitor

In PROCEEDINGS (including deliberations) where the Board Solicitor is not representing the principal, the BOARD Solicitor shall be present to advise the

PROCEEDING CHAIR as to any legal and procedural matter that may arise, and to assist the BOARD in the preparation of formal Orders and reasons (if requested). In PROCEEDINGS where the Board Solicitor is representing the principal, an outside solicitor will be retained to be present to advise the PROCEEDING CHAIR as to any legal and procedural matter that may arise, and to assist the BOARD in the preparation of formal Orders and reasons (if requested).

3.6 Maintenance Of Order At Hearings

The BOARD may make such orders or give such directions at an oral or electronic hearing as it considers necessary for the maintenance of order at the hearing. [SPPA §9(2)]

3.7 Assistance of Peace Officer

If any person disobeys or fails to comply with any order or direction given at a hearing, the person presiding or any Trustee may call for the assistance of any peace officer to enforce the order or direction. [SPPA §9(2)]

4. WITHHOLDING COMMENCEMENT OF PROCEEDINGS

4.1 Decision Not To Process Commencement Of PROCEEDING

Subject to section 4.3, upon receiving documents relating to the commencement of a PROCEEDING, the DIRECTOR may decide not to process the documents relating to the commencement of the PROCEEDING if,

4.1.1 the documents are incomplete;

4.1.2 the documents are received after the time required for commencing the PROCEEDING has elapsed. [SPPA §4.5(1)]

4.2 Notice of Decision Not to Process

The DIRECTOR shall give the party who commences a PROCEEDING notice of the decision under section 4.1 and shall set out in the notice the reasons for the decision and the requirements for resuming the processing of the documents. [SPPA §4.5(2)]

4.3 When Documents Incomplete or Received Late For the purposes section 4.1:

4.3.1 the documents are incomplete if they do not conform to the requirements of sections 11.2, 12.2, as the case requires;

4.3.2 the documents must be received within the time limits set out in sections 11.3, 12.1, as the case requires. [SPPA §4.5(3)]

4.4 Resumption of Processing

The processing of the documents may be resumed:

4.4.1 when the documents are complete, or

4.4.2 after the CHAIR in ~~his/her~~ **the Chair's** discretion extends the time for commencing the PROCEEDING, as the case requires.

4.5 Dismissal Of PROCEEDING Without A Hearing

Subject to section 4.9, the BOARD may dismiss a PROCEEDING without a hearing if,

4.5.1 the PROCEEDING is frivolous, vexatious or is commenced in bad faith;

4.5.2 the PROCEEDING relates to matters that are outside the jurisdiction of the BOARD; or

4.5.3 some aspect of the statutory requirements for bringing the PROCEEDING has not been met. [SPPA §4.6(1)]

4.6 Notice Of Intended Dismissal

Before dismissing a PROCEEDING under section 4.5, the BOARD shall give not less than five (5) days notice of its intention to dismiss the PROCEEDING to,

4.6.1 all parties to the PROCEEDING if the PROCEEDING is being dismissed for reasons referred to in subsection 4.5.2; or

4.6.2 the party who commences the PROCEEDING if the PROCEEDING is being dismissed for any other reason. [SPPA §4.6(2)]

4.7 Reasons For Intended Dismissal To Be Set Out

The notice of intention to dismiss a PROCEEDING shall set out the reasons for the dismissal and inform the parties of their right to make written submissions to the BOARD with respect to the dismissal within the time specified in the notice. [SPPA §4.6(3)]

4.8 Right To Make Submissions

A party who receives a notice under section 4.6 may make written submissions to the BOARD with respect to the dismissal before the close of business on the fifth (5th) business day after the date of the notice, which date and time shall be specified in the notice. [SPPA §4.6(4)]

4.9 Dismissal

The BOARD shall not dismiss a PROCEEDING under this section until it has given notice under section 4.6 and considered any submissions made under section 4.8. [SPPA §4.6(5)]

5. DISCLOSURE

5.1 Required Disclosure

Unless otherwise ordered by the BOARD, each party to a PROCEEDING shall provide to the other party (or parties if more than one) and to the BOARD not less than two (2) clear days prior to the commencement of the PROCEEDING:

5.1.1 a list of the witnesses that the party intends to call to give evidence in the PROCEEDING;

5.1.2 a summary of the evidence that each such witness will give in sufficient detail to permit the other party (or parties if more than one) and the BOARD to know the nature of the evidence intended to be presented; and

5.1.3 if a witness, other than the principal and any teacher in the school in which the pupil is (or was) enrolled, is to be called to give a professional or expert opinion, full details of the credentials of any such witness as well as the reasons why such professional or expert opinion is required for the appropriate determination of the issues in the PROCEEDING.

5.2 BOARD May Order Disclosure

Subject to the provisions of applicable legislation respecting disclosure of personal information, the BOARD, at the request of a party or on its own motion, and at any stage of the PROCEEDING before a hearing is complete, may make orders for,

5.2.1 the exchange of documents;

5.2.2 the exchange of witness statements and reports of expert witnesses;

5.2.3 the provision of particulars;

5.2.4 any other form of disclosure. [SPPA §5.4(1)]

5.3 Exception to Disclosure of Privileged Information Nothing in section 5.1 authorizes:

- 5.3.1 the production of an Ontario Student Record for any pupil other than the pupil who is the subject of the PROCEEDING;
- 5.3.2 the making of an order requiring any disclosure that is contrary to law; and
- 5.3.3 the making of an order requiring any disclosure of privileged information. [SPPA §5.4(2)]

5.4 Where Character, Conduct Or Competence Of A Party Is In Issue Where the good character, propriety of conduct or competence of a party is an issue in a PROCEEDING:

- 5.4.1 the party is entitled to be furnished with reasonable information of any allegations with respect thereto not less than 2 clear days prior to the hearing, failing which, the BOARD shall not consider any evidence of character, propriety of conduct or competence of a party; and [SPPA §8]
- 5.4.2 in the case of a pupil, the disclosure of the Principal's Investigation shall be deemed to be compliance with the requirements of this section.

6. PRE-HEARING CONFERENCES

6.1 Pre-Hearing Conferences

The BOARD, at the request of a party or on its own motion, may direct the parties to participate in a pre-hearing conference to consider: [ACT 309(5)] and [ACT 311.1(9) 5]

- 6.1.1 the settlement of any or all of the issues;
- 6.1.2 the simplification of the issues;
- 6.1.3 facts or evidence that may be agreed upon;
- 6.1.4 the dates by which any steps in the PROCEEDING are to be taken or begun;
- 6.1.5 the estimated duration of the hearing; and
- 6.1.6 any other matter that may assist in the just and most expeditious disposition of the PROCEEDING. [SPPA §5.3(1)]

6.2 Who Presides At Pre-Hearing Conferences

The DIRECTOR or ~~his/her~~ designate, including a designated superintendent and/or Safe Schools coordinator to preside at any pre-hearing conference. [SPPA §5.3(2)]

6.3 Pre-Hearing Conference Without Prejudice Except as reflected in an order under section 6.4:

6.3.1 PROCEEDINGS at a pre-hearing conference are conducted on a "without prejudice" basis, and

6.3.2 Nothing acknowledged or asserted by one party at a pre-hearing conference may be repeated by any other party in any subsequent hearing on the matter.

6.4 Orders At Pre-Hearing Conference

The DIRECTOR or ~~his/her~~ designate, including the designated superintendent and/or Safe Schools coordinator, who presides at a pre-hearing conference, may make such orders as ~~he or she~~ **the Director or designate** considers necessary or advisable with respect to the conduct of the PROCEEDING, including adding parties. [SPPA §5.3(3)]

6.5 Disqualification

If a Trustee acquires information related to issues that parties are attempting to settle, such Trustee shall not preside at the hearing of the PROCEEDING on its merits unless the parties consent. [SPPA §5.3(4)]

6.6 Application To Electronic Hearings

Where a PROCEEDING is conducted electronically, the provisions of Article 9 apply to a pre- hearing conference, with necessary modifications. [SPPA §5.3(5)]

7. NOTICES, AND EFFECT OF NON-ATTENDANCE

7.1 Notice Of Written Hearing

The BOARD shall give to the parties to a written PROCEEDING five (5) days prior notice of hearing and such Notice shall include:

7.1.1 a reference to § 309, 310 and/or 311 of the ACT as the statutory authority under which the hearing will be held

7.1.2 a statement of the date and purpose of the hearing, and details about the manner in which the hearing will be held;

7.1.3 a statement that the hearing shall not be held as a written hearing if a party satisfies the BOARD that there is good reason for not holding a written hearing (in which case the BOARD is required to hold it as an electronic or oral hearing) and an indication of the procedure to be followed for that purpose;

7.1.4 a statement to the effect of section 7.2, that if the party notified neither acts under subsection 7.1.3 nor participates in the hearing in accordance with the notice, the Discipline Committee may proceed without the party's participation and the party will not be entitled to any further notice in the PROCEEDING. [SPPA §6(4)]

7.2 Effect Of Non-Attendance At Written Hearing After Due Notice

Where notice of a written hearing has been given to a party to a PROCEEDING in accordance with these Rules and the party neither acts under subsection 7.1.3 nor participates in the hearing in accordance with the notice, the BOARD may proceed without the party's participation and the party is not entitled to any further notice in the PROCEEDING. [SPPA §7(2)]

7.3 Notice of Electronic Hearing

The BOARD shall give to the parties to an electronic PROCEEDING five (5) days prior notice of hearing and such Notice shall include:

7.3.1 reference to § 309, 310 and or 311 of *the* ACT as the statutory authority under which the hearing will be held

7.3.2 a statement of the time and purpose of the hearing, and details about the manner in which the hearing will be held;

7.3.3 a statement that the only purpose of the hearing is to deal with procedural matters, if that is the case;

7.3.4 if subsection 7.3.3 does not apply, a statement that the party notified may, by satisfying the BOARD that holding the hearing as an electronic hearing is likely to cause the party significant prejudice, require the BOARD to hold the hearing as an oral hearing, and an indication of the procedure to be followed for that purpose; and

7.3.5 a statement that if the party notified neither acts under subsection 7.3.4, if applicable, nor participates in the hearing in accordance with the notice, the Discipline Committee may proceed without the party's participation and the party will not be entitled to any further notice in the PROCEEDING. [SPPA §6(5)]

7.4 Effect Of Non-Attendance At Electronic Hearings After Due Notice

Where notice of an electronic hearing has been given to a party to a

PROCEEDING in accordance with these Rules and the party neither satisfies the BOARD that holding the hearing as an electronic hearing is likely to cause the party significant prejudice if applicable, nor participates in the hearing in accordance with the notice, the BOARD may proceed without the party's participation and the party is not entitled to any further notice in the PROCEEDING. [SPPA §7(3)]

7.5 Notice Of Oral Hearing

The parties to an oral PROCEEDING shall be given five (5) days prior written notice of hearing, and such Notice shall include:

7.5.1 reference to Sections 309, 310 and or 311 as the statutory authority under which the hearing will be held

7.5.2 a statement of the time, place and purpose of the hearing; and

7.5.3 a statement that if the party notified does not attend at the hearing, the Discipline Committee may proceed in the party's absence and the party will not be entitled to any further notice in the PROCEEDING. [SPPA §6(3)(b)]

7.6 Effect Of Non-Attendance At Oral Hearing After Due Notice

Where notice of an oral hearing has been given to a party to a PROCEEDING in accordance with these Rules and the party does not attend at the hearing, the BOARD may proceed in the absence of the party, and the party is not entitled to any further notice in the PROCEEDING. [SPPA §7(1)]

8. WRITTEN HEARINGS GENERALLY

8.1 When Written Hearing Not Permitted

Notwithstanding anything contained in these Rules, the BOARD shall not hold a hearing in writing if a party satisfies the BOARD that there is good reason for not doing so. [SPPA §5.1(2)]

8.2 Time Limit For Seeking Electronic Or Oral Hearing

A party who wishes to satisfy the BOARD that there is good reason for not holding a hearing in writing shall provide such reason to the BOARD:

8.2.1 in the case of an appeal against a suspension, at the time of delivering the appeal to the BOARD; and

8.2.2 in all other cases, within five (5) days after a determination by the BOARD to hear the appeal in writing.

8.3 Exception

Section 8.1 does not apply if the only purpose of the hearing is to deal with procedural matters. [SPPA §5.1(2.1)]

8.4 Determination by the BOARD

The BOARD shall determine whether a party has satisfied the BOARD that there is a good reason not to hold the hearing in writing.

9. ELECTRONIC HEARINGS GENERALLY

9.1 When Hearing Electronically Not Permitted

Subject to section 9.2, where the BOARD has determined to hold a hearing electronically, the BOARD shall not do so if a party satisfies the BOARD that holding an electronic rather than an oral hearing is likely to cause the party significant prejudice. [SPPA §5.2(2)]

9.2 Exception Not Apply Where Procedural Only

Section 9.1 does not apply if the only purpose of the hearing is to deal with procedural matters. [SPPA §5.2(3)]

9.3 Determination by the BOARD

The BOARD shall determine whether a party has satisfied the BOARD that holding an electronic rather than an oral hearing is likely to cause the party significant prejudice.

9.4 Participants To Be Able To Hear One Another

In an electronic hearing, all the parties and the members of the BOARD participating in the hearing must be able to hear one another and any witnesses throughout the hearing. [SPPA § 5.2(4)]

9.5 Procedure At Electronic Hearing

At the commencement of the hearing and so often thereafter as may seem just in the circumstances:

9.5.1 the PROCEEDING CHAIR shall ascertain who is present electronically;

9.5.2 other than the clerk of the PROCEEDINGS, and except with the prior consent of the presiding chair (which consent may be arbitrarily refused), no participant or other person shall be permitted to make a recording of or broadcast any part of the PROCEEDINGS

9.5.3 the PROCEEDING CHAIR shall require each participant to prohibit any person other than:

- (a) a party,
- (b) such party's counsel or agent as recorded present by the PROCEEDING

CHAIR, and

(c) witnesses while giving evidence, from listening to anything disclosed at the hearing without the express prior approval of the PROCEEDING CHAIR;

9.5.4 the PROCEEDING CHAIR shall require all participants to notify the PROCEEDING CHAIR before any person present electronically leaves the electronic hearing, and in default of any such notification, such person shall be deemed for all purposes to have been present throughout the whole of the electronic hearing; and

9.5.5 the procedure followed in an electronic hearing shall comply with the requirements of Article 10, and, as far as is feasible and practical, otherwise follow the same process as would be followed in the case of an oral hearing.

10. PROVISIONS AFFECTING BOTH ORAL AND ELECTRONIC HEARINGS

10.1 PROCEEDINGS Recorded by the BOARD

Except as otherwise ordered by the PROCEEDING CHAIR:

10.1.1 the PROCEEDINGS shall be recorded by the clerk of the PROCEEDING; and

10.1.2 no other recording of the PROCEEDINGS shall be permitted.

10.2 Rights of Party at Oral and Electronic Hearings

A party may call and, subject to subsection 10.5, examine witnesses and present evidence, and present submissions. [SPPA §10.1]

10.3 Cross-examination of Witnesses

Subject to section 10.5, all witnesses in an appeal of the suspension of a pupil shall be subject to cross-examination by the party other than the party calling them as may be reasonably required for a full and fair disclosure of all matters relevant to the issues. [SPPA §10.1]

10.4 Questions In Reply And From The BOARD

Subject to subsection 10.5, all witnesses in an appeal of the suspension of a pupil shall be subject to questions in reply, and questions by the BOARD.

10.5 Limitation on Examination and Cross-examination

The BOARD may reasonably limit the number of witnesses, and further examination or cross-examination of a witness where it is satisfied that the

examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding. [SPPA §23(2)]

11. APPEAL OF A DECISION TO SUSPEND A PUPIL

11.1 Who May Appeal a Suspension

The following persons may appeal the decision of a principal to suspend a pupil:

11.1.1 the pupil if:

- i.) the pupil is at least 18 years old, or
- ii.) The pupil is 16 or 17 years old and has withdrawn from parental control

11.1.2 the pupil's parent or guardian, unless:

- i.) the pupil is at least 18 years old, or
- ii.) The pupil is 16 or 17 years old and has withdrawn from parental control [ACT 309(1)]

11.2 Appeal Required In Writing, and Minimum Content

An appeal of the decision of a principal to suspend a pupil shall be in writing, and the notice thereof shall contain at least the following:

11.2.1 a copy of the Notice of the Suspension that is the subject of the appeal;

11.2.2 a written statement identifying, with appropriate detail, every reason that the person appealing wishes the BOARD to consider as to why the suspension should not have been imposed, or why the length of the suspension should be altered.

11.3 Time For Bringing Appeal

An appeal of the decision of a principal to suspend a pupil shall be delivered to the designated supervisory officer, with a complete copy to the principal who imposed the suspension, not later than the 5th day following the delivery of a Principal's Investigation Report after a suspension pending expulsion imposed under ACT 310 or not later than the 10th day following the delivery of a Suspension Notice imposed under ACT 306.

11.4 Response Of Board

The board shall hear and determine the appeal within 15 days of receiving notice unless the parties agree on a later deadline, and shall not refuse to deal with appeal on the ground that there is a deficiency in the notice to appeal.[ACT 309(6)] The board may initiate a pre-hearing conference as stated herein. [6.1]

11.5 Hearing In Writing

Subject to Article 8, the hearing of an appeal of the decision of a principal to suspend a pupil shall be held in writing. [SPPA §5.1(1)]

11.6 Appellant To Satisfy BOARD That Principal Was Wrong

In an appeal of the decision of a principal to suspend a pupil, the appellant shall satisfy the BOARD that the decision of the principal is wrong.

11.7 Appellant Presents First, Principal Second

Where the BOARD hears an appeal of the decision of a principal to suspend a pupil either electronically or orally, the appellant shall proceed first in the calling and examination of witnesses and presentation of evidence and submissions, and the principal shall be the second to do so.

11.8 Decision Of The BOARD

The BOARD shall deliver its decision on an appeal of a decision by a principal to suspend a pupil:

11.8.1 in the case of an appeal heard in writing where a party has applied but failed to satisfy the BOARD that there is good reason for not doing so, within ten (10) days after the latest of

- (a) the determination described in section 8.4;
- (b) the delivery or time for delivery of the response of the board described in 11.4

11.8.2 in the case of all other appeals heard in writing, within ten (10) days after receipt of the appeal; and

11.8.3 in the case of an appeal heard orally or electronically, within a reasonable time after the conclusion of the hearing.

12. REFERRAL OF AN EXPULSION MATTER TO THE BOARD

12.1 Time For Referral

A principal who refers a matter under 311.3 of the ACT shall do so as soon practicable after the Principal's Investigation Report following the suspension of a pupil pending possible expulsion under § 310 of *the Act*.

12.2 Content Of Referral

A principal who refers a matter under §311.3 of the ACT shall prepare a report that contains the following [ACT 311.1(7)]:

12.2.1 A summary of the principal's findings;

12.2.2 The principal's recommendation as to whether the pupil should be expelled from ~~his or her~~ **the pupil's** school only or from all schools of the board

12.2.3 The principal's recommendation as to,

- i.) the type of school that might benefit the pupil, if the pupil is expelled from all schools only, or
- ii.) the type of program for expelled pupils that might benefit the pupil, if the pupil is expelled from all schools of the board

The principal shall promptly provide a copy of the report to the board and to every person whom the principal was required to give notice of the suspension under section 311.

12.3 Hearing Electronically

Subject to Section 9.1, the BOARD may determine to hear electronically the referral of a matter under §309 or §310 of *the Act*. [SPPA §5.2(1)]

12.4 Scheduling Of Hearing

Subject to section 12.5, the BOARD shall appoint a day and time for the hearing that is not later than the twentieth (20th) school day following the date when the pupil was suspended pending expulsion under §310 of *the Act*.

12.5 Extension Of Deadline

Subject to section 12.6, the BOARD may appoint a day and time for the hearing that is later than the date prescribed in section 12.4 if the parties consent to such later date. [ACT 311.3(8)]

12.6 PARENT or Pupil Application For Adjournment

Any order of the BOARD upon the application by the PARENT or the pupil for an adjournment of the date and time appointed by the BOARD under section 12.4 or section 12.5

12.6.1 shall be subject to the express condition that the parties consent to the adjourned date as the deadline within which the BOARD may impose an expulsion, and to a continuance of the suspension pending expulsion until the end of the hearing and decision of the BOARD, and

12.6.2 may be subject to such other conditions as the BOARD in its discretion may prescribe.

12.7 Decision Of The BOARD

The BOARD shall deliver its decision on referral of a matter under §310 and §311 of the ACT by a principal not later than:

12.7.1 the twentieth (20th) school day following the date when the pupil was suspended pending expulsion if such deadline has not been extended by agreement of the parties, or

12.7.2 the extended date, as provided in either of section 12.4 or section 12.5 as the deadline within which the BOARD may impose an expulsion, as the case requires. or

12.7.3 time needed to complete the Decision in Order following signing of Minutes of Settlement presented at the pre-hearing conference.

12.8 Appeal of Decision of the Board

The parent/guardian/adult student/student 16/17 years of age and withdrawn from parental control may appeal the board's decision to expel a pupil, whether the pupil is expelled from ~~his or her~~ **the pupil's** school only or from all schools of the board, to the designated tribunal. The appellant has 30 days from the hearing date and decision to inform the designated tribunal of the intent. The designated tribunal has 30 days to hear the appeal. [ACT 311.7]

The "designated tribunal" means the Child and Family Review Board under section 207 of the Child and Family Services Act. O Reg. 472/07, s.1.

13. DEFINITIONS

13.1 Except as required by the context, in these Rules, in addition to the plain meaning of the words in each case:

13.2 "ACT" means *The Act*, R.S.O. 1990, c.E.2, as amended;

13.3 "BOARD" includes the Board of Trustees, a Committee of Trustees (Discipline Committee) to which the holding of a hearing is delegated, a Trustee designated by the CHAIR of the BOARD, or the DIRECTOR of Education or designate, as the context requires;

13.4 "CHAIR" means the CHAIR of the BOARD and includes ~~his/her~~ **the CHAIR's** delegate;

13.5 "DIRECTOR" means the Director of Education and includes ~~his/her~~ **the Director's** delegate;

13.6 "PARENT" includes one or both parents, and one or more guardians, of a pupil, as the case requires;

13.7 "PROCEEDING" includes

- (a) an appeal against a decision by a principal to impose a suspension;
- (b) a referral by the principal of a matter of a school or board expulsion of a pupil, and
- (c) a procedural or interlocutory matter as part of any one of the foregoing;

13.8 "PROCEEDING CHAIR" means the chair of the Discipline Committee assigned to hear the PROCEEDING;

OPERATIONAL PROCEDURES: Guidelines to Suspension Appeal Hearings

~~APPENDIX~~

SECTION F

Frequently Asked Questions for Suspension Appeal Hearings

APPENDIX SECTION F**Frequently Asked Questions for Suspension Appeal Hearings**

It is a fundamental principle of the common law that persons facing disciplinary consequences be treated fairly. Procedural fairness requires that the disciplinary consequences to a student be administered by a school administrator who conducts an investigation in an impartial and fair manner. Depending on the circumstances, fairness may include:

- giving the student reasonable notice of the rule involved;
- the opportunity to be heard - to tell ~~his/her~~ **the student's** side of the story; and
- the right to know the case against ~~him/her~~ **the student**.

Suspension Appeal Hearings will be conducted in accordance with the *Statutory Powers Procedure Act* (R.S.O. 1990, c. S.22). The following is a guideline regarding the rules of procedure for a suspension appeal.

1. If you decide to appeal the suspension, what types of decisions can the Committee make?

Following the suspension appeal hearing, the Committee can make only one of the following decisions:

- confirm the suspension and the duration of the suspension;
- confirm the suspension, but shorten its duration and order that the record of suspension be amended accordingly; or
- quash the suspension and order that the record of suspension be expunged.

2. Does the appeal of a suspension delay the suspension?

No. Even if there is an appeal, the suspension must still be served by the student.

3. Who are the parties to the hearing?

The parties to the hearing are:

- the parent/guardian of a student under the age of 18;
- an adult student;
- a student who is 16 or 17 years old and has withdrawn from parental control; and/or
- the school principal.

4. Can the student who has been suspended attend the hearing even if ~~he or she~~ **the student** is not a party?

Yes. The student named in the suspension has the right to be present at the

hearing and to make a statement on ~~his or her~~ **their** behalf.

5. Does every party have a right to representation?

Yes. A party to a proceeding may be represented by counsel or an agent. Counsel is a lawyer. An agent may be a trusted family friend, a religious advisor or other person who can assist with the presentation of the case.

6. What is the role of the Committee of the Board?

The Committee of the Board will consist of at least three members of the Board of Trustees. It will hear and determine an appeal. Members of the Committee who may have had any direct involvement in the matter prior to the commencement of the hearing will disqualify themselves and will not take part in the hearing, the deliberations, the decision or the reasons. Members of the Committee who have not been present through the whole of the hearing will not take part in the deliberations, the decision or the reasons.

7. Is there a requirement to provide disclosure?

Yes. Unless otherwise ordered by the Board, prior to the commencement of the Hearing, each party will provide to the other party and to the Board the following information:

- a copy of documents and summary of evidence that each party intends to rely on at the hearing.

Parties will exchange this information no later than 48 (forty-eight) hours in advance of the Hearing, unless there are extenuating circumstances preventing the exchange. Any documents or evidence not disclosed 48 (forty-eight) hours in advance will be presented to the Committee of the Board for review to determine whether they can be referenced at the Hearing.

8. Will the hearing be held in private?

Yes. The Committee will order that the hearing will be held in private session.

9. When will a suspension appeal hearing take place?

The Committee of the Board will hear and determine a suspension appeal within 15 school days of receiving the notice of appeal, unless the parties agree otherwise.

10. What is the order of presentation at the hearing?

When the Committee hears an appeal of the decision to suspend a student, the parent or adult student will proceed first in the presentation of evidence and submissions, and the principal will proceed second, unless the parties agree otherwise.

11. How will the suspension appeal hearing be organized?

Subject to the discretion of the Committee hearing a suspension appeal, the following guidelines will apply:

- (a) Five minute introduction of the parties and the Committee of the Board;

(b)

- i. Ten (10) minute presentation by the parent or adult student in presenting evidence and submissions on behalf of the student;
- ii. Ten (10) minute cross-examination by the Principal (and/or Legal Counsel, if applicable) of the parent and the student [and their witnesses];

(c)

- i. Ten (10) minute presentation by the principal in presenting evidence and submissions on behalf of the School;
- ii. Ten (10) minute cross-examination by the Parent or adult student (and/or their Legal Counsel, if applicable) of the Principal [and ~~his/her~~ **the Principal's** witnesses];

(d) Five (5) minute closing arguments by parent or adult student (or their Legal Counsel, if applicable);

(e) Five (5) minute closing arguments by the Principal (or their Legal Counsel, if applicable);

(f) Five (5) minute questions and answer session by the Committee. Caucus, deliberations and decision by the Committee. The Committee has the power to reserve its decision.

12. What if translation or interpretation services are required?

If translation or interpretation services are required, the time limit in each step may be altered.

13. What will the Committee of the Board consider in making a decision?

The Committee will assess the evidence as provided by the parties, and determine whether on a balance of probabilities, it is more probable than not that the student committed the infraction. Where the Committee determines that the student committed the infraction, the Committee will determine whether the principal considered the mitigating factors or other factors prescribed by the regulations. If the principal failed to consider the mitigating factors or other factors, then the Committee will do so.

Mitigating factors to be considered are as follows:

- The pupil does not have the ability to control ~~his or her~~ **the pupil's** behaviour.
- The pupil does not have the ability to understand the foreseeable consequences of ~~his or her~~ **the pupil's** behaviour.
- The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.

Other factors to be considered are as follows:

- The pupil's history.
- Whether a progressive discipline approach has been used with the pupil.
- Whether the activity for which the pupil may be suspended was related to any harassment of the pupil because of ~~his or her~~ **the pupil's** race, **national or** ethnic origin, **language, colour**, religion, **sex, age, mental or physical** disability, **sexual orientation**, gender **identity, gender expression**, ~~or~~

~~sexual orientation or~~ **family status, marital status,** or to any other form of harassment.

- How the suspension or expulsion would affect the pupil's ongoing education.
- The age of the pupil.
- In the case of a pupil for whom an individual education plan has been developed,
 - whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan.
 - whether appropriate individualized accommodation has been provided, and
 - whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.
- **Whether the pupil has a history of marginalization or trauma.**

14. Can the Committee reserve its decision?

Yes. The Committee has the power to reserve its decision; that is, require further time for its deliberations and conclusions.

15. Will the Committee issue a decision in writing?

Yes. The decision of the Committee will be in writing and signed by the chair of the Committee. A copy of the decision will be sent to all parties to the proceeding who took part in the hearing at their respective addresses last known to the Board.

~~OPERATIONAL PROCEDURES: Guidelines to Expulsion Hearings~~

~~APPENDIX~~

SECTION G

Frequently Asked Questions for Expulsion Hearings

APPENDIX SECTION G

Frequently Asked Questions for Expulsion Hearings

It is a fundamental principle of the common law that persons facing disciplinary consequences be treated fairly. Procedural fairness requires that the disciplinary consequences to a student be administered by a school administrator who conducts an investigation in an impartial and fair manner. Depending on the circumstances, fairness may include:

- giving the student reasonable notice of the rule involved;
- the opportunity to be heard - to tell ~~his/her~~ **the student's** side of the story; and
- the right to know the case against ~~him/her~~ **the student**.

Expulsion Hearings are to be conducted in accordance with the *Statutory Powers Procedure Act* (R.S.O. 1990, c. S.22). The following is a guideline regarding the rules of procedure for an Expulsion Hearing:

1. If you decide to have an Expulsion Hearing, what types of decisions can the Committee make?

Following the Expulsion Hearing, the Committee can make only one of the following decisions:

- whether to expel the pupil; and
- if the pupil is to be expelled, whether the pupil is expelled from ~~his/her~~ **the pupil's** school only or from all schools of the Board.

If the Board does not expel the pupil, the Board shall, with respect to the suspension originally imposed under Section 310 of the *Education Act*:

- confirm the suspension and the duration of the suspension;
- confirm the suspension, but shorten its duration and order that the record of suspension be amended accordingly; or
- quash the suspension and order that the record of suspension be expunged.

2. Does the Expulsion Hearing delay the 20-day suspension?

No. Even if there is a Hearing, the suspension must still be served by the student.

3. Who are the parties to the hearing?

The parties to the hearing are:

- the school principal;
- the pupil, if:
 - the pupil is at least 18 years old (an adult student); or
 - the pupil is 16 or 17 years old and has withdrawn from parental control;
- the pupil's parent/guardian, unless:
 - the pupil is at least 18 years old; or
 - the pupil 16 or 17 years old and has withdrawn from parental control.

4. Can the student who has been recommended for expulsion attend the hearing even if ~~he or she~~ the student is not a party?

Yes. The student named in the suspension pending expulsion has the right to be present at the hearing and to make a statement on ~~his or her~~ **their** behalf.

5. Does every party have a right to representation?

Yes. A party to a proceeding may be represented by legal counsel or an agent. Legal counsel is a lawyer. An agent may be a trusted family friend, a religious advisor or other person who can assist with the presentation of the case. If a pupil, or parent/guardian (in accordance with #3 above), intends to bring legal counsel to the Hearing, they must inform the Board's legal counsel of this intention at least 10 (ten) days in advance of the Hearing date.

6. What is the role of the Committee of the Board?

The Committee of the Board will consist of at least three members of the Board of Trustees. It will hear and determine the recommendation for expulsion. Members of the Committee who may have had any direct involvement in the matter prior to the commencement of the Hearing will disqualify themselves and will not take part in the Hearing, the deliberations, the decision or the reasons. Members of the Committee who have not been present through the whole of the Hearing will not take part in the deliberations, the decision or the reasons.

7. Is there a requirement to provide disclosure?

Yes. Unless otherwise ordered by the Board, prior to the commencement of the Hearing, each party will provide to the other party and to the Board the following information:

- a copy of documents and summary of evidence that each party intends to rely on at the hearing.

Parties will exchange this information no later than 48 (forty-eight) hours in advance of the Hearing, unless there are extenuating circumstances preventing the exchange. Any documents or evidence not disclosed 48 (forty-eight) hours in advance will be presented to the Committee of the Board for review to determine whether they can be referenced at the Hearing.

8. Will the hearing be held in private?

Yes. The Committee will order that the Hearing will be held in private session.

9. When will an Expulsion Hearing take place?

The Committee of the Board will hear and determine a recommendation for expulsion within 20 school days of the pupil's suspension pending expulsion under section 310 of the *Education Act*, unless the parties to the Expulsion Hearing have signed an Extension Form and/or the parties to the Expulsion Hearing agree on a later deadline.

10. What is the order of presentation at the hearing?

When the Committee hears an Expulsion Hearing, the principal will proceed first in the presentation of evidence and submissions, and the parent or adult student will proceed second.

11. How will the Expulsion Hearing be organized?

In an Expulsion Hearing, the following guidelines will apply:

- (a) Five (5) minute introduction of the parties and the Committee of the Board, with discussion on the issues to be addressed by the Committee;
- (b) (i) Twenty (20) minute presentation by the principal/legal counsel in presenting evidence and submissions on behalf of the School, including any witness evidence*;
 (ii) Ten (10) minutes total for parent or adult student (and/or legal counsel, if applicable) to ask questions of clarification of the principal (and/or legal counsel, if applicable);
- (c) (i) Twenty (20) minute presentation by the parent or adult student (and/or legal counsel, if applicable) in presenting evidence and submissions on behalf of the student, including any witness evidence*;
 (ii) Ten (10) minutes total for principal (and/or legal counsel, if applicable) to ask questions of clarification of the parent or adult student (and/or legal counsel, if applicable); and
- (d) Five (5) minute closing arguments by the Principal (or their Legal Counsel, if applicable);
- (e) Five (5) minute closing arguments by parent or adult student (or their Legal Counsel, if applicable);
- (f) Ten (10) minute question-and-answer session by the Committee.

*Note: video evidence, if shown, does not count toward the 20-minute time limit

(g) Caucus, deliberations and decision by the Committee. The Committee has the power to reserve its decision.

12. What if translation or interpretation services are required?

If translation or interpretation services are required, the time limit in each step may be altered.

13. What will the Committee of the Board consider in making a decision?

The Committee will consider:

- all submissions and views of the parties, including their views as to whether the pupil, if expelled, should be expelled from ~~his or her~~ **the pupil's** school only or from all schools of the board;
- (b) any mitigating or other factors prescribed by the regulations and as outlined in TCDSB Policy S.S.01; and
- (c) any written response to the principal's report recommending expulsion that a person gave to the board under subsection 311.1 (10) of the *Education Act* before the completion of the hearing.

14. Can the Committee reserve its decision?

Yes. The Committee has the power to reserve its decision; that is, require further time for its deliberations and conclusions and give its decision at a later date/time.

15. Will the Committee issue a decision in writing?

Yes. The decision of the Committee will be in writing and signed by the chair of the Committee. A copy of the decision will be sent to all parties to the proceeding who took part in the hearing at their respective addresses last known to the Board.

~~OPERATIONAL PROCEDURES: Principal Investigation Guideline~~

~~APPENDIX~~

SECTION H

Principal Investigation Guideline

APPENDIX SECTION H**Operational Procedures: Principal Investigation Guideline**

We believe that those entrusted with leadership positions in the Catholic Schools must be conspicuous for their goodness, sincerity and attachment to the faith. In other words, they are ~~men and women~~ **persons** who demonstrate in practice the very reason for the Catholic school's existence: an integrated Christian maturity inspired by the Gospel and lived in authentic freedom and commitment. (Fulfilling the Promise: The Challenge of Leadership, 1993).

As outlined in the TCDSB Suspension and Expulsion Policy S.S.01, it is the policy of the Board that, whenever the principal suspends a student pending possible expulsion, the principal will conduct an investigation under the Board's Suspension and Expulsion Policy S.S. 01 to determine whether to recommend to the Board that the pupil be expelled. The student, and any other person who may reasonably be regarded as having been affected by such activity, shall be given a fair opportunity to promptly furnish information relevant to the principal's investigation, unless it is impractical to do so, eg. the student is in custody.

Guidelines:

1. In circumstances where there is police involvement regarding a school related incident and the principal has been given direction by police not to proceed with a school investigation, the principal may exclude the student for the duration of the police investigation according to *Education Act* Section 265 (1) (m). During this time, the principal shall continue to provide academic programming to the student. The principal will also maintain ongoing contact with police to determine when it is permissible for the principal to continue with the school investigation. Once the principal has been granted permission by police to proceed with the school investigation, the principal will conduct an investigation to determine appropriate next steps.

2. Where the principal believes that a student has engaged in activity for which expulsion must be considered, the principal shall suspend the student from school and from all school-related activities. The principal shall discuss with the student and parent/guardian (if minor) the TCDSB long-term suspension program (TIPSS) and will encourage the student's participation in this program. The principal shall conduct an investigation to determine whether to recommend to the Board that the student be expelled.
 - a. The investigation shall be considered as a matter of high priority and shall be conducted and completed as soon as reasonably possible. The principal shall endeavor to complete the school investigation within 5 school days from the start of the suspension.
 - b. The investigation shall be conducted by the principal who may request the assistance of a designate(s). It is recommended that interviews be conducted in the presence of another staff person designated by the principal.
 - c. The principal shall remain neutral in attitude and non-judgmental as to the matters disclosed to ~~him/her~~ **the principal** during the investigation, and shall gather information from students, staff and other persons about the activity that has given rise to the investigation.
 - d. The principal shall inform a student what the allegations are, and shall give the accused student an opportunity to respond to those allegations prior to reaching a final determination unless it is impractical to do so, e.g. the student is in custody.

- e. During the investigation stage and before being interviewed further by the principal the subject student, and ~~his/her~~ **the subject student's** parents if the student is a minor, shall be advised of the student's right to have one other adult present with the student ("accompanying person") during the interview. The principal, however, in ~~his/her~~ **the principal's** sole discretion may permit more than one accompanying person.
- f. The Principal will document information gathered from the school investigation in the Safe Schools Progressive Discipline Application, specifically the online Principal Investigation.
- g. Before making a final determination, the principal shall consider mitigating factors and other factors in accordance with the requirements of the Ministry of Education.
- h. Upon reviewing the school investigation and relevant mitigating and other factors, the principal shall make a final determination which will include one of the following:
 - i. Board Expulsion
 - ii. School Expulsion
 - iii. Confirmed Suspension
 - iv. Shortened or Reduced Suspension
 - v. Withdrawal of Suspension and Expungement of the Record
- i. The principal shall provide a written notice outlining details related to the principal's final determination to every person to whom ~~he/she~~ **the principal** was required to give notice of suspension under Section 311 of *Education Act*. This written notice is entitled "Parent Report Package".

~~OPERATIONAL PROCEDURES: Search and Seizure Guideline~~

APPENDIX

SECTION I

Search and Seizure Guideline

APPENDIX SECTION I

Operational Procedures: Search and Seizure Guideline

1. From time to time, proper investigation of an incident in a school may require a search of a student or his/ her property.

For example,

- a. a principal or a teacher may have reason to suspect that a student is carrying a concealed weapon, or
 - b. a student questioned with regard to a fight may blurt out that one of the antagonists sells drugs and keeps some in ~~his/her~~ **the antagonist's** locker, or
 - c. a student reports that ~~his/her~~ **the student's** personal property has been stolen and indicates that ~~he/she~~ **the student** believes it was taken by another student and may be found in that student's knapsack.
2. The Toronto Catholic District School Board prohibits the possession, on school property or at school functions, of substances or objects which may threaten good order, discipline, decorum, and public safety. Such substances or objects may include, but are not limited to:
 - a) alcoholic beverages;
 - b) cannabis/cannabis products, unless the student is a medical cannabis user;
 - c) illegal or restricted drugs;
 - d) stolen property;
 - e) weapons, either restricted or prohibited by law;
 - f) any object which may be used as a weapon and which may cause serious injury; and
 - g) hate literature, racist material, pornography, etc.

What is the proper procedure to follow in circumstances such as these?

3. Section 8 of the *Canadian Charter of Rights and Freedom* provides that: "Everyone has the right to be secure against unreasonable search and seizure". However, a student's reasonable expectation of privacy is diminished at school because the student knows that principals and teachers are responsible for providing a safe environment and maintaining order and discipline in the school.
4. Principals and teachers may conduct a search if there are reasonable grounds to believe that a school rule has been violated and that evidence will be found in school property, in student property, or on the person searched. Staff must, where possible, consult with the principal or designate prior to conducting a search of school property, student property, or a person. School property includes, but is not limited to, student lockers, student desks, student cubbies, or any other place on school property. Student property includes, but is not limited to, knapsacks, purses, and personal electronic devices.
5. The following may constitute reasonable grounds:
 - a. information received from one student considered to be credible;
 - b. information received from more than one student;
 - c. a teacher's or principal's own observations; and
 - d. any combination of these pieces of information which the school authority considers to be credible.

Random or arbitrary searches or searches on groundless suspicion are not reasonable and will likely be in contravention of the Charter.

6. All searches of property and persons may only be conducted in the presence of the principal or teacher and one other adult witness.
7. Where need for a personal search is indicated, and where it is safe to do so, all personal searches of a student should be conducted in the privacy of the principal's office or another suitable room.
8. The student involved should be given the opportunity to produce the substance or object which ~~he or she~~ **the student** is suspected of possessing before a search of the student is conducted. If the student is not cooperative in producing the substance or object, the principal or designate will immediately contact the police.
9. The principal or designate will make all reasonable efforts to contact the

parent/guardian of the student (unless the student is 18 years of age and older or the student is 16/17 years of age and has withdrawn from parental control) once the search has been conducted, unless otherwise directed by Police. The principal will contact the parent/guardian when cleared by Police to do so. In all cases, the principal or designate will document all efforts/attempts to contact the parent/guardian and any instructions received from Police.

10. When a search is conducted, a record of all pertinent information, including action taken, witnesses present, the date, time and place of the search, and results of the search, will be documented as soon as possible. Documents will be filed appropriately and the Area Superintendent will be promptly advised. This information is subject to the provisions of Freedom of Information legislation. Confiscated property will be appropriately secured until removed from school premises by police or by other arrangement as determined by Principal and Area Superintendent.



REPORT TO

GOVERNANCE AND POLICY COMMITTEE

RESCINDMENT OF SIGNING OFFICERS POLICY (FM.02)

“Take delight in the Lord, and he will give you the desires of your heart.”

Psalm 37:4

Created, Draft	First Tabling	Review
January 19, 2021	February 2, 2021	Click here to enter a date.
P. De Cock, Comptroller of Business Services & Finance		

RECOMMENDATION REPORT

Vision:

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:

The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.

We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.



Brendan Browne, PhD
Director of Education

D. Koenig
Associate Director
of Academic Affairs

S. Camacho
Acting Associate Director of
Facilities, Business and
Community Development, and
Chief Financial Officer

A. EXECUTIVE SUMMARY

This report reviews and recommends the rescindment of TCDSB Board Policy FM.02 (Signing Officers) in order to remove a redundant internal financial control and consolidate into the Board's Effective Financial Management and Control of Operations Policy.

The cumulative staff time required to prepare this report was 3 hours.

B. PURPOSE

1. This Recommendation Report is on the Order Paper of the Governance and Policy Committee as it recommends the rescindment of the Signing Officers Policy (FM.02) as it is a redundant policy and better served by consolidating into the TCDSB's Effective Financial Management and Control of Operations Policy FM.08.

C. BACKGROUND

1. The TCDSB Policy FM.02 (Signing Officers) was approved on November 24th, 1986 without any subsequent revisions to date (attached as Appendix A).

D. EVIDENCE/RESEARCH/ANALYSIS

1. The TCDSB Effective Financial Management and Control of Operations Policy FM.02 provides a comprehensive governance and procedural framework for the administration of financial operations for the TCDSB.
2. In addition, recent changes to the Purchasing Policy FP.01 requires the Board of Trustees review and approve any procurement award in excess of the \$50,000 threshold by a report complete with detailed descriptions and cost analyses for review and approval.
3. TCDSB's existing Policy and Procedures regulates all financial, budget and reporting activities and requires compliance with the Education Act.

E. STAFF RECOMMENDATION

This Policy is being recommended for rescindment effective immediately.



TCDSB Policy Register

SIGNING OFFICERS F.M.02

Policy

The signing officers are empowered to sign on behalf of the TCDSB providing the document in question has been previously signed or initialed by the responsible member of administration to verify the correctness of the document.

BM p 213, 24 Nov 86; BM p 1194, Aug 72.

80 Sheppard Ave. E., Toronto ON., M2N 6E8

Contact Us

phone: 416-222-8282

Admissions / Registration Ext. 5320

Communications / Public Relations Ext. 5314

Community Use of Schools / Permits Ext. 4370

Night School / Summer School Ext. 2168 or eregister@tcdsb.org

Transportation 416-229-5313

[More](#)

The TCDSB wants to provide the best possible experience for all our stakeholders. If you have a disability or questions related to accessibility, please contact flora.cifelli@tcdsb.org.

For more information refer to TCDSB policies:

<https://www.tcdsb.org/Board/Policies/Documents/A35.pdf> and

<https://www.tcdsb.org/Board/Policies/Documents/A36.pdf>

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REPORT TO

GOVERNANCE AND POLICY
COMMITTEE

UPDATE TO DELEGATIONS AND PUBLIC PARTICIPATION POLICY (T.14) DELEGATION FORM

So the Lord gave Solomon wisdom, as he promised him. There was peace between Hiram and Solomon; and the two of them made a treaty. - 1King 5:12

Created, Draft	First Tabling	Review
January 2, 2020	February 2, 2021	January 13, 2021

C. Onyia, Legal Counsel (Acting)

RECOMMENDATION REPORT

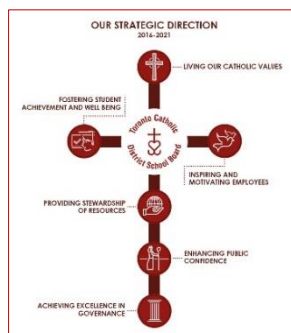
Vision:

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B. Browne
Director of Education

D. Koenig
Associate Director
of Academic Affairs

L. Noronha
Associate Director of Facilities,
Business and Community
Development, and
Chief Financial Officer

A. EXECUTIVE SUMMARY

This Report provides an update to the Delegation Registration Form for Board, Standing or other Committees, which is an Appendix to the Delegations and Public Participation Policy T.14 (hereafter the “Appendix”).

The cumulative staff time required to prepare this report was two hours.

B. PURPOSE

This Recommendation Report is on the Order Paper of the Governance and Policy Committee as it recommends an update to the Appendix of the Delegations Policy.

C. BACKGROUND

1. The Delegations and Public Participation Policy was reviewed at the September 2020 Governance Meeting however the Appendix to the Policy did not form part of that review.
2. The Appendix has been updated in keeping with the language and revisions to the Delegations and Public Participation Policy T.14.

D. EVIDENCE/RESEARCH/ANALYSIS

This policy has been amended by staff from Legal Services.

E. METRICS AND ACCOUNTABILITY

1. Recommendations in this report will be monitored by policy development staff.
2. Further reports will be brought to Board in accordance with the policy review schedule.

F. IMPLEMENTATION

The updated Appendix as approved will be posted as an Appendix to the Delegation and Public Participation Policy T.14 on the TCDSB policy register.

G. STAFF RECOMMENDATION

Staff recommends that the updated Appendix to the Delegation and Public Participation Policy T.14 at Appendix A of this Report be adopted.

APPENDIX A



DELEGATION REGISTRATION FORM FOR BOARD, STANDING OR OTHER COMMITTEES

For Board Use Only

Delegation No:

- ☐ Public Session
☐ Private Session
☐ Three (3) Minutes

PLEASE BE ADVISED THAT ALL BOARD AND STANDING COMMITTEE MEETINGS (EXCEPT GOVERNANCE AND POLICY COMMITTEE) ARE BEING RECORDED

DELEGATE CONTACT INFORMATION

Full Name: _____

Email: _____

Address: _____

Postal Code: _____

Telephone: _____

DEPUTATION INFORMATION

Please select the applicable Board, Standing, Statutory, Sub and Ad Hoc Committees at which you are requesting to depute:

<input type="checkbox"/> Audit	<input type="checkbox"/> Budget	<input type="checkbox"/> By-Laws	<input type="checkbox"/> Catholic Education and Living our Catholic Values
<input type="checkbox"/> Corporate Services Strategic Planning and Property	<input type="checkbox"/> Governance and Policy	<input type="checkbox"/> Labour Relations	<input type="checkbox"/> Political Action
<input type="checkbox"/> Regular/Special Board	<input type="checkbox"/> SEAC	<input type="checkbox"/> Student Achievement and Well-Being Catholic Education Human Resources	

Date of ~~Presentation~~ Deputation: _____

Topic of ~~Presentation~~ Deputation: _____

Topic or Key Issue(s):

~~Details~~ Brief Summary of the Topic of Deputation:

Action Requested:

SELECT ONE:

☐ I am here as a delegation to speak only on my own behalf.

☐ I am an official representative of the Catholic School Parent Council (CSPC).

School_____ Position_____

☐ I am an official representative of student government.

School_____ Position_____

☐ I am here as a spokesperson for another group or organization.

Name of group _____

Note: Any visual or written presentation or material a delegate intends to provide or project on screen during the deputation must be provided 72 hours in advance of the meeting to the Recording Secretary of the Board at delegations@tcdsb.org

Delegates are expected to be respectful and will present concerns in a positive and constructive manner, and maintain a level of decorum which will allow meetings proceed effectively.

By signing this Form, I accept that I have read, understand and agree to comply with the rules for Delegations as per the TCDSB Delegations **and Public Participation** Policy T.14.

Signature_____ Submission Date_____

Please remember to save your completed form to your computer before submitting.

Submit

GOVERNANCE AND POLICY COMMITTEE

PENDING LIST TO FEBRUARY 2, 2021

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
1	Mar-2017 Governance and Policy	TBC	Governance and Policy	Report regarding consultations with CLSIT and conversations with the Archdiocese in regards to the content of the policy (Update to Chaplaincy Program Policy)	Superintendent Fernandes
2	June-2017 GAP	TBC	Governance and Policy	Staff to bring back after the Ministry of Education's Transportation report is considered (Update to Transportation Policies S.T.01, 03, 04 and 05)	Superintendent Fernandes
3	Mar-2018 Regular Board	TBC	Governance and Policy	That the matter be referred to the Governance and Policy Committee (Photographing and Filming of Individuals at Board and Committee Meetings)	Superintendent Fernandes
4	May-2018 Governance and Policy	TBC	Governance and Policy	Staff was requested to add the policy to the Governance and Policy Committee work plan for the development of an Omnibus policy (Update to School Events Communications and Invitee Protocols Policy (S.02).)	Superintendent Fernandes

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
5	Jun-2018 Corporate Services	TBC	Governance and Policy	That the Pupil Accommodation Review Policy and Operating Procedures be referred to the Governance and Policy Committee to be updated to reflect changes to the Pupil Accommodation Review Guidelines with extensive community and Section E Implementation, Strategic Communications and Stakeholder Engagement Plan (Ministry Memo 2018: B10 – Final Pupil Accommodation Review Guidelines and Updated on Integrated Planning and Supports for Urban Education)	Superintendent Fernandes
6	Jan-2019 Governance and Policy	TBC	Governance and Policy	That all existing and new policies be reviewed to reflect the Ontario Human Rights Commission (OHRC) Accessible Education for Students with Disabilities Policy Document and that once completed, that they be brought back to GAP Committee; and That staff develop a policy reflective of the OHRC Accessible Education for Students with Disabilities Policy Document (SEAC Minutes, 2018-09-19, Item 9g) Ontario Human Rights Commission (OHRC) Policy Document Article on Special Education Inclusion)	Superintendent Fernandes

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
7	Mar-2019 Special Board	TBC <i>Subject to NEW Ministry policy/regulation dealing with student exclusions</i>	Governance and Policy	<p>That the TCDSB establish a comprehensive policy regarding the refusal to admit special education students and those with special needs and disabilities to school; and</p> <p>That a refusal to admit policy should depend on the TCDSB ensuring that students excluded from attending school are provided an equivalent educational program; and</p> <p>That students should not be excused unless it can be demonstrated that the student presents an imminent risk to health or safety; and</p> <p>That the policy include:</p> <p>Circumstances when a refusal to admit is permitted, and when it is not permitted;</p> <p>Procedures that must be followed when refusing to admit a student;</p> <p>Timelines dictating the maximum number of consecutive days a student can be excused from school;</p>	Superintendent Fernandes

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
8				<p>An appeal process; and</p> <p>Data documentation and process for reporting to SEAC and Board.</p> <p>That the policy should include where the TCDSB refuses to accommodate students with special education disabilities in regular classrooms without needed supports or services, the principal be required to provide written notice and rationale of this to the family and that the Superintendent be copied; and</p> <p>That a refusal to admit policy be referred to the Governance and Policy Committee; and that staff prepare a comprehensive report on the implementation of a refusal to report policy.</p>	
	Apr-2019 Student Achievement	TBC	Governance and Policy	That staff create a policy regarding Forms of Acceleration for Gifted and Talented Students and that it be presented to the Governance and Policy Committee for consideration	Superintendent Fernandes
	February 2020 Governance & Policy	March 2021	Governance and Policy	That the Policy be provided to the Catholic Schools Parent Council (CSPC) Chairs and invite their feedback by March 30, 2020, and that feedback be shared by Staff at the	Superintendent Fernandes

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
10				April 14, 2020 Governance and Policy Meeting (New Policy on Age Appropriate Placement - Curriculum and Program Supports).	
	July 2020 Special Board	TBC	Governance and Policy	That the Strategic Reserves Policy be directed to the Governance and Policy Committee to consider a revision to this policy to allow for increased funding of the playground Reserve (2020-21 Budget Estimates Overall and Instructional)	Superintendent Fernandes
	August 2020 Regular Board	June 2021	Governance and Policy	That the draft documents in Appendix A and Appendix B of the report be referred to the Governance Committee and Policy Committee and the By-Law Committee for their consideration (Revision of Toronto Catholic District School Board (TCDSB) By-Law #175 to Include the Authority of the Integrity Commissioner in the Governance Model)	Superintendent Fernandes
12	October 2020 By-Law Review	TBC	Governance and Policy	<p>The Board will provide the means to participate electronically in Board and Committee meetings in accordance with the provisions of the Act and <i>Ontario Regulation 463/97 – Electronic Meetings</i>.</p> <p>The Board will adopt a process to ensure the security and confidentiality of proceedings held during closed (private) meetings and review the procedures</p>	Superintendent Fernandes

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
				<p>annually.</p> <p>Members will make every effort to provide notice to Board Services if they intend to participate electronically by 5 p.m. on the day prior to the Board or Committee meeting.</p> <p>No more than half of Board or Committee meetings in a twelve (12) month period can be chaired electronically in accordance with <i>Ontario Regulation 463/97 – Electronic Meetings</i>.</p> <p>All members participating via teleconference who are not speaking must use the mute function on their device.</p> <p>Student Trustees may not participate electronically in meetings that are closed to the public in accordance with the Act (Proposal: Add/Change Electronic Participation that the By-law Ad Hoc Committee recommend that Proposal 22 be referred to the Governance and Policy Committee</p>	

Governance and Policy Committee 2021 Policy Priority Schedule

GAP Date	Policy	Policy #	Key Contact (s)
January 11	Trustees Code of Conduct	T.04	P. Matthews/Jeff Abrams
February 2	Suspensions and Expulsions	S.S.01	M. Caccamo
	Delegation Registration Form	T.14	C. Onyia
	Signing Officers(Rescindment)	F.M.02	P. De Cock
	Trustee Code of Conduct	T.04	P. Matthews/Jeff Abrams
March 2	Acceleration and Retention of Students (NEW)	S.P.03	M. Meehan
	Guidelines for Trustees, Parents and Staff in Addressing School Related Concerns	A. 33	J. Wujek/M. Sequeira
	Permits	B.R.05	M. Loberto
April 6	International Languages (Elementary)	S.P.05	L. DiMarco
	Vandalism (RESCIND)	B.M.01	M. Farrell
	Plaques for New Schools	B.P.02	D. Friesen
May 4	Research Conducted in the TCDSB	S.19	M. Vanayan/L. DiMarco
	Facilities Management	B.B.01	M. Farrell
	Signage - New Sites and Building Projects	B.P.03	D. Friesen
	Childcare Centres	B.R.02	S. Campbell
	Child Care and Family Support Programs	B.R.02	S. Campbell

June 1	Selection of Learning Materials	S.M.06	L.DiMarco/G.Iuliano
	Information and Communication Technology - Hardware and Software Standards	A.34	O. Malik
	Eastern Rite Employee's Holy Days	H.M.01	A. Della Mora
	Awards, Funds, Scholarships	F.F.01	P. De Cock
September 7	Legal Counsel	A.12	C. Onyia
	Art Collection	A.22	D. Friesen
October 5	Access Control	B.B.05	M. Farrell
	Credit and Purchase Cards	A.24	P. De Cock
	Parking - Church Use	B.G.05	M. Farrell
	Offering of Hospitality and Gifts	F.M.07	P. De Cock
November 2	Outdoor Play Environment	B.G.01	M. Farrell
	Advocacy	A.06	C. Onyia
	Sweatshop-Free Purchasing	F.P.04	P. De Cock
December 7	Non-Union Employee Handbook	H.M.02	A. Della Mora
	Disposal of Surplus or Obsolete Furniture, Fixtures and Equipment	F.P.07	M. Farrell/D.Friesen