

# GOVERNANCE AND POLICY COMMITTEE REGULAR MEETING Public Session

## AGENDA FEBRUARY 13, 2018

**Angela Kennedy, Chair**  
Trustee Ward 11

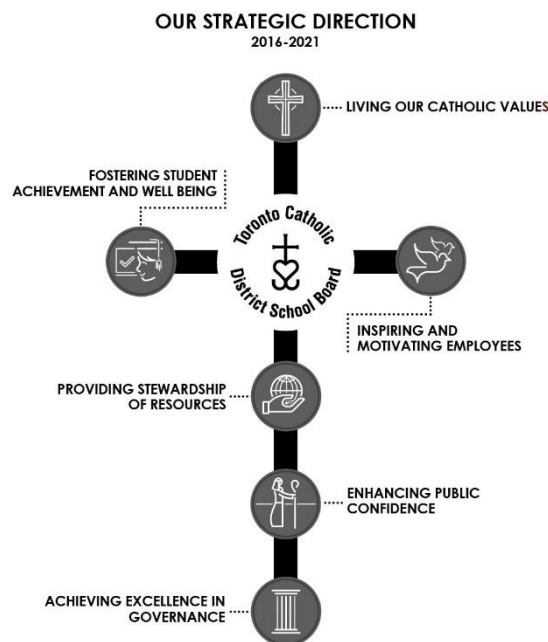
**Jo-Ann Davis, Vice Chair**  
Trustee Ward 9

**Ann Andrachuk**  
Trustee Ward 2

**Nancy Crawford**  
Trustee Ward 12

**Barbara Poplawski**  
Ex-Officio

**Maria Rizzo**  
Ex-Officio



### 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**  
**Asst. Recording Secretary: 416-222-8282 Ext. 2298**

**Rory McGuckin**  
Director of Education

**Barbara Poplawski**  
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:
  - a. advance the vision of the TCDSB, rooted in Catholic values and teachings.
  - b. support the achievement of our Multi-Year Plan.
  - c. conform to best practices.
  - d. provide strategic cohesion and consistency.
  - e. 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.

## OUR 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.*

## OUR VISION

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



# **AGENDA THE REGULAR MEETING OF THE GOVERNANCE AND POLICY COMMITTEE**

## **PUBLIC SESSION**

**Angela Kennedy, Chair**

**Jo-Ann Davis, Vice Chair**

Tuesday, February 13, 2018

7:00 P.M.

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Pages

1. Call to Order
2. Opening Prayer
3. Roll Call & Apologies
4. Approval of the Agenda
5. Declarations of Interest
6. Approval & Signing of the Minutes of the Meeting held January 16, 2018  
for Public Session. 1 - 18
7. Delegations
8. Presentation
9. Notices of Motion
10. Consent and Review
11. Unfinished Business
12. Matters referred or deferred

<b>13. Staff Reports</b>	
13.a Update to Conflict of Interest: Employees Policy (H.M.13)	19 - 29
13.b Update to Smoke and Vapour Free Space Policy (B.B.04)	30 - 37
13.c Update to Student Trustee Policy (T.02)	38 - 50
13.d Update to Conflict Resolution Policy (H.M.19)	51 - 70
<b>14. Listing of Communications</b>	
<b>15. Inquiries and Miscellaneous</b>	
<b>16. Updating of Pending List</b>	71
<b>17. Adjournment</b>	

**MINUTES OF THE REGULAR MEETING OF THE  
GOVERNANCE AND POLICY COMMITTEE  
TUESDAY, JANUARY 16, 2018**

**PUBLIC SESSION**

**PRESENT:**

**Trustees:** A. Kennedy, Chair  
J. A. Davis, Vice-Chair – by Teleconference  
A. Andrachuk – by Teleconference  
N. Crawford  
B. Poplawski

**Staff:** R. McGuckin  
P. Matthews  
P. Aguiar  
C. Kavanagh  
J. Volek

S. Harris, Recording Secretary  
C. Johnston, Acting Assistant Recording Secretary

**1. Call to Order**

Prayers were offered for the family of the five-year old infant who recently died, all persons who lost close family members over the Christmas, Trustee Kennedy's cousin, Mary Platt, and for Trustee Davis' uncle who would be undergoing surgery.

**3. Roll Call and Apologies**

An apology was received on behalf of Trustee Rizzo.

**4. Approval of the Agenda**

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

Results of the Vote taken, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

The Motion was declared

CARRIED

**6. Approval and Signing of the Minutes of the Meeting**

MOVED by Trustee Crawford, seconded by Trustee Andrachuk, that the Minutes of the Regular Meeting held December 4, 2017 for PUBLIC Session be approved.

Results of the Vote taken, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

The Motion was declared

CARRIED

**11. Consideration of Motion for which Previous Notice Has Been Given**

MOVED by Trustee Crawford, seconded by Trustee Davis, that Item 11a) be adopted as follows;

- 11a) From Trustee Davis regarding Planned Work of the Governance and Policy Committee** deferred to the March 20, 2018 Governance and Policy Committee meeting.

Results of the Vote taken, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

The Motion was declared

CARRIED

**13. Matters Referred or Deferred**

MOVED by Trustee Crawford, seconded by Trustee Andrachuk, that Item 13a) be adopted as follows:

- 13a) Update to Rental of Surplus School Space and Properties Policies (B.R. 01, B.R. 03, B.R. 04) received and :**

1. That the Board rescind the following Real Property policies:
  - a. *Rental of Properties (B.R. 03)*;
  - b. *Rental of School Accommodation (B.R. 04)*.
2. That the amended policy *Rental of Surplus School Space & Properties (B.R. 01)* be approved, as outlined in Appendix 'B'.

MOVED in AMENDMENT by Trustee Crawford, seconded by Trustee Poplawski, that:

1. Page 26 – Alignment with MYSP – first item - *value* be replaced with *Value*;
2. Page 27 – Policy – first line - *licence* be replaced with *license*;
3. Page 27 – Regulation 5 – third line - ... *a occupancy* ... be replaced with ... *an occupancy*...;

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

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

The Amendment was declared

CARRIED



MOVED in AMENDMENT by Trustee Davis, seconded by Trustee Andrachuk, that on Page 28, Evaluation and Metrics be reworded to read:

*Staff will bring back an annual report in January on the percentage of surplus space rented and/or leased.*

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

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

The Amendment was declared

CARRIED

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

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

The Motion, as amended, was declared

CARRIED

## 14. Staff Reports

MOVED by Trustee Poplawski, seconded by Trustee Andrachuk, that Item 14a) be adopted as follows:

### 14a) Update to Accessibility Standards Policy (A.35) v.2 – received and that

1. the Accessibility Standards Policy (A.35) provided in Appendix A be adopted; and
2. the Multi-Year Accessibility Plan provided in Appendix A be approved for consultation;

MOVED in AMENDMENT by Trustee Crawford, seconded by Trustee Poplawski, that:

1. Page 36 – Staff Recommendation - - ... *at the level of involve* be added after ...*consultation*.
2. Page 49 – 3.0 – Description of the Toronto Catholic District School Board - ...*headquartered in North York* and also ...*serving the former municipalities of Scarborough, North York, York, East York, Toronto and Etobicoke* be deleted;
3. Page 49 – 3.0 – Description of the Toronto Catholic District School Board - third paragraph - *Honorary Treasurer* be deleted;
4. Page 49 – third paragraph – (who are not entitled to vote) be deleted;
5. Page 51 – first paragraph- *The TCDSB is an inclusive...* be deleted;
6. Page 51 – Link *Fulfilling the Promise* ... to the relevant paragraph;
7. Page 52 – 5.0 Members of Accessibility Working Group - ... *persons of disability* be replaced with ... *persons with disability*;
8. Page 53 – 6.0 Strategy for Prevention and Removal of Barriers – staff review and condense; and
9. Definition of Disability in the Accessibility Plan be included in the Definition section of the policy

Results of the Vote taken on Part 1 of the Amendment, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

Part 1 of the Amendment was declared

CARRIED

Results of the Vote taken on Part 2 of the Amendment, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

Part 2 of the Amendment was declared

CARRIED

Results of the Vote taken on Part 3 of the Amendment, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford

Davis  
Kennedy  
Poplawski

Part 3 of the Amendment was declared

CARRIED

Results of the Vote taken on Part 4 of the Amendment, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

Part 4 of the Amendment was declared

CARRIED

Results of the Vote taken on Part 5 of the Amendment, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

Part 5 of the Amendment was declared

CARRIED

Results of the Vote taken on Part 6 of the Amendment, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

Part 6 of the Amendment was declared

CARRIED

Results of the Vote taken on Part 7 of the Amendment, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

Part 7 of the Amendment was declared

CARRIED

Results of the Vote taken on Part 8 of the Amendment, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

Part 8 of the Amendment was declared

CARRIED

Results of the Vote taken on Part 9 of the Amendment, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

Part 9 of the Amendment was declared

CARRIED

MOVED in AMENDMENT by Trustee Davis, seconded by Trustee Crawford,

1. Page 41 - That a hyperlink be included in Regulation 8 for those with Disability (Please see Policy A.36 for a more detailed description of the Board's obligation to accommodate persons with disabilities);
2. That Regulation 14, page 41 be deleted; and
3. Evaluation and Metrics – page 43 – that a fourth item be added: Tracking those individuals who have sought assistance as per Regulation 15 (page 41) and the outcome of any such investigation be included in an annual report to Trustees.

Trustee Andrachuk requested that the Question be divided.

Results of the Vote taken on Part 1 of the Amendment, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

Part 1 of the Amendment was declared

CARRIED

Results of the Vote taken on Part 2 of the Amendment, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford

Davis  
Kennedy  
Poplawski

Part 2 of the Amendment was declared

CARRIED

Results of the Vote taken on Part 3 of the Amendment, as follows:

**In favour**

**Opposed**

Trustees Crawford  
Davis  
Kennedy

Andrachuk  
Poplawski

Part 3 of the Amendment was declared

CARRIED

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

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski



The Motion, as amended, was declared

CARRIED

MOVED by Trustee Davis, seconded by Trustee Andrachuk, that Item 14b) be adopted as follows:

- 14b) Update to Special Education Programs Policy (S.P.01) v.2** that the Special Education Programs Policy (S.P. 01) provided in APPENDIX A be adopted.

Results of the Vote taken, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

The Motion was declared

CARRIED

MOVED by Trustee Crawford, seconded by Trustee Poplawski, that Item 14c) be adopted as follows:

- 14c) Update to Development Proposals, Amendments of Official Plans and Bylaws Policy (A.18)** that the Development Proposals, Amendments of

Official Plans and Bylaws Policy (A.18) provided in APPENDIX A be adopted.

Results of the Vote taken, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

The Motion was declared

CARRIED

MOVED by Trustee Poplawski, seconded by Trustee Andrachuk, that Item 14d) be adopted as follows:

- 14d) Update to Continuing Education Instructors Policy (H.M. 07)** that the revised Continuing Education Instructor Policy (H.M. 07) provided in APPENDIX A be adopted.

Results of the Vote taken, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

The Motion was declared

CARRIED

MOVED by Trustee Poplawski, seconded by Trustee Andrachuk, that Item 14e) be adopted as follows:

- 14e) Recommendation to Rescind Sabbatical Leave for Undergraduate or Non-Degree Study Policy (H.M. 05)** that the Sabbatical Leave for Undergraduate or Non-degree Policy (H.M. 05) attached in Appendix A be rescinded.

Results of the Vote taken, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

The Motion was declared

CARRIED

MOVED by Trustee Poplawski, seconded by Trustee Crawford, that Item 14f) be adopted as follows:

- 14f) Recommendation to Rescind Sabbatical Leave for Postgraduate Study**

**Policy (H.M. 04)** that the Sabbatical Leave for Postgraduate Study Policy (H.M. 04) attached in Appendix A be rescinded

Results of the Vote taken, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

The Motion was declared

CARRIED

MOVED by Trustee Poplawski, seconded by Trustee Crawford, that Item 14g) be adopted as follows;

**14g) Policy Priority Update January 2018 received.**

MOVED in AMENDMENT by Trustee Poplawski, seconded by Trustee Crawford, that the Governance and Policy Committee recommend to the Board that staff look at various lobbying policies of the City of Toronto and other school boards and draft a lobbying policy for the Toronto Catholic District School Board.

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

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford

Davis  
Kennedy  
Poplawski

The Amendment was declared

CARRIED

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

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford  
Davis  
Kennedy  
Poplawski

The Motion, as amended, was declared

CARRIED

**17. Adjournment**

MOVED by Trustee Poplawski, seconded by Trustee Crawford, that the meeting adjourn.

Results of the Vote taken, as follows:

**In favour**

**Opposed**

Trustees Andrachuk  
Crawford

Davis  
Kennedy  
Poplawski

The Motion was declared

CARRIED

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SECRETARY

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CHAIR



## REPORT TO

GOVERNANCE AND POLICY  
COMMITTEEUPDATE TO CONFLICT OF INTEREST:  
EMPLOYEES POLICY (H.M.31)

*Now faith is the assurance of things hoped for, the conviction of things not seen.  
Hebrews 11:1*

Created, Draft	First Tabling	Review
February 6, 2018	February 13, 2018	
Caitlin Kavanagh, Coordinator, Employee Relations & Policy Development		
<b>RECOMMENDATION REPORT</b>		

**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.*



Rory McGuckin  
Director of Education

D. Koenig  
Associate Director  
of Academic Affairs

T.B.D.  
Associate Director  
of Planning and Facilities

L. Noronha  
Executive Superintendent  
of Business Services and  
Chief Financial Officer

## **A. EXECUTIVE SUMMARY**

This report recommends updates to the current Conflict of Interest: Employees policy (H.M.31) in meta policy format including language specifically regarding supervisory responsibility and the hiring process.

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

## **B. PURPOSE**

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

## **C. BACKGROUND**

The Conflict of Interest: Employees policy (H.M.31) was approved on November 14, 2002 and has not been reviewed since.

## **D. EVIDENCE/RESEARCH/ANALYSIS**

1. For clarity on the TCDSB's current practice, a regulation has been added to the policy specifically stating that employees must notify their superintendent or manager when they have a supervisory responsibility in respect to a family member or close business associate. In its "Employee Conflict of Interest" policy, the Toronto District School Board includes this duty to report the conflict.
2. For clarity on the TCDSB's current hiring practices, a regulation has been added to the policy specifically stating that employees must ensure they do not participate in the hiring process of a family member or close associate. In its "Employee and Community Partners Conflict of Interest" operational procedure, the Toronto District School Board includes this requirement.
3. The Definitions section now includes Conflict of Interest, Employee and Personal Interest.



## **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, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN**

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

## **G. STAFF RECOMMENDATION**

Staff recommend that the Conflict of Interest: Employees policy (H.M.31) provided in APPENDIX A be adopted.



POLICY SECTION: HUMAN RESOURCES  
 SUB-SECTION: MISCELLANEOUS  
 POLICY NAME: CONFLICT OF INTEREST: EMPLOYEES  
 POLICY NO: H.M. 31

<b>Date Approved:</b> November 14, 2002	<b>Date of Next Review:</b> February 2023	<b>Dates of Amendments:</b> February 22, 2018
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**Cross References:**

Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50

Conflict of Interest: Trustees policy (T. 01)

Purchasing policy (F.P.01)

Acceptance of Hospitality or Gifts policy (H.M.33)

Fair Practice in Hiring and Promotion (H.M.40)

Education Act, sections 217 and 286

**Appendix**

**Purpose:**

**This policy establishes parameters and guidelines for employees regarding possible conflict of interest situations.**

~~The Toronto Catholic District School Board gives pre-eminence to the tenets of Roman Catholicism with regard to matters under its jurisdiction, in a manner consistent with Gospel Values and its Mission and Vision Statements. The Board recognizes that all people are created in the image and likeness of God and, as such, deserve to be treated with dignity, respect and fairness.—~~

~~The Toronto Catholic District School Board also recognizes that a high standard is expected of a public body where the employment, contractual, and purchasing requirements may vary widely, and are spread throughout many departments and schools. It is essential that staff maintain, and are perceived to maintain, the highest standard of public trust and integrity.—~~



**POLICY SECTION:** HUMAN RESOURCES  
**SUB-SECTION:** MISCELLANEOUS  
**POLICY NAME:** CONFLICT OF INTEREST: EMPLOYEES  
**POLICY NO:** H.M. 31

~~Consequently, policy and administrative regulations governing ethics, codes of conduct and conflicts of interest are established demonstrating that all reasonable measures will be taken in the processes related to employment, contracts, and purchases of goods and services in a competitive and equitable manner which avoids any suspicion of irregularity, but with enough flexibility to permit sound educational and business practices. The establishment of a Conflict of Interest Policy is not meant to prevent or exclude individuals or companies from doing business with the Board; but rather to ensure that fairness and openness prevail in all our business dealings.~~

### **Scope and Responsibility:**

**This policy applies to all employees of the Toronto Catholic District School Board. The Director is responsible for this policy.**

### **Alignment with MYSP:**

**Living Our Catholic Values**

**Strengthening Public Confidence**

**Inspiring and Motivating Employees**

### **Policy:**

Toronto Catholic District School Board expects, consistent with the **Roman Catholic faith** teachings of Jesus Christ, that employees will at all times conduct themselves with personal integrity, ethics, honesty and diligence in the performance of their duties. Employees are expected to support and act in the best interest of the Board. Employees are therefore expected either:

- to avoid, as far as practicable, placing themselves in situations in which their personal interests may actually or potentially conflict with the interest of the Board, or



**POLICY SECTION: HUMAN RESOURCES**

**SUB-SECTION: MISCELLANEOUS**

**POLICY NAME: CONFLICT OF INTEREST: EMPLOYEES**

**POLICY NO: H.M. 31**

- at any and all times and places and regardless of whether engaged in or on or about Board business, to take all reasonable steps to avoid the exercise of any influence on Board decisions in which they have a personal interest.

### **Regulations:**

#### **1. In this Policy and Regulations:**

1.1 the interest, direct or indirect, of the spouse of an employee, or of a parent, sibling or child of an employee or the spouse of any of them, shall, if known to the employee, be deemed to be also the interest of the employee;

1.2 an employee has an indirect pecuniary interest in any matter in which the Board is concerned, if

(a) the employee or his or her nominee,

- (i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,
- (ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or
- (iii) is a member of a body, that has a pecuniary interest in the matter; or

(b) the employee is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter;

1.3 “pecuniary interest” includes any interest in which there exists a possibility for gain of any kind by any person, including a corporate person;

1.4 “senior officer” means the chair or any vice-chair of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the



**POLICY SECTION: HUMAN RESOURCES**

**SUB-SECTION: MISCELLANEOUS**

**POLICY NAME: CONFLICT OF INTEREST: EMPLOYEES**

**POLICY NO: H.M. 31**

corporation similar to those normally performed by a person occupying any such office.

2. The provisions of this Policy are, and are to be considered as, supplemental to, not in substitution for, the obligation of employees:

2.1 to truly, faithfully, impartially and to the best of the employee's ability execute the duties of the office to which the employee has been appointed; and

2.2 to declare as required by Board policy and regulations whenever the employee has a pecuniary interest in any matter, and

2.3 to refrain from any attempt to influence a decision of the Board in respect of any matter in which the employee has a pecuniary interest.

3. Whenever an employee on his or her own behalf or while acting for, by, with or through another, has or acquires any personal interest, pecuniary or otherwise, direct or indirect, that does or may conflict with the interest of the Board, such employee shall:

3.1 disclose such interest at the earliest practical time to the Director of Education or designate (or, in the case of the ~~Director or a Deputy~~ Director of Education, to the Chair of the Board); and

3.2 refrain from taking part in or influencing any discussion or decision-making ~~in relation thereto~~, whether before, during or after any meeting or discussion, formal or informal, ~~in relation thereto~~.

4. In addition to the requirements of paragraph 3 an employee



POLICY SECTION: HUMAN RESOURCES  
 SUB-SECTION: MISCELLANEOUS  
 POLICY NAME: CONFLICT OF INTEREST: EMPLOYEES  
 POLICY NO: H.M. 31

4.1 whose duties include the authority to make:

- (a) either a decision authorizing the expenditure of Board funds,
- (b) or a recommendation to another employee leading to a decision of the latter authorizing expenditure of Board funds, (including but not limited to principals, vice-principals and other non-union staff)

4.2 and such employee has or has ever had

- (a) a personal relationship, or
- (b) a business relationship outside of the performance of the employee's duties,

with the person, firm or corporation to whom the funds in such expenditure will be paid or payable, the employee shall disclose such relationship at the earliest practical time to the Director of Education or designate.

**5. Where employees are family members or close business associates and one employee has or may have a supervisory responsibility in respect to the other, each shall report this conflict, in writing, to their superintendent of education or manager who will then make contact with Human Resources to determine if any action is required.**

**6. An employee must ensure there is no participation in the hiring process when the employee and prospective employee are family members or close associates.**

~~5. 7. As often as required by the Director of Education, each employee shall complete, sign and deliver to the Director of Education or designate, "Employee's Acknowledgement and Compliance Statement" in a form determined by the Director of Education from time to time.~~ **The Director of Education will require relevant**



**POLICY SECTION: HUMAN RESOURCES**

**SUB-SECTION: MISCELLANEOUS**

**POLICY NAME: CONFLICT OF INTEREST: EMPLOYEES**

**POLICY NO: H.M. 31**

**departments to issue conflict of interest reports concerning matters such as hiring and procurement.**

~~6.~~ **8.** Employees are expected to be scrupulous in their compliance with the requirements of law and this policy.



**POLICY SECTION:** HUMAN RESOURCES  
**SUB-SECTION:** MISCELLANEOUS  
**POLICY NAME:** CONFLICT OF INTEREST: EMPLOYEES  
**POLICY NO:** H.M. 31

### **Definitions:**

#### **Conflict of Interest includes:**

- 1. A situation in which an employee, whether for himself/herself or for some other person(s) attempts to promote a personal interest which results or could appear to result in:**
  - (i) an interference with the mission, vision and beliefs of the Board;**  
**or**
  - (ii) a gain or an advantage by virtue of his/her position in the Toronto Catholic District School Board**
- 2. Situations in which the personal or private interests of an employee (or the employee's family or close business associates) conflict with the interests of the Board or when there is a reasonable basis for the perception of such conflict.**
- 3. A situation in which access to, or quality of service rendered by, an employee is affected by any form of privilege, favouritism or special arrangement between an employee and another party.**

#### **Employee**

**For the purposes of this policy, an employee is an individual employed by the Board in a casual, temporary or permanent.**

#### **Nominee**

**Entity named or appointed by another (the nominator) to act on its behalf in a limited capacity or in a specific matter.**





**POLICY SECTION: HUMAN RESOURCES**  
**SUB-SECTION: MISCELLANEOUS**  
**POLICY NAME: CONFLICT OF INTEREST: EMPLOYEES**  
**POLICY NO: H.M. 31**

### **Personal Interest**

**Personal interests are non-financial interests that may influence or be influenced by personal or family relationships. Personal interests may result in favouritism towards a person or group of people as a result of one's personal connections or relationships.**

### **Evaluation and Metrics:**

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

**The Director will keep record of all conflict of interest reports and actions taken in response.**



REPORT TO

## GOVERNANCE AND POLICY COMMITTEE

### UPDATE TO SMOKE & VAPOUR FREE SPACE POLICY (B.B.04)

*It will be a healing for your flesh and a refreshment for your body.  
Proverbs 3:8*

Created, Draft	First Tabling	Review
February 6, 2018	February 13, 2018	
Caitlin Kavanagh, Coordinator, Employee Relations & Policy Development		
<b>RECOMMENDATION REPORT</b>		

**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.*



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Director of Education

D. Koenig  
Associate Director  
of Academic Affairs

T.B.D.  
Associate Director  
of Planning and Facilities

L. Noronha  
Executive Superintendent  
of Business Services and  
Chief Financial Officer

## **A. EXECUTIVE SUMMARY**

This report recommends updates to the current Smoke & Vapour Free Space policy (B.B.04) incorporating changes introduced by the *Smoke Free Ontario Act, 2017* and in anticipation of the July 2018 legalization of cannabis.

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

## **B. PURPOSE**

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

## **C. BACKGROUND**

1. The Smoke & Vapour Free Space policy (B.B.04) was recently reviewed and updated at the May 19, 2016 Board meeting.
2. Since May 2016, legislative changes require that the policy be amended.

## **D. EVIDENCE/RESEARCH/ANALYSIS**

1. Ontario passed legislation to regulate the lawful use, sale and distribution of recreational cannabis by the federal government's July 2018 legalization deadline. Included in the legislation is the ban on the use of cannabis in public places, workplaces and motor vehicles, similar to alcohol.
2. The smoking and vaping of medical cannabis is regulated under the new *Smoke-Free Ontario Act, 2017*.
3. Amendments to the current Smoke & Vapour Free Space policy (B.B.04) reflect the changes to the legislation.

## **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, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN**

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

## **G. STAFF RECOMMENDATION**

Staff recommend that the Smoke & Vapour Free Space policy (B.B.04) provided in APPENDIX A be adopted.



**POLICY SECTION:** BUILDINGS/PLANT/GROUNDS  
**SUB-SECTION:** BUILDINGS  
**POLICY NAME:** SMOKE & VAPOUR FREE SPACE  
**POLICY NO:** B.B.04

<b>Date Approved:</b> January 2, 1987	<b>Date of Next Review:</b> <b>February 2023</b>	<b>Dates of Amendments:</b> January 16, 1995 July 18, 1991 May 19, 2016-Board <b>February 22, 2018</b>
<b>Cross References:</b> <i>Smoke-Free Ontario Act, 2017</i> Ontario Regulation 48/06 <i>Cannabis Act</i> <i>Electronic Cigarettes Act</i> City of Toronto Municipal Code Chapter 709, Smoking (smoking bylaw) <i>Education Act, Section 302(1)</i> TCDSB Code of Conduct		

### **Purpose:**

The Toronto Catholic District School Board recognizes the benefits of a smoke, vapour and tobacco-free learning, playing and working environment. This is achieved by prohibiting smoking, vaping or usage of tobacco **and cannabis** products, anywhere on Board property, in Board premises and all locations where Board or School sanctioned activities take place.

### **Scope and Responsibility:**

This policy applies to all ~~employees of the Toronto Catholic District School Board~~ and individuals who use Board buildings, facilities or Board-owned property. The Director is responsible for this policy.

### **Alignment with MYSP:**



**POLICY SECTION:** BUILDINGS/PLANT/GROUNDS  
**SUB-SECTION:** BUILDINGS  
**POLICY NAME:** SMOKE & VAPOUR FREE SPACE  
**POLICY NO:** B.B.04

Strengthening Public Confidence

Fostering Student Achievement and Well-Being

### **Policy:**

The Toronto Catholic District School Board is committed to the provision of a smoke, vapour, **cannabis** and tobacco free environment in all premises and on all properties, owned and/or operated by the Board.

### **Regulations:**

1. **Subject to exceptions provided for in the regulations under the *Smoke-Free Ontario Act, 2017*, no person shall do any of the following on Board property: (1) smoke or hold lighted tobacco; (2) smoke or hold lighted medical cannabis; (3) use an electronic cigarette; (4) consume a prescribed product or substance, in a prescribed manner as set out in the *Act*.**
2. The Board bans the sale and promotion of tobacco products, **cannabis products, vapour products** on all Board property.
3. The sale and use of tobacco products, **vapour products and cannabis products** is legally prohibited in all Board owned and/or operated school facilities and the Board owned and/or operated outdoor areas surrounding them. This includes while on educational excursions, in board vehicles or in personal vehicles parked on board property.
4. It is against the law to smoke within 9 metres of an entrance or exit of any building that is used by the public.
5. Failure of students, employees, visitors and those who use board facilities to comply with the requirements of the *Smoke-Free Ontario Act, 2017* or other



**POLICY SECTION:** BUILDINGS/PLANT/GROUNDS  
**SUB-SECTION:** BUILDINGS  
**POLICY NAME:** SMOKE & VAPOUR FREE SPACE  
**POLICY NO:** B.B.04

relevant legislation, may result in legal action (i.e. being charged and/or fined).

6. “No smoking” signage shall be placed at each entrance and exit of the enclosed workplace, place or area in appropriate locations and in sufficient numbers to ensure that employees, **students** and the public are aware that no smoking or vaping is permitted in the enclosed workplace, place or area.
7. In accordance with the *Smoke-Free Ontario Act, 2017*, exceptions are made for the traditional use of tobacco that forms part of Aboriginal culture and spirituality, when used for such purposes.



POLICY SECTION:	BUILDINGS/PLANT/GROUNDS
SUB-SECTION:	BUILDINGS
POLICY NAME:	SMOKE & VAPOUR FREE SPACE
POLICY NO:	B.B.04

## Definitions

### Board Premises and Property

Includes all administrative buildings of the Board, Board operated buildings including schools, and all locations where Board or School sanctioned educational activities are taking place. Board-owned vehicles and machinery are also considered to be Board property.

**Electronic Cigarette** means any of the following:

1. A vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine.
2. A component of a device described in paragraph 1.
3. Any other prescribed device or product; (“cigarette électronique”)

### e-substance

a substance that is manufactured or sold to be used in an electronic cigarette.

### Individuals on Board Premises

Includes students, staff, trustees, contractors, parents/guardians, volunteers, permit holders and all others who are invited to or who work on Board property and in Board operated buildings.

### Medical Cannabis

Cannabis that is obtained for medical purposes in accordance with applicable federal law or as provided for in the regulations.

### Medical Cannabis User





**POLICY SECTION:** BUILDINGS/PLANT/GROUNDS  
**SUB-SECTION:** BUILDINGS  
**POLICY NAME:** SMOKE & VAPOUR FREE SPACE  
**POLICY NO:** B.B.04

**An individual who is authorized to possess cannabis for the individual's own medical purposes in accordance with applicable federal law or as provided for in the regulations**

### **Smoke & Vapour Free Environment**

An environment that is free of smoke caused by smoking or lit tobacco product and vapour caused by an electronic cigarette.

### **Tobacco product**

**Any product that contains tobacco, and includes the package in which tobacco is sold**

### **Tobacco product accessory**

**A product that may be used in the consumption of a tobacco product, including a humidor, pipe, cigarette holder, cigar clip, lighter and matches;**

### **Vapour Product**

**An electronic cigarette, an e-substance, or any component of an electronic cigarette.**

### **Evaluation and Metrics:**

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

A report will be brought to Board by staff on an annual basis detailing compliance and infractions of this policy.



## REPORT TO

GOVERNANCE AND POLICY  
COMMITTEE

## UPDATE TO STUDENT TRUSTEE POLICY (T.02)

*Whatever your task, put yourselves into it, as done for the Lord and not for your masters.  
Colossians 3:23*

Created, Draft	First Tabling	Review
February 6, 2018	February 13, 2018	

Caitlin Kavanagh, Coordinator, Employee Relations & Policy Development

## RECOMMENDATION REPORT

**Vision:**

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Executive Superintendent  
of Business Services and  
Chief Financial Officer

## **A. EXECUTIVE SUMMARY**

This report recommends updates to the current Student Trustee policy (T.02) to better align with legislative requirements as set out under the *Education Act*.

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

## **B. PURPOSE**

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

## **C. BACKGROUND**

1. The Student Trustee policy (T.02) was originally approved at the February 23, 2012 Board meeting.
2. It was last reviewed January 24, 2013 and is due for review.

## **D. EVIDENCE/RESEARCH/ANALYSIS**

1. The Purpose section of the policy has been broadened to highlight that the TCDSB supports providing for the direct representation of the interests of students on the board.
2. The language in regulation 3 regarding the period of the term has been amended to directly reflect how the legislation reads in the *Education Act*.
3. Reference to the 2015 Student Trustee election has been deleted as it is no longer relevant.
4. The amount of honorarium as provided by the *Education Act* (\$2,500 for a complete term) is specifically added in regulation 14. Other school boards'

policies (i.e. Toronto District and Halton Catholic) specifically set out the \$2,500 amount.

5. The date of the election for the student trustee has been changed from March to April, pursuant to the current student trustees' request to better align with their term of service.

## **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, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN**

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

## **G. STAFF RECOMMENDATION**

Staff recommend that the Student Trustee policy (T.02) provided in APPENDIX A be adopted.



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: STUDENT TRUSTEE

POLICY NO: T. 02

<b>Date Approved:</b> April 18, 2007	<b>Date of Next Review:</b> <b>February 2023</b>	<b>Dates of Amendments:</b> January 26, 2012 – Board; February 23, 2012 – Board; January 24, 2013; February 19, 2015; <b>February 22, 2018</b>
<b>Cross References:</b> Education Act, S. 55, Student Trustees, O. Reg. 07/07 Trustee Services and Expenditures T.17		
Appendix A - Rights and Responsibilities of a Student Trustee Appendix B – Process for Election of the Student Trustee		

### Purpose

This Policy provides **for the direct representation of the interests of students on the Board in accordance with the provisions of the Education Act, Ontario Regulation 07/07 and any guidelines issued by the Minister of Education under paragraph 3.5 of subsection 8(1) of the Education Act.** ~~direction on terms of reference and rules of engagement for two Student Trustees at TCDSB.~~

### Scope and Responsibility

The policy extends **applies** to the election of two Student Trustees and their terms of reference, as well as rules of engagement while participating at Board and Committee meetings. The Director of Education, with the assistance of the Superintendent of Education for Curriculum and Accountability, is responsible for this policy.

### Alignment with MYSP:

Strengthening Public Confidence

Excellence in Governance



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: STUDENT TRUSTEE

POLICY NO: T. 02

Fostering Student Achievement and Well-Being

### **Financial Impact**

~~Honoraria will be paid to Student Trustees, as well as reimbursement for approved expenses, as per the Education Act.~~

### **Legal Impact**

~~Generally, there is no significant liability associated with having Student Trustees participate at Committee or Regular Board meetings.~~

### **Policy**

In accordance with the provisions of the Education Act, the Toronto Catholic District School Board will establish and maintain two, full-year Student Trustee positions on its Board of Trustees.

### **Regulations**

1. The Toronto Catholic District School Board shall establish two Student Trustee positions to represent the interests of all students, ~~and candidates for the position will be in the last two years of the intermediate division and~~ **Student Trustees must be enrolled** in the senior division of the Board.
2. The Student Trustees may participate in TCDSB Board and Committee meetings, both in public and private session. A Student Trustee is not entitled to be present at a meeting that is closed to the public if the subject matter under consideration involves the disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee of the board or a pupil or his/her parent or guardian. **Student Trustees are not considered elected members of the Board and are therefore not entitled to exercise a binding vote, not eligible to move or**



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: STUDENT TRUSTEE

POLICY NO: T. 02

**second motions but are entitled to suggest a motion and are entitled to require that a vote be recorded and will have their vote recorded.**

3. The student trustees will serve two successive one-year terms beginning on August 1 of the year **in which he or she is elected and end on July 31 of the following year** of election, ~~following a transition period from May until July 31, in the first year of election.~~
4. Only one trustee will be elected each year. Each student trustee will be elected in ~~March~~ **April** of their second year of secondary school, thus commencing their two year term **to begin August 1**. ~~(The 2015 Student Trustee election will require two trustees to be elected, one currently in their second year of secondary school and the second in their third year of secondary school.)~~
5. The student trustee elected may not be from the same secondary school as the **incumbent** student trustee ~~who is currently mid-term.~~
6. The Student Trustees will serve as the Co-Chairs of the Catholic Student Leadership Impact Team (CSLIT). The CSLIT will hold at least one meeting per month during the school year.
7. In the event that a Student Trustee is unable to continue in the role, the second Student Trustee will continue with his/her duties, and the vacancy will be filled by the Director of Administrative Affairs of CSLIT until such time as a by-election is held and a new Student Trustee is elected.
8. Each secondary school will be entitled to put forward one candidate for election to one of the positions of Student Trustee in any given year.



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: STUDENT TRUSTEE

POLICY NO: T. 02

9. Each candidate for the position of Student Trustee shall meet the following qualification criteria:

- (i) be a Roman Catholic student enrolled at a Toronto Catholic District School Board secondary school, and during his or her term of office must be a full-time student **or is an exceptional pupil in a special education program for whom the board has reduced the length of the instructional program on each school day under subsection 3(3) of Regulation 298 of the Revised Regulations of Ontario, 1990 (Operation of Schools—General) made under the Act, so long as the pupil would be a full-time pupil if the program had not been reduced;**
- (ii) be elected by the local student body;
- (iii) receive the written approval of his/her parent(s)/guardian(s), unless 18 years of age, to stand for election and also present a letter of reference from a teacher, guidance counsellor or Principal; **and**
- (iv) maintain a grade average that will contribute to his/her successful graduation at the time of becoming a candidate for the position; **and**
- (v) ~~meet the eligibility requirements within the Education Act related to Catholic District School Board Trustees, excluding those related to age and residence.~~

10. The Superintendent of Education, Curriculum and Accountability Department or designate, shall establish procedures and include suitable orientation to assist the Student Trustees in fulfilling their roles and responsibilities.

11. The Student Trustees will provide a verbal report and/or written report at each regular Board meeting.





POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: STUDENT TRUSTEE

POLICY NO: T. 02

12.A Student Trustee may be disqualified from holding office for one or more of the following reasons:

- (i) serious violation of the TCDSB Trustees' Code of Conduct;
- (ii) disclosure of intimate, personal or financial information in respect of a Trustee or committee, an employee of the TCDSB or a student or his/her parent or guardian;
- (iii) commission of a serious breach of his/her school's code of conduct;
- (iv) demonstrated behaviour that is deemed to be incompatible with the role and responsibilities of the Student Trustee.

13.Student Trustees shall be entitled to reimbursement of out-of-pocket expenses as if they were members of the Board.

14.Student Trustees shall be paid an honorarium **of \$2,500 for a complete term of office**, consistent with the provisions of the Education Act, which shall be prorated if the Student Trustee holds office for less than a full term.

15.Student Trustees have the same status as a Board member with respect to access to Board resources and opportunities for training.

16.The successful candidates elected/appointed to the position of Student Trustee will have prescribed rights and responsibilities. ([hyperlink to Appendix A: Rights and Responsibilities of the Student Trustee](#))

17.The procedure for election of Student Trustees is determined by the Board. ([hyperlink to Appendix B: Election of the Student Trustee](#))

18.Student Trustees shall be required to wear their school uniform or business attire when representing the Board at either internal or external board-related



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: STUDENT TRUSTEE

POLICY NO: T. 02

business meetings, or when meeting with other students in the Board in the capacity of student trustee.

19. The opportunity to earn a secondary school credit towards the Ontario Secondary School Diploma in the area of Co-operative Education, consistent with Ministry of Education policies and procedures, will be offered to the Student Trustees.

**20. The board shall provide the Ministry with the names of the student trustees elected, not later than 30 days after the date of the election or by-election.**

### Evaluation & Metrics

~~Leadership of the Catholic Student Leadership Impact Team (CSLIT) through student feedback.~~

**The “Ratification of Student Trustee Nominees” report will be brought to the Student Achievement Committee in May of each year.**

## RIGHTS AND RESPONSIBILITIES OF THE STUDENT TRUSTEE

### Student Trustees' Rights

1. To receive public session materials for all Board and Standing Committee meetings; attend and participate in all public session meetings of the Board and Standing Committees;
2. To receive private session materials for all Board and Standing Committee meetings and to attend and participate in private session meeting. Student Trustees are not entitled to be present at a meeting that is closed to the public if the subject matter under consideration involves 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/her parent or guardian;
3. Student Trustees are entitled to require that a matter before the board or one of its committees on which the Student Trustees sit be put to a recorded vote, and in that case there shall be,
  - a. a recorded non-binding vote that includes the student trustees' vote; and
  - b. a recorded binding vote that does not include the student trustees' vote.
4. Student Trustees are not entitled to move a motion, but are entitled to suggest a motion on any matter at a meeting of the board or of one of its committees on which the Student Trustees sit, and if no member of the board or committee, as the case may be, moves the suggested motion, the record shall show the suggested motion.
5. Student Trustees and Student Trustee Elects are entitled to attend the Ontario Student Trustee Association Annual General Meeting.

**Student Trustees' Responsibilities**

1. To promote a voice for all students in the Toronto Catholic District School Board.
2. To inform the student body at large through liaison with and seeking advice from TCDSB Student Councils;
3. Attend public and permitted private session meetings of the Board and its Standing committees;
4. Demonstrate confidentiality and discretion where required and act in accordance with the Board's Policies, By-laws, and Rules-of-Order;
5. Uphold and promote the Board's Mission and Vision in performance of his/her duties;
6. Once sworn in by the Board, the Student Trustees shall be the Co-Chairs of the Catholic Student Leadership Impact Team. The CSLIT will hold at least one meeting per month.
7. The Student Trustees will report regularly to the Board of Trustees and to the CSLIT on their respective activities. At the end of their terms, the Student Trustees will provide a report regarding issues of concern to students.
8. The Student Trustees will participate in Catholic student leadership development activities associated with the fulfillment of the roles and responsibilities of the student trustee including the organization of the "Voices That Challenge" Student Trustee conference.
9. The Student Trustees will hold membership in the English Catholic Board Council of the Ontario Student Trustees' Association.

## OPERATIONAL PROCEDURES – ELECTION OF STUDENT TRUSTEES

### PROCESS FOR ELECTION OF THE STUDENT TRUSTEES

1. The Student Trustee will be elected by representatives of each secondary school at a Catholic Student Leadership Impact Team meeting during the first week of March in each school year. For the election to be valid, there must be at least seventeen (17) secondary schools present at the meeting where the Student Trustees are elected. A vote by the school representatives will be conducted under the supervision and guidance of TCDSB staff.
2. Each secondary school is entitled to nominate one representative to run for the position of Student Trustee. Should the nominee be successfully elected to the position of Student Trustee, he/she will not be permitted to run for president or chair of his/her school's Student Council.
3. Each secondary school is allowed to have one vote in the election of each Student Trustee, but must be represented at the election meeting. The voting delegate must be selected by the school principal in September and must regularly attend Catholic Student Leadership Impact Team meetings throughout the school year as a student council or student leadership delegate.
4. Notice seeking the nomination of one candidate for one of the positions of Student Trustee from each TCDSB Catholic secondary school is sent to each school principal and Student Councils for posting and communication to students in November of each school year.
5. The student trustee elected may not be from the same secondary school as the **incumbent** student trustee ~~who is currently mid-term~~.
6. Each secondary school, via the Principal and Student Council, must appoint either the President of the Student Council or his/her designate to sit on a Student Trustees Selection Committee for the purpose of reviewing applications for the positions of Student Trustees and nominating candidates. If a secondary school is nominating a candidate for the position of Student

## APPENDIX A

Trustee, it is the responsibility of the Principal to ensure that the process is fair and equitable.

7. Applications will first be received and pre-screened by staff assigned by the Office the Director of Education to ensure each applicant is eligible under the requirements of the TCDSB policy, the Education Act and Regulations.
8. An all-candidates/election meeting will be held in February of each school year at which time a presentation will be made by the nominees for Student Trustees.
9. A student is not permitted to serve as both a Student Council president or chair in the same year he/she holds the position of Student Trustee.
10. Where a vacancy occurs with one Student Trustee, the second Student Trustee will continue with his/her duties and the Director of Administrative Affairs of CSLIT shall fulfill the duties of a Student Trustee for the balance of the **vacancy** ~~Student Trustee's term or until such time as a by-election is held and a new Student Trustee is elected.~~



## REPORT TO

GOVERNANCE AND POLICY  
COMMITTEEUPDATE TO CONFLICT RESOLUTION POLICY  
(H.M.19)

*A soft answer turns away wrath, but a harsh word stirs up anger.*  
Proverbs 15:1

Created, Draft	First Tabling	Review
February 6, 2018	February 13, 2018	
Caitlin Kavanagh, Coordinator, Employee Relations and Policy Development Isolina Varano, Coordinator, Conflict Resolution		
<b>RECOMMENDATION REPORT</b>		

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of Business Services and  
Chief Financial Officer

## **A. EXECUTIVE SUMMARY**

This report recommends updates to the current Conflict Resolution policy (H.M.19) to reflect current practices in meta policy format in addition to appending the Conflict Resolution Guidelines.

*The cumulative staff time required to prepare this report was 5 hours*

## **B. PURPOSE**

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

## **C. BACKGROUND**

The Conflict Resolution policy (H.M.19) was approved on November 13, 1997 and has not been reviewed since.

## **D. EVIDENCE/RESEARCH/ANALYSIS**

1. The scope of the current policy does not include conflict between staff members. As that is not the current practice at the TCDSB, regulation 2 has been appropriately edited to reflect this.
2. The Conflict Resolution Guidelines appended to the policy provide details and clarity to staff and the TCDSB community on the options available to them in attempting to resolve conflicts.

## **E. METRICS AND ACCOUNTABILITY**

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



**F. IMPLEMENTATION, STRATEGIC COMMUNICATIONS  
AND STAKEHOLDER ENGAGEMENT PLAN**

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

**G. STAFF RECOMMENDATION**

Staff recommend that the Conflict Resolution policy (H.M.19) provided in APPENDIX A be adopted.

**APPENDIX A**

**POLICY SECTION:** HUMAN RESOURCES  
**SUB-SECTION:** MISCELLANEOUS  
**POLICY NAME:** CONFLICT RESOLUTION  
**POLICY NO:** H.M. 19

<b>Date Approved:</b> November 13, 1997- Board	<b>Date of Next Review:</b> February 2023	<b>Dates of Amendments:</b> February 22, 2018
<b>Cross References:</b> Complaint Against a Staff Member policy (H.M.30) Harassment and Discrimination policy (H.M.14) Guidelines for Trustees, Parents and Staff in Addressing School Related Concerns (A.33)		
<b>Appendix: Conflict Resolution Guidelines</b>		

**Purpose:**

This policy sets out parameters for conflict resolution within the Toronto Catholic District School Board.

**Scope and Responsibility:**

This policy applies to all staff and members of the TCDSB community. The Director is responsible for this policy with the support of the Conflict Resolution Department.

**Alignment with MYSP:**

Living Our Catholic Values

Strengthening Public Confidence

Fostering Student Achievement and Well-Being

Inspiring and Motivating Employees



**POLICY SECTION: HUMAN RESOURCES**  
**SUB-SECTION: MISCELLANEOUS**  
**POLICY NAME: CONFLICT RESOLUTION**  
**POLICY NO: H.M. 19**

**Policy:**

The Toronto Catholic District School Board is committed to and supports the settlement of conflict over matters under its jurisdiction in a manner consistent with **the Multi-Year Strategic Plan** ~~Gospel Values and its Mission and Vision Statements.~~

**Regulations:**

1. In this policy, conflict pertains to issues, disagreements or disputes concerning the general operation of the school or the workplace, including a complaint against a staff member, or the administration and interpretation of Toronto Catholic District School Board (TCDSB) policies, but not to disputes with TCDSB policies and motions themselves.
2. The scope of the policy includes conflict which may occur:
  - a. between staff members;**
  - b. between the staff and the TCDSB community, and
  - c. between different members of the TCDSB community.

Staff includes all persons working for the TCDSB. The TCDSB community includes trustees, parents/guardians, students 18 years of age or older and the Catholic School Advisory **Parent** Councils and their members.

The policy does not include conflict which may occur between students, ~~between staff members~~ or between staff and students where the student is under 18 years of age unless the parent/guardian is involved.

3. Approaches to the resolution of conflict should:
  - a. foster a climate of openness, tolerance and trust;
  - b. encourage a resolution which is early, informal and as close to the source of conflict as possible;



**POLICY SECTION: HUMAN RESOURCES**  
**SUB-SECTION: MISCELLANEOUS**  
**POLICY NAME: CONFLICT RESOLUTION**  
**POLICY NO: H.M. 19**

- c. offer the services of a trained facilitator from an established TCDSB pool, i.e. third person assistance, if and when requested by the disputants, and
- d. provide a formal mechanism for the resolution of cases which have reached an impasse at the local level.

~~A guideline with specific advice and procedures for dealing with disputes will be piloted following approval by the Board.~~

- 4. There is an obligation on all persons involved in conflict resolution to maintain confidentiality, subject to disputants and others being able to share enough information to attempt to resolve the conflict.
- 5. Records will be retained in keeping with the requirements of the Board's records schedule and the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.
- ~~6. The draft guidelines will be reviewed at the end of one full year.~~

#### **Evaluation and Metrics:**

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

**The Conflict Resolution Department provides an annual report to board providing conflict resolution data.**

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# CONFLICT RESOLUTION GUIDELINES

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Rory McGuckin, Director of Education

Barbara Poplawski, Chair of the Board

DATED: February 2018

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## Preface

Christian life is profoundly social. Indeed, one of the distinguishing features of Christian identity is its communitarian nature. This communitarian nature has a oneness about it. This is not to say that conflict and legitimate debate do not arise. Rather, it is to suggest that genuine communities commit themselves to the resolution of disputes that take seriously the common good of the whole community.

As a school system formed by Catholic beliefs and traditions, the Toronto Catholic District School Board is committed to such an understanding of community and conflict resolution.

Pope John-Paul II spoke of this commitment in the following way:

*As disciples of Jesus Christ, we know that the Gospel calls us to live as His brothers and sisters. We know Jesus Christ makes possible reconciliation between peoples, with all its requirements of conversion, justice and social love. If we truly believe that God created us in His image, we shall be able to accept one another with our differences and despite our limitations and our sins.*

Echoing the words of Christ to be peacemakers, Pope John-Paul also calls us to be

*...energetic to winning acceptance for dialogue and sharing, attentive to respecting the point of view of others at the same moment that we defend our own rights, faithful to love for humanity and receptive to the gift of God.*

As to the resolution of conflicts that arise within communities, the documents of Vatican II provide several important guidelines for school communities.

The first is that of the principle of co-responsibility. It is based on the communitarian view of Christian life that is given pride of place in Vatican II's use of the term "People of God" (Dogmatic Constitution on the Church). In choosing such a biblical and dynamic view, the document focuses on the communal nature of the church and makes clear that everyone in the community – laity, religious, and clergy alike – participates in the three-fold mission of Christ as prophet, priest, and king. To that end, Catholic school communities are directed to address issues concerning disagreements or disputes in a Christ-like fashion and in a manner consistent with Gospel Values.

This principle of co-responsibility for the well-being of the community is further strengthened by the Catholic understanding of the principle of subsidiarity, a principle which suggests that "a community of a higher order should not interfere with the life of a community of a lower order, taking over its function" unless all other possible means of resolution have been tried. For school communities, this means a committed effort to the resolution of conflict by the disputants themselves. It is the creation of such school communities that the Toronto Catholic District School Board dedicates its efforts.



## Definitions & Scope

### Definitions

In this guideline, *conflict* pertains to issues, disagreements or disputes concerning the general operation of the school or the workplace, including a complaint against a staff member, or the administration and interpretation of TCDSB policies, but not to disputes with TCDSB policies and motions in themselves.

- *Staff* includes all persons working for the TCDSB.
- The *TCDSB community* includes trustees, parents/guardians, students 18 years of age or older, and the Catholic School Parent Councils and their members.
- A *disputant* is an individual involved in a conflict.
- A *facilitator/mediator* is a *trained, neutral*, third person.

### Personnel from the Conflict Resolution Department

The Coordinator of Conflict Resolution is a trained professional resource to the TCDSB staff and community and is available for consultation at any point in the resolution of a disagreement.

The role of the Personnel from the Conflict Resolution Department may include but is not limited to:

- i) interviewing parties, assessing problems and recommending a course of action
- ii) assisting parties to assess their options and consequences of the options
- iii) coaching in communication skills
- iv) assisting parties to prepare for voluntary mediation
- v) facilitating/mediating disputes
- vi) investigating internal human rights complaints (under related Board policies)

### Scope

The guideline includes conflict which may occur:

- a) between the staff and the TCDSB community, and
- b) between different members of the TCDSB community,
- c) between staff members.

The guideline does *not* include conflict which may occur:

- a) between students,
- b) between staff and students where the student is under 18 years of age unless the parent/guardian is involved.

## Process for Resolving Conflict

### Step One

#### *Disputants Addressing their Issues*

It is the responsibility of any or all disputants to initiate contact with other disputant(s). It is important that those in conflict make a serious attempt to resolve the situation themselves. This is best accomplished by fostering a climate that is conducive to resolving the conflict and communicating in a manner that encourages a resolution of the conflict.

To create a suitable climate it is recommended that:

- time be taken to calm down,
- as much information as possible be gathered before discussing the issue,
- a meeting place be chosen which is comfortable, private and free of distractions,
- a time be selected that allows for adequate discussion,
- the conflict be approached with the attitude that a mutually satisfactory resolution can be reached,
- every effort be made to create and maintain an atmosphere of openness, tolerance and trust,
- and to be sensitive to protected grounds under the Ontario Human Rights Code.

To enhance communication, it is recommended that:

- the tone of any verbal or written communication be focused on issues and avoid personal attacks,
- disputants have an opportunity to express their issues fully, to listen and to respond,
- the focus be on mutual goals (e.g. best interests of the child) for resolving the issues,
- there be openness to positive, workable and creative solutions,
- that a mutually acceptable solution be chosen,

- that when appropriate, a written summary of any agreement including timelines, responsibilities, and monitoring be developed which may be signed by disputants.

It is recommended that any conflict be addressed as quickly as possible. If a mutually acceptable resolution is not reached in Step One, or it is believed to be inappropriate to discuss the issue with the other disputant(s), the disputant(s) may proceed to Step Two.

## Step Two

### *Third Person(s) Assistance*

If the conflict is not resolved at Step One, the disputant(s) may request the administrator\* to assist them in coming to a mutually agreeable resolution. If this is not successful or, if recommended by the administrator\*, the Personnel from the Conflict Resolution Department may be contacted. The Personnel from the Conflict Resolution Department's role is to work either directly with the disputants or/to appoint an external trained facilitator/mediator to do so if it is deemed appropriate.

The Personnel from the Conflict Resolution Department will confer with the administrator to determine the best approach to resolving the conflict. If the disputants voluntarily agree to participate in a mediation, the Personnel from the Conflict Resolution Department will prepare a mediation contract and consult with the disputant's union/association representative if required.

The administrator may elect to schedule a facilitation meeting between the disputants to attempt to resolve the conflict. If both of the disputants are members of a collective bargaining unit and/or professional association, the disputants may elect to consult and have their union/professional association representative present during the facilitation meeting. *\*\*This provision does not apply to facilitation meetings between a TCDSB unionized employee and parents/students over the age of eighteen. However, the TCDSB unionized employee may still seek*

*advice from their union/professional association representative and have them available for consultation during the facilitation process but will not be in attendance of the facilitation meeting.*

If requested by the disputants, the Personnel from the Conflict Resolution Department will prepare a memorandum of understanding including timelines, responsibilities and monitoring to be mutually agreed upon by the disputants. If no request is made there will be no written record.

Step Two should be conducted as quickly as possible, ideally within five working days from the date of the request by the disputant(s). If a mutually acceptable resolution is not reached in Step Two, the disputant(s) may proceed to Step Three.

### Step Three

#### *Superintendent's Review*

Should the issue fail to be solved at Step Two, either or any of the disputant(s), the Personnel from the Conflict Resolution Department, with the consent of the disputants, may request that the Superintendent review the situation.

The Superintendent will review the attempts at resolution to date. If attempts have not been made to resolve the conflict at Steps One or Two, the Superintendent may recommend the disputant(s) utilize one or both of these steps, or, in any event, may facilitate a resolution of the conflict. If considered appropriate by the Superintendent and/or the disputants the Superintendent will prepare a written summary of any agreement or decision, including timelines, responsibilities and monitoring to be signed by disputants. Step Three should be completed as soon as possible, ideally within fourteen working days from the date of the request by the disputant(s).

\*Or the appropriate supervisory personnel where the conflict involves an TCDSB administrative office

## Review Process

### Review of Decision

When any disputants view the conflict as serious and unresolved at Step Three, or if due to the nature of the conflict it cannot be dealt with at earlier steps, either or any of the disputants may refer the matter in writing to the Director of Education to review the decision. This request must be made within fourteen working days from the date of the Superintendent's determination.

### *Review of Decision- Procedures*

- 1. Once written notice of a request to review the decision of the superintendent has been received by the Director of Education, the Personnel from the Conflict Resolution Department will immediately notify, by telephone, other disputant(s) of the requested review.*
- 2. The Personnel from the Conflict Resolution Department will ensure that needed documentation and witnesses may be brought forward, and that the sequence of the presentation of the case for the review is organized in an orderly, logical manner.*
- 3. The Personnel from the Conflict Resolution Department will contact the disputant(s) by telephone to inform them of the date and time for the meeting to review the decision and advise that they may have representation present. Written notice will be sent out by the Corporate Services Department.*
- 4. The disputants will also be provided in advance with the procedures to be followed in the review.*

5. *The disputants/representatives will describe the issues in the conflict and for this purpose may*
  - *make statements of fact based on their knowledge, and*
  - *if they choose, bring forward others to give similar information related to the conflict.*
6. *When each disputant/representative has completed his/her submission, the Director may ask questions.*
7. *After all the facts have been presented, by the disputants/representatives and witnesses, disputants/representatives will be entitled to present their own summary of what has been said by any of the persons who have spoken. This must be limited only to the issues put before the Director.*
8. *The Director will liaise with any necessary personnel as a resource to make his or her decision. Any decision must be in accordance with all provisions in law, Board policies and regulations and relevant collective agreements. The disputants will be notified of the decision writing.*

The provisions of this Policy do not take away a stakeholder's right to take action outside of the provisions once internal conflict resolution mechanisms have been exhausted. Stakeholders may wish to contact the Ombudsman of Ontario for a consultation or to file a complaint.

## Evaluation

The guideline will be reviewed within one year of implementation.

## Facilitation/Mediation

Generally, internal resources, namely the Personnel from the Conflict Resolution Department will be used to assist in resolving conflicts. However, extraordinary circumstances may require the services of an outside resource. Recommendations regarding suitable resources will be available from the Personnel from the Conflict Resolution Department.

## Facilitator/Mediator Selection

In the event that a conflict of interest arises and the Personnel from the Conflict Resolution Department cannot assist with the resolution of a dispute, a trained outside Facilitator/Mediator will be selected by the Personnel from the Conflict Resolution Department. (Please see definitions of staff and TCDSB community).

## Training of Personnel from the Conflict of Resolution Department/Outside Resources

The Board will ensure that the Personnel from the Conflict Resolution Department and/or any contracted outside resource has undergone specialized conflict resolution training to help them develop knowledge and skills in the following areas:

- knowledge of factors contributing to conflict issues
- interviewing and communication skills
- assessment of facts, determination of information, patterns and discrepancies
- creative conflict management, problem solving and facilitation/mediation skills training.

Ongoing professional training will be provided to the Personnel from the Conflict Resolution Department on a regular basis to ensure a quality service.



## Records

Notes reflecting informal efforts to resolve a conflict at Step One will be kept by the disputants.

At Step Two, a record of the intervention, including any written agreement, will be retained in the office of the principal/supervisor and/or Personnel from the Conflict Resolution Department with copies given to the disputants.

At Step Three, a record of the intervention, including any written agreement, will be kept in the office of the superintendent with copies given to the disputants and principal/supervisor.

## Church Documents

- The Catechism of the Catholic Church
- Vatican Council II, Lumen Gentium, Dogmatic Constitution on the Church
- Vatican Council II, Gaudium et Spes, Pastoral Constitution on the Church in the Modern World
- Vatican Council II, Dignitatis Humanae, Declaration on Religious Freedom
- Evangelii, Nuntiandi, Apostolic Exhortation of Pope Paul VI, December 8, 1975
- Redemptoris Hominis, Redeemer of Humankind, encyclical of Pope John Paul II
- Reconciliatio et Paenitentia, Reconciliation and Penance, Post-Synodal Apostolic Exhortation, December 2, 1984

## GOVERNANCE AND POLICY COMMITTEE

### PENDING LIST TO FEBRUARY 13, 2018

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
1	Mar-2017 GAP	ASAP	Governance and Policy	Report regarding consultations with CLSIT and conversations with the Archdiocese in regards to the content of the policy ( <b>Update to Chaplaincy Program Policy</b> )	Legal Counsel
2	June-2017 GAP	ASAP	Governance and Policy	Bring back after the Ministry of Education's Transportation report is considered ( <b>Update to Transportation Policies S.T.01, 03, 04 and 05</b> )	Legal Counsel
3	Sep-2017 GAP	ASAP	Governance and Policy	Staff to look at options to improve efficiencies for Trustees, staff and the public to gain greater Order Paper, report and back-up materials ( <b>Inquiry from Trustee Crawford regarding Gaining greater Order Paper, Report, and Backup Materials Efficiencies with e-Scribe</b> )	Director of Education
4	Oct-2017 GAP	ASAP	Governance and Policy	Report to Board regarding CPIC's recommendations to the <b>Community Engagement Handbook T07</b> , and if the recommendations are applicable to the Community Engagement Policy, a report to the GAP Committee meeting ( <b>TCDSB Community Engagement Handbook T07</b> )	Legal Counsel