

# THAMES VALLEY DISTRICT SCHOOL BOARD

## POLICY WORKING COMMITTEE

2019 May 28, 3:00 p.m.

Governor Simcoe

### MEMBERS

J. Bennett (Chair) S. Hunt  
L. Pizzolato M. Ruddock  
C. Rahman A. Morell (ex-officio)

### ADMINISTRATION AND OTHERS

L. Elliott A. Marlowe  
C. Williams(+3:32)(-3:37) L. Griffith-Jones(+3:32)(-3:37)  
B. Williams(+3:05)(-3:28) S. Smith  
L. Nicholls(+3:38)(-3:52) A. Chahbar

#### 1. Approval of the Agenda

The agenda was approved on motion.

#### 2. Conflicts of Interest

None declared.

#### 3. Committee Report of the Previous Meeting

The minutes of the 2019 April 23 meeting were reviewed.

#### 4. Tracking Sheet

The tracking sheet was reviewed.

#### 5. New Draft Policies/Procedures- None.

#### 6. Existing Policies/Procedures Under Revision

##### a. Revised Policy and Procedure Process

L. Elliott presented for information planned changes for how policies and procedures will be reviewed before they are presented to Policy Working Committee for their review. L. Elliott reported significantly more consultation will occur up front to allow for greater input from stakeholders. The intent is that this will gather more input than what is currently received and allow the time frame for general public input to be narrowed. Discussion centered on the time frames for public input. It was agreed the Policy Working Committee would determine either 30 or 60 days for policies; Administrative Council will determine if procedures will be posted for up to 30 days and where deemed appropriate 60 days.

As noted in the report, Policy Working Committee will be responsible for the final review and approval of policies. Policy Working Committee will also review procedures, but their final approval will be through Senior Administration.

##### b. Automated External Defibrillators (AEDs) in Schools Procedure (3014a)

Deferred.

#### 7. Policies/Procedures Following Public Input

##### a. Political Activity on Board Property Policy (2006)

L. Elliott provided an outline of the procedure summarizing the revisions made. L. Elliott reported there were no responses gathered from public input.

The following motion was moved and CARRIED:

**THAT the revised Political Activity on Board Property Policy (#9009) be approved.**

**b. Political Activity on Board Property Procedure**

L. Elliott provided an outline of the procedure summarizing the revisions made. L. Elliott reported there were no responses gathered from public input.

The following motion was moved and CARRIED:

THAT the revised Political Activity on Board Property Procedure be approved and provided to the Board for information.

**c. Employee Code of Conduct Policy**

L. Griffith-Jones provided an outline of the policy noting there were no responses gathered from public input.

The following motion was moved and CARRIED:

**THAT the revised Employee Code of Conduct Policy be approved.**

**d. Employee Code of Conduct Procedure**

L. Griffith-Jones provided an outline of the procedure noting there was one response gathered from public input in support of the procedure. There were no changes as a result of public input.

The following motion was moved and CARRIED:

THAT the revised Employee Code of Conduct Procedure be approved and provided to the Board for information.

Questions of clarification regarding implementing the procedure and training new Administrators were answered by Administration.

**e. Off Duty Conduct Procedure**

L. Nicholls provided an outline of the procedure noting there was one response gathered from public input. There were no changes as a result of public input. It was noted the procedure was presented to the Labour Management groups and no concerns were brought forward.

The following motion was moved and CARRIED:

THAT the revised Off Duty Conduct Procedure be approved and provided to the Board for information.

Questions of clarification regarding the application of the procedure retroactively were answered by Administration.

**f. Substance Abuse and Addiction Procedure**

L. Nicholls provided an outline of the procedure noting there were no responses gathered from public input.

The following motion was moved and CARRIED:

THAT the revised Substance Abuse and Addiction Procedure be approved and provided to the Board for information.

**g. Revised- Police Record Check Independent Procedure (9047)**

L. Nicholls provided an outline of the procedure noting there were two responses gathered from public input. There were no changes made as a result of public input. It was noted only housekeeping changes were made.

The following motion was moved and CARRIED:

THAT the Revised- Police Record Check Independent Procedure (#9047) be approved and provided to the Board for information.

It was noted background checks take 4-6 weeks (in Middlesex) and the timeline for implementing the procedure needs to be considered to have volunteers in place for September.

Questions of clarification regarding implementing the procedure, renewing background checks and Trustee police record checks were answered by Administration.

**8. Policies/Procedures Requiring Additional Consideration**

**a. Rescind Criminal Background Check- Volunteers Independent Procedure(9048)**

It was noted Policy #9048 was replaced with the Revised- Police Record Check Independent Procedure #9047.

The following recommendation was moved and CARRIED:

THAT the Criminal Background Check- Volunteers Independent Procedure #9048 be rescinded.

**9. Other Business- None.**

**10. Date and Time of Next Meeting**

The next meeting is scheduled for 2019 June 25 at 3:00 p.m.

**11. Adjournment**

The meeting adjourned by motion at 3:53 p.m.

**Recommendations:**

**THAT the revised Political Activity on Board Property Policy (#9009) be approved.**

**THAT the revised Employee Code of Conduct Policy be approved.**

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**Joyce Bennett**  
Committee Chair



## PROCEDURE

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Title:	<b>POLITICAL ACTIVITY ON BOARD PROPERTY</b>	Procedure No.: 2006a Effective Date: 2019 May, 28
Department:	Director's Services – Corporate Services	
Reference(s):	Policy #2001 and Procedure #2001a Advertising and Distribution of Political/Religious and Non-Commercial Material in School	

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It is the policy of the Board to provide for the greatest amount of free political debate and discussion to occur on Board property during the instructional day without compromising the education of students, or the notion of fair play.

### 1.0 Definitions

Within this Procedure,

- 1.1 'Political activity' refers to actions of a political nature associated with a municipal, provincial and/or federal election.
- 1.2 'Print media of a political nature' refers to any printed publication displayed for the express purpose of advancing a particular campaign or viewpoint.

### 2.0 Principals shall ensure that:

- political activities connected to municipal, provincial and/or federal elections, held on school property during instructional hours shall be either non-partisan or be open to all officially registered political parties or candidates;
- print media of a political nature is not to be affixed or displayed on Board property;
- all candidates meetings held in a school during the instructional day shall be open to all registered candidates and that every effort must be made to ensure that all candidates have been invited to participate; and
- no school or board resources will be used to support any candidate.

3.0 In the event that print media, including signs to endorse candidate(s) during an election are found on board property, principals are to report infractions to Director's Services – Corporate Services. Corporate Services will contact the local Municipal Clerk to have the signs/print media removed.

Administered By: **Director's Services – Corporate Services**

Amendment Date(s):

If such signs/print media are not removed within 24 hours of reporting to the local Municipal Clerk, the principal will be instructed by Corporate Services to remove and dispose of the signs/print media.



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Title: **POLITICAL ACTIVITY ON BOARD PROPERTY** Policy No.: **2006**  
Effective Date: **2000 Nov. 21**

Department: Director's Services – Corporate Services

Reference(s): Policy and Procedure – Community Use of Buildings  
Facilities and Equipment

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It is the policy of the Board that students should have an understanding of the fundamental nature of the “representative” form of democracy practiced in Canada. It is the intent of this policy to provide for the greatest amount of free political debate and discussion to occur on Board property without compromising education or the notion of fair play.

The Director shall ensure that any political activity taking place on Board property be conducted under the following guidelines:

- Political activities involving students should be conducted in a fair manner allowing for dissenting viewpoints, if any, to be heard;
- Political activities held on school property during instructional hours which are not designed to complement student learning must be either non-partisan or be open to all officially registered parties or candidates;
- Print media of a political nature are not to be affixed or displayed on Board property, except in designated areas in staff rooms;
- “All Candidates Meetings” held on Board property shall be open to all officially-registered candidates and every effort must be made to ensure that all such candidates have been invited to participate. Such events shall be open to the media and the public and the format should in no way favour any candidate or party;
- No use of Board resources to support any candidate.

Administered By: **Director's Services - Corporate Services**

Amendment Date(s): 2003 May 27



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Title: **EMPLOYEE CODE OF CONDUCT POLICY** Policy No.: **3017**  
Effective Date: **2019 May 28**

Department: Organizational Support Services – Human Resources

- Reference(s):
- Ontario Human Rights Code
  - Ontario Occupational Health and Safety Act
  - Procedure – Employee Code of Conduct
  - Procedure – Substance Abuse and Addiction
  - Procedure – Off Duty Conduct
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It is the policy of the Board that every employee within the Thames Valley District School Board community is committed to supporting a system strategy for promoting a safe, inclusive and accepting employee workplace climate, free from inappropriate conduct and violence.

The working environment of all Thames Valley District School Board employees ensures the rights and responsibilities of all employees within the Employee Code of Conduct Procedure, Substance Abuse and Addiction Procedure and Off Duty Conduct Procedure. Practices will focus on prevention and will foster dignity and respect while ensuring the safety of all through firm, fair and progressive strategies designed to promote self-respect and respect for others.

Administered By: **Organizational Support Services – Human Resources**

Amendment Date(s):



## PROCEDURE

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Title: **EMPLOYEE CODE OF CONDUCT** Procedure No.: **3017a**  
Effective Date: **2019 May 28**

Department: Organizational Support Services – Human Resources

Reference(s): *The Education Act*  
*Charter of Rights and Freedoms*  
*Occupational Health and Safety Act*  
*Municipal Freedom of Information and Protection of Privacy Act*  
*Ontario Human Rights Code*  
PPM128: The Provincial Code of Conduct and School Boards Code of Conduct  
TVDSB Policy and Procedure: Domestic Violence in the Workplace  
TVDSB Policy and Procedure: Equity and Inclusive Education  
TVDSB Policy and Procedure: Fraud Prevention and Management  
TVDSB Policy and Procedure: Harassment  
TVDSB Policy: Health and Safety  
TVDSB Procedure: Information Technology Appropriate Usage  
TVDSB Procedure: Off Duty Conduct  
TVDSB Policy and Procedure: Progressive Discipline of Employees  
TVDSB Policy and Procedure: Safe Schools  
TVDSB Procedure: Substance Abuse and Addiction  
TVDSB Procedure: Technology and Security  
TVDSB Policy and Procedure: Violence in the Workplace

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### 1.0 TVDSB Statement of Purpose

The Thames Valley District School Board is committed to supporting a system strategy for promoting safe, inclusive and accepting employee workplace climate, free from inappropriate conduct and violence.

The working environment of all Thames Valley District School Board employees ensures the rights and responsibilities of all employees within the Employee Code of Conduct. Practices will focus on prevention and will foster dignity and respect while ensuring the safety of all through firm, fair and progressive strategies designed to promote self-respect and respect for others.

### 2.0 Scope

2.1 This Code of Conduct applies to all employees within Thames Valley District School Board. It is the expectation that all Board policies and procedures will be followed by all employees of TVDSB, including employees of third party service providers. It is not intended to conflict with or diminish rights afforded to all persons under the Ontario Human Rights Code, any other policies, codes of conduct, collective agreements or applicable standards of professional practice. Any employee of the Board who contravenes the Employee Code of Conduct

Administered By: **Organizational Support Services – Human Resources**

Amendment Date(s): 2019 January 15



and accompanying Regulations may be subject to disciplinary action up to and including termination of employment where appropriate, as per the Progressive Discipline of Employees Policy.

- 2.2 The Employee Code of Conduct applies to all employees and third party service providers while on school property, on school buses, at school-related events or activities, before and/or after school programs or in any other circumstance that could have an impact on the workplace climate.

### **3.0 Complying with Legislation**

- 3.1 All employees and third party service providers will and will be seen to comply with the letter and spirit of all of the laws of Canada and the Province of Ontario, regulatory bodies, collective agreements and any contractual obligations resulting from the employee's employment or employment duties and/or any contractual obligations of the Board.
- 3.2 When acting on behalf of the Board, no employee or service provider shall at any time take any action that they know or ought reasonably to know violates any applicable legislation or regulation.
- 3.3 It is the responsibility of all employees and third party service providers to ensure that all information they communicate in the course of their employment is accurate and complete. No employee or third party service provider shall withhold information or knowingly mislead members of the Board, management, parents/guardians, students or the public.
- 3.4 It is the responsibility of all employees and third party service providers to familiarize themselves with their duties and any requirements of them as prescribed by the Education Act and Regulations, the Municipal Freedom of Information and Protection of Privacy Act and Regulations and any other Act or Regulation that may be applicable to the employment duties.
- 3.5 All employees and third party service providers are responsible for immediately reporting to an appropriate supervisor any suspected illegal behaviour or behaviour that contravenes this or any policy of the Board.

### **4.0 Guiding Principles**

- 4.1 All employees and third party service providers are to be treated with dignity and respect.
- 4.2 All employees and third party service providers are expected to prevent and report bullying and encourage the use of non-violent and respectful means of conflict resolution.

- 4.3 All employees and third party service providers are to promote safety of people in the workplace.
- 4.4 All employees and third party service providers are to maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility.

## **5.0 Standards of Behaviour**

- 5.1 Standards for employees and third party service providers include, but are not limited to:
  - 5.1.1 Respecting and complying with all applicable federal, provincial and municipal legislation and regulatory bodies;
  - 5.1.2 Demonstrating honesty and integrity;
  - 5.1.3 Respecting the rights of, and differences in, others, their ideas and their opinions;
  - 5.1.4 Treating one another with dignity and respect at all times and especially when there is a disagreement;
  - 5.1.5 Respecting and treating others fairly, regardless of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, or disability;
  - 5.1.6 Showing proper care and regard for TVDSB property and the property of others;
  - 5.1.7 Demonstrating reasonable cooperation with all stakeholders;
  - 5.1.8 Seeking assistance from those in authority, if necessary, to resolve conflict peacefully;
  - 5.1.9 Respecting the need of others to work in an environment that is conducive to a positive working environment;
  - 5.1.10 Using respectful language (for example, refrain from swearing or using vulgar language and/or gestures);
  - 5.1.11 Refraining from engaging in online activities that disrespect or insult students, parents/guardians or employees or promote false, misleading or discriminating information;

5.1.12 Maintaining professional boundaries in all forms of communication;

5.1.13 Refraining from inappropriate personal use of cellular phones, computers or audio devices during assigned duties; and

5.1.14 Maintaining appropriate relationships and professional boundaries with all stakeholders to ensure that relationships are positive, appropriate and non-exploitive.

## **6.0 Unacceptable Behaviour**

6.1 All employees and third party service providers must not:

6.1.1 Engage in bullying behaviours or comments in any manner including through social media;

6.1.2 Commit or threaten assault of any kind;

6.1.3 Sell or offer to sell weapons or illegal drugs;

6.1.4 Offer or give alcohol, cannabis or cannabis products to a minor;

6.1.5 Engage in the theft, attempted theft or possession of property of the Board, it's staff or students;

6.1.6 Be in possession of any weapon, including firearms at work or on Board property;

6.1.7 Use any object to threaten or intimidate another person;

6.1.8 Cause injury to any person with or without an object;

6.1.9 Be in possession of, or be under the influence of illegal drugs or alcohol or be unfit to work due to any substance including prescribed medication;

6.1.10 Smell of alcohol or marijuana while at work or while engaged in assigned duties or extracurricular functions;

6.1.11 Engage in hate propaganda or other forms of behaviour (including social media comments) motivated by hate, discrimination or bias;

6.1.12 Commit an act of vandalism that causes damage to TVDSB property or others' personal property; or

6.1.13 Engage in any other behaviour that may result in a negative impact or perceived negative impact to the Board, its reputation or to students, staff or public.



## PROCEDURE

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Title: **Off Duty Conduct**

Procedure No.: 3017c  
Effective Date: 2019 May 28

Department: Organizational Support Services

Reference(s): *Education Act*; Regulatory Bodies (as applicable); Employee Code of Conduct

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### **INTRODUCTION**

Thames Valley District School Board (TVDSB) respects the legal rights of its employees when off duty. It is recognized, however, that the manner in which employees conduct themselves off duty can also have a significant impact on the TVDSB's reputation, workplace environment, employees, students and/or their families.

#### **1.0 General Principles**

- 1.1 TVDSB will consider off duty conduct as a work related matter subject to potential discipline if it:
- Renders the employee or other employees unable to perform their job in whole or in part or any part of their job effectively, safely or securely;
  - Has a negative and inappropriate impact on other employees, students and/or their families;
  - Negatively impacts the TVDSB's ability to manage its operations, fulfill its mandate, direct its workforce efficiently and/or serve the interests of students;
  - Is in violation of any professional regulatory standards or directives that are relevant to employment at TVDSB; or
  - Adversely impacts TVDSB's reputation
- 1.2 Off-duty conduct includes, but is not limited to, conduct engaged in by employees through the use of communication devices, electronic means and/or social media (i.e. Facebook, Instagram, Snapchat, etc.).
- 1.3 Potential violations of this procedure will be investigated on a case by case basis and may be subject to discipline up to and including termination. Such discipline is subject to the applicable collective agreement/association requirements of just cause.

Administered By: Organizational Support Services
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Amendment Date(s):
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## 2.0 **Employee Responsibilities**

- 2.1 Employees must report to the Superintendent of Human Resources as soon as possible if they are arrested or charged with an offence under the *Criminal Code of Canada*, or any other federal or provincial statute or are subject to any complaint under a federal or provincial statute, where such may have relevance to the employee's employment or students' well-being, security or education.
- 2.2 Employees are required to comply with this Procedure.



## PROCEDURE

Title: **Substance Abuse and Addiction**

Procedure No.: 3017b  
Effective Date: 2019 May 28

Department Organizational Support Services

Reference(s): Ontario *Human Rights Code*, *Education Act*, *Occupational Health and Safety Act*,  
Employee Code of Conduct Policy

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### **INTRODUCTION**

Thames Valley District School Board (TVDSB) is committed to providing a healthy and safe work environment for its employees. As a public service provider, TVDSB also has an obligation to provide safe, reliable and efficient services to children, students, staff, parents, guardians and to the community.

#### **1. General Principles**

- 1.1 TVDSB believes the abuse of prescription and illegal drugs, marijuana (including cannabis by-products such as edibles, oils, etc.) and alcohol to be a serious health problem and recognizes that drug and alcohol addiction is a disability as defined by the Ontario *Human Rights Code*. Accordingly, TVDSB has a legal obligation to accommodate employees to the point of undue hardship in instances where substance addictions are identified.
- 1.2 In order to address issues of substance abuse and addiction in a manner that protects the best interests of our employees, students and the general public we are committed to:
  - Promoting prevention and encouraging early identification of substance abuse through education and awareness;
  - Providing access to assistance and time away from work when medically supported followed by a safe, thoughtful and individualized return to work strategy ; and,
  - Maintaining a safe and healthy environment through the enforcement of this policy.

Administered By: Organizational Support Services
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Amendment Date(s):
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## 2. Prohibited Activities

2.1 TVDSB maintains the same level of expectation of all of its employees and does not tolerate:

- Reporting to work while under the influence by drugs (legal or illegal), alcohol, and/or by any other substance rendering the employee unfit to work;
- Smelling of alcohol or marijuana while at work or performing duties or engaged in extra-curricular activities;
- Consuming alcohol or non-prescribed or authorized drugs while at work, on duty, engaged in activity on behalf of TVDSB, representing TVDSB including wearing work identification while off duty, or engaged in extra-curricular activities;
- Using TVDSB technology property and/or transportation for the purpose of possessing, obtaining, offering to sell, selling, or distributing illegal drugs, marijuana (including cannabis by-products) and/or alcohol; and/or
- Possessing, using or selling alcohol, marijuana (including cannabis by-products) and/or illegal drugs or related paraphernalia while in the work place or in the course of their work.

2.2 For clarity, the above does not apply to medically necessary drugs prescribed or authorized by a physician that do not render the employee unfit for work and are taken in accordance with that physician's instructions. Where there is a reasonable concern that an employee may be unfit for work due to medically prescribed or authorized drugs, the employee must report this to the Board's Disability Management Office.

2.3 Subject to TVDSB's obligations under the Ontario *Human Rights Code*, violations of the above may result in discipline up to and including termination.

## 3. Employee Responsibilities

3.1 Every employee is expected to:

- Self-disclose any instances of substance abuse or addiction and request assistance or accommodation without fear of reprisal prior to a significant event such as an accident and/or instance where ongoing performance issues are not addressed resulting in disciplinary action;

- Cooperate with the employer in the event that accommodation is required by submitting satisfactory medical documentation to the Board detailing the expected timing of return to work, any restrictions or accommodations required and prognosis.

3.2 Employees who refuse to cooperate in the rehabilitation process and/or who continue to present at work as safety risks to themselves or others due to the influence of drugs (legal or illegal), alcohol and/or by any other means of impairment will be subject to progressive discipline up to and including termination.

#### 4. **Employer Responsibilities**

4.1 Any employee having self-identified as having a disability due to substance addiction will be subject to a meeting with the Disability Management Office. The intent and purpose of this meeting is to provide the staff member with the opportunity to request accommodation and to seek support and/or rehabilitation to assist in their recovery. The employee may choose to bring a Union Representative/support person with them to this meeting.

4.2 Employees who present unfit for work due to suspected substance abuse and/or addiction will be asked by their Supervisor to leave the workplace and transportation home will be provided, if appropriate (See Appendix A). A meeting will be scheduled with the worker and Human Resources, Organizational Support Services prior to their return to work to provide them with the opportunity to explain why they appeared to be unfit for work. The staff member may choose to bring a Union/Association representative with them to this meeting. Depending on the circumstances, the employee may be subject to progressive discipline up to and including termination.



## Appendix A

### Step by Step Guide to Workplaces Addressing Problematic Substance Use

If a Supervisor observes an employee who is presenting as:

- disoriented
- smelling of alcohol or marijuana
- has slurred speech
- is staggering or has an unsteady gait, and/or
- is using inappropriate/unusual tones/language

Please take the following steps:

- Escort the employee to private area
- Request another supervisor to serve as a note taker
- Advise the employee about noted observations and obtain their explanation
- Call Human Resources (who will notify Union Representative if applicable)
- If a decision is jointly made by Human Resources and the Supervisor to send the employee home, arrange for the employee to be sent home by taxi, or other accessible transportation or arrange for the employee to be picked up by a family member or designate
- Call 911 if the employee appears to be in extreme distress
- Document observations (including place, date of time and observations related to behaviour, gait, speech, balance) and any witnesses
- Take necessary and appropriate follow up action in consultation with Human Resources



## INDEPENDENT PROCEDURE

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Title: **POLICE RECORD CHECKS** Policy No.: **9047**  
Effective Date: **2003 Sept. 09**

Department: Human Resources – Organizational Support Services

Reference(s): Education Act Ontario Reg. 521/01;  
Police Record Checks Reform Act, 2015 (PRCRA)  
Support Staff Independent Procedure, External Teacher Hiring Independent Procedure

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The Board is committed to providing a secure learning and working environment for students and employees and for maintaining protection of Board assets. Therefore, the Board will not permit persons who have disclosures on their Vulnerable Sector Check or Offence Declaration, or patterns of behaviour which may place students or employees at risk, to be employed nor continue to be employed; to serve as volunteers in schools; to perform the role of Trustee; to be on placement or practicum within a school; to be a service provider at a school site; or to assist with school-sponsored activities. The Board is in a position of trust with regard to students and must strive to protect their intellectual, physical, mental and emotional well-being.

### 1.0 Definitions

- 1.1 **Police Record Check** means, in respect of the Board, a document concerning an individual which:
- a) was prepared by a police force or service from national data on the Canadian Police Information Centre (CPIC) database within six (6) months before the day the Board collects the document; and
  - b) that contains information concerning the individual's Police Record.
- 1.2 **“Offence Declaration”** means, in respect of the Board, a written declaration signed by an individual listing all of the individual's convictions for offences under the *Criminal Records Act (Canada)* up to the date of the declaration:
- a) that are not included in a police record check collected by the Ontario College of Teachers (OCT) after December 31, 1998 or in the last police record check collected by the Board under this Regulation; and
  - b) for which a pardon under Section 4.1 of the *Criminal Records Act (Canada)* has not been issued or granted.

Administered By: <b>Organizational Support Services – Human Resources</b>
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Amendment Date(s): 2019 May 28
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- 1.3 “**Police Record**” means, in respect of an individual, information on criminal offences of which the individual has been convicted under the *Criminal Code (Canada)* and for which a pardon under Section 4.1 of the *Criminal Records Act (Canada)* has not been issued or granted to the individual.
- 1.4 “**Volunteer**”, for purposes of this Independent Procedure, is an individual over the age of eighteen (18), and is not currently a TVDSB elementary or secondary student, who agrees to undertake, without pay, a designated task which supports a classroom, or a school or system-wide program, which task(s) requires the individual to be in regular and/or direct contact with students without supervision or Board employees present.
- 1.5 “**Service Provider**” means an individual who comes into direct contact with pupils on a regular basis,
- a) at a school site of the Board in the normal course of,
    - (i) providing goods or services under contract with the Board,
    - (ii) carrying out their employment functions as an employee of a person who provides goods or services under contract with the Board,
    - (iii) providing services to a person who provides goods or services under contract with the Board
- 1.6 **Vulnerable Sector Check** means, in respect of the Board, a document concerning an individual which:
- a) was prepared by a police force or service from national data on the Canadian Police Information Centre (CPIC) database and from local police service records, within six (6) months before the day the Board collects the document; and
  - b) contains information concerning the individual’s police record; and
  - c) contains information resulting from a criminal record search of data maintained by the Royal Canadian Mounted Police for sexual offences for which a pardon has been granted or issued

2.0 **Vulnerable Sector Check for Volunteers, Practicum/Placement Students and Trustees**

Prospective volunteers, including parents, other relatives and community members, who work with individual students with no Board employees present, or who spend prolonged periods of time with individual students or groups of students, for example on extended field trips, are required to provide an original vulnerable sector check to the Principal prior to undertaking voluntary activities with students.

The Principal will confirm the individual’s suitability to perform voluntary duties. In jurisdictions where volunteers are charged for such checks, the Board will not pay such costs.

Trustees are required to provide an original vulnerable sector check to the Director of Education prior to commencing their role as Trustee.

### **3.0 Vulnerable Sector Check for Employees, Service Providers**

All current employees must have provided a Vulnerable Sector Check in accordance with Regulation 521/01.

All new employees at a school site of the Board will be required to provide, at their own expense, an original Vulnerable Sector Check prior to commencing employment. All new service providers at a school site of the Board will be required to provide a signed offence declaration as part of the procurement process.

The “**Collection of Personal Information**” in Ontario Regulation 521/01 requires the Board to collect the following:

- ii) an Offence Declaration from the individual by September 1 of each year in which the individual is employed by or has transferred to the Board, commencing in 2004.

#### **3.2 New Employees**

The Board shall collect an acceptable Vulnerable Sector Check before the day the individual commences employment with the Board. All offers of employment with the Board shall be conditional upon the applicant supplying an acceptable Vulnerable Sector Check. The Board shall collect an Offence Declaration from the individual by September 1 of each year in which the Board employs the individual, after the year employment was commenced, or when the individual is transferred to the Board.

#### **4.0 Emergency Provision**

In exceptional circumstances it may be necessary for an individual to begin employment, volunteering, or a student placement/practicum with the Board before an acceptable Vulnerable Sector Check is collected. In such circumstances, the Board will require the individual to submit an Offence Declaration, pending submission of the acceptable Vulnerable Sector Check. Before any exception is made, a binding agreement shall be entered into between either the prospective volunteer or student and the Principal, or between the employee or any authorized representative of the employee and the Board, ensuring that the verification will be provided without delay.

This agreement will preserve the Board’s right to revoke the offer of employment, and dismiss the employee, or revoke a student placement, or service contract, or provision of volunteer services, should the information provided by the individual prove to be false or misleading in any respect, or if the police record check is determined to be unacceptable. Failure of the individual to provide such verification will preclude the

individual from employment, volunteering, providing a service or participating in a student placement.

## 5.0 Retention

For Employees the Board shall retain an original or a true copy taken from the original Vulnerable Sector Check, by the Board designated contact or designate. For Service Providers, the Board shall retain an original or a true copy taken from the Offence Declaration, by the Board designated contact or designate. For Volunteers or Students, the Principal shall retain an original or a true copy taken from the original Vulnerable Sector Check. Completed Vulnerable Sector Checks and Offence Declarations will be filed in a separate and secure location in accordance with Regulation 521/01.

## 6.0 Adjudication

Where disclosure is received from a Vulnerable Sector Check or Offence Declaration, the Manager, Human Resources - Staffing, will be notified and will take under consideration at least the following factors in determining an appropriate course of action:

- a) length of time since offence(s);
- b) whether the offence(s) involved children and/or sexual activity and/or violence and/or acts of dishonesty;
- c) employment history;
- d) individual's attitude towards offence(s);
- e) treatment, counselling or other services received since offence;
- f) other steps taken to rehabilitate;
- g) likelihood offence(s) will be repeated;
- h) whether alcohol and/or illegal drugs were factors in the commission of offence(s);
- i) degree of co-operation with this investigation;
- j) whether the offence(s) was committed while employed by the Board;
- k) if employee is a teacher, relevance of offence(s) to teacher duties as set out in *The Education Act and Regulations*;
- l) if employee is not a teacher, relevance of offence(s) to their employment duties;
- m) if individual is not an employee, relevance of offence(s) to their student, volunteer or service provider relationship to the Board; and

- n) does/do offence(s) require any action pursuant to *The Student Protection Act* including notification of the Ontario College of Teachers.

The course of action may include action up to and including dismissal, and/or withdrawal of offer, and shall be in compliance of other Board policies, Collective Agreements and legislation.

## 7.0 **Consequences of Non-compliance**

Employees who fail to provide a signed Offence Declaration by the date prescribed will be suspended without pay until the form is received and direction has been given to resume employment.

Volunteers, Service Providers or Trustees who fail to provide a signed Offence Declaration by the date prescribed will be precluded from volunteering, providing a service to or attending a school site of the Board.

**APPENDIX A**

**Police Record Check - Volunteer Application Form**

Volunteers in schools provide important help and support for staff and students. Your participation and willingness to assist are appreciated. Nonetheless, we have to ensure that students are appropriately protected and as a result we must ask that you provide the following information and comply with the provisions of Board procedure before undertaking your role as volunteer. You may find the complete procedure on the Board's website - <http://www.tvdsb.on.ca/policies/policydocs/PoliceRecordCheck.pdf>.

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

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Relationship to School: (e.g. Parent/Guardian, Community Member, Relative of Student etc.)

Type of volunteer activity to be undertaken:

**Vulnerable Sector Check requested by Principal:**  
**(including the pardoned sexual offender database)**

Yes  No

**Vulnerable Sector Check received by Principal:**  
**(including the pardoned sexual offender database)**

Yes  No  **Date Received:** \_\_\_\_\_

\_\_\_\_\_  
*Signature of Volunteer*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Principal*

\_\_\_\_\_  
*Date*

**Note:** ***Should volunteers continue to serve as volunteers in subsequent school years, an offence declaration must be completed and submitted to the Principal for review annually.***

**Notice of Collection:** The personal information provided on this form and any other correspondence relating to involvement in Board programs is collected by the Thames Valley District School Board under the authority of the *Education Act* and Regulations (R.S.O. 1990 c.E.2) as amended. The information will be used to register the student in a school as well as for any consistent purpose, and to share information with employees to carry out their job duties. In addition, the information may be used for matters of health and safety, or discipline and as required to be disclosed in compelling circumstances for law enforcement matters or in accordance with any other Act. For questions about this collection, contact the Board's Freedom of Information Coordinator, Thames Valley District School Board, 1250 Dundas Street, London, Ontario, N5W 5P2, Telephone 519-452-2000, Ext. 20218.



## INDEPENDENT PROCEDURE

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Title: **CRIMINAL BACKGROUND CHECK** Procedure No.: **9048**  
**- VOLUNTEERS** Effective Date: **2004 Sept. 01**

Department: Human Resources – Organizational Support Services

Reference(s): O Reg. 521/01  
 Policy and Procedures – Field Trip and Excursions

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The Board is committed to providing a secure learning and working environment for students and employees. Therefore, the Board will not permit persons who have criminal records, or patterns of behaviour, which may place students or employees at risk, to serve as volunteers in schools or to assist with school-sponsored activities. The Board is in a position of trust with regard to students and must strive to protect their intellectual, physical, mental and emotional well-being.

### 1.0 Definitions

- 1.1 **“Criminal Background Check”** means, in respect of the Board, a document concerning an individual which:
- a) was prepared by a police force or service from national data on the Canadian Police Information Centre (CPIC) database within six (6) months before the day the Board collects the document; and
  - b) that contains information concerning the individual’s *Personal Criminal History*.
- 1.2 **“Offence Declaration”** means, in respect of the Board, a written declaration signed by an individual listing all of the individual’s convictions for offences under the *Criminal Records Act (Canada)* up to the date of the declaration:
- a) which are not included in a criminal background check collected by the Ontario College of Teachers (OCT) after December 31, 1998 or in the last criminal background check collected by the Board under this regulation; and
  - b) for which a pardon under Section 4.1 of the *Criminal Records Act (Canada)* has not been issued or granted.



- 1.3 “**Personal Criminal History**” means, in respect of an individual, information on criminal offences of which the individual has been convicted under the *Criminal Records Act (Canada)* and for which a pardon under Section 4.1 of the *Criminal Records Act (Canada)* has not been issued or granted to the individual.
- 1.4 “**Volunteer**”, for purposes of this Independent Procedure, is an individual over the age of eighteen (18) who agrees to undertake, without pay, a designated task which supports a classroom, or a school or system-wide program, which task(s) requires the individual to be in regular and/or direct contact with students without supervision or Board employees present.
- 1.5 “**Vulnerable Sector Screening**” means, in respect of the Board, a document concerning an individual which:
- a) was prepared by a police force or service from national data on the Canadian Police Information Centre (CPIC) database and from local police service records, within six (6) months before the day the Board collects the document; and
  - b) contains information concerning the individual’s personal criminal history; and
  - c) contains information resulting from a criminal record search of data maintained by the Royal Canadian Mounted Police for sexual offences for which a pardon has not been granted or issued.

## 2.0 Requirements

Volunteers, including parents, other relatives and community members, who work with individual students with no Board employees present or who spend prolonged periods of time with individual students or groups of students, for example on extended field trips, are required to provide the appropriate check to the Principal prior to undertaking voluntary activities with students.

## 3.0 Criminal Reference Checks for Volunteers

All prospective volunteers will be expected to meet with the Principal who will confirm the individual’s suitability to perform voluntary duties. Prior to undertaking any such duties, the individual, if requested to, must provide the Principal with an original Vulnerable Sector Screening Check. In jurisdictions where volunteers are charged for such checks, the Board will not pay such costs.

## 4.0 Emergency Provision

In exceptional circumstances it may be necessary for an individual to begin volunteering

before an acceptable Vulnerable Sector Screening Check is collected. In such circumstances, the Board will require the individual to submit an Offence Declaration, pending submission of the acceptable screening check. Before any exception is made, a binding agreement shall be entered into between the prospective volunteer and the Principal ensuring that the verification will be provided without delay. Failure to provide such verification will preclude the individual from volunteering.

## 5.0 Retention

The Principal shall retain an original or a true copy taken from the original Vulnerable Sector Screening Check. Completed checks and Offence Declarations will be filed in a separate and secure location in accordance with the provisions of Regulation 521/01.

## 6.0 Adjudication

Where evidence is received of a criminal conviction, the designated Board contact in Human Resource Services should be advised and will consider at least the following factors in recommending an appropriate course of action to the Principal:

- a) length of time since offence(s);
- b) whether the offence(s) involved children and/or sexual activity and/or violence and/or acts of dishonesty;
- c) employment history;
- d) individual's attitude towards offence(s);
- e) treatment, counselling or other services received since offence;
- f) other steps taken to rehabilitate;
- g) likelihood offence(s) will be repeated;
- h) whether alcohol and/or illegal drugs were factors in the commission of offence(s);
- i) degree of co-operation with this investigation.

## Criminal Background Check - Volunteer Application Form

Volunteers in schools provide important help and support for staff and students. Your participation and willingness to assist are appreciated. Nonetheless, we have to ensure that students are appropriately protected and as a result we must ask that you provide the following information and comply with the provisions of Board procedure before undertaking your role as volunteer. You may find the complete procedure on the Board's website - <http://www.tvdsb.on.ca/policies/policydocs/CriminalCheckVolunteers.pdf>.

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

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Relationship to School: (e.g. Parent/Guardian, Community Member, Relative of Student etc.) \_\_\_\_\_

Type of volunteer activity to be undertaken: \_\_\_\_\_

**Vulnerable Sector Screening Check requested by Principal:**  
(including the pardoned sexual offender database)

Yes

No

**Vulnerable Sector Screening Check received by Principal:**  
(including the pardoned sexual offender database)

Yes

No

Date Received: \_\_\_\_\_

\_\_\_\_\_  
Signature of Volunteer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Principal

\_\_\_\_\_  
Date

**Note:** *Should volunteers continue to serve as volunteers in subsequent school years, an offence declaration must be completed and submitted annually.*

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