

NOTICE OF MEETING

Vancouver School Board
Secretary-Treasurer's Office
December 2, 2020

Policy and Governance Committee

Lois Chan-Pedley
Allan Wong
Janet Fraser
Estrellita Gonzalez

Suzanne Hoffman, Superintendent of Schools
J. David Green, Secretary Treasurer

Notice of Meeting

A meeting of the **Policy and Governance Committee** will be held on Teams Live Broadcast on **Wednesday, December 2, 2020 at 5:00 pm.**

Other Trustees:	Fraser Ballantyne Carmen Cho Oliver Hanson	Barb Parrott Jennifer Reddy
Student Trustee:	Ricky Huang	
Senior Management Staff:	Carmen Batista Pedro da Silva Jody Langlois	David Nelson Rob Schindel
Reps:	Treena Goolief, VSTA Joanne Sutherland, VESTA Annette Vey-Chilton, VASSA Mark Cormack, VEPVPA Hayden O'Connor, PASA Gord Lau, DPAC Tim Chester, IUOE Lilianna Gut, CUPE 15 Neil Munro, Trades Brent Boyd, CUPE 407 Lake Harris, VDSC	Alt: Terry Stanway, VSTA (Alt.) Glen Hansman, VESTA Sonia Blair, VASSA Shannon Burton, VEPVPA (Alt. 1) Ankie Carswell, VEPVPA (Alt. 2) Tyson Shmyr, PASA Karen Tsang, DPAC (Alt. 1) Vik Khana, DPAC (Alt. 2) Tim DeVivo, IUOE Lorena Spencer, CUPE 15

COMMITTEE MEETING

POLICY AND GOVERNANCE COMMITTEE
Wednesday, December 2, 2020 at 5:00 pm
Teams Live Broadcast

AGENDA

The meeting is being held on the traditional unceded territory of the Musqueam, Squamish and Tsleil-Waututh Nations. The meeting is being live-streamed and the audio and visual recording will also be available to the public for viewing after the meeting. The footage of the meeting may be viewed inside and outside of Canada.

Meeting Decorum:

The Board has a strong commitment to ethical conduct. This includes the responsibility of committee members to conduct themselves with appropriate decorum and professionalism. As Chair of the Committee it is my responsibility to see that decorum is maintained. To do that I ask that:

- i. All members/delegates request to speak through the chair;
- ii. Civility towards others is maintained as stakeholder representatives and Trustees share perspectives and participate in debate;
- iii. Staff be able to submit objective reports without influence or pressure as their work is acknowledged and appreciated;
- iv. Committee members refrain from personal inflammatory/accusatory language/action;
- v. Committee Members, Trustees, representatives and /staff present themselves in a professional and courteous manner.

Please see reverse for the Purpose/Function and Power and Duties of this Committee.

- | 1. <u>Delegations</u> | <u>Estimated Time</u> |
|--|-------------------------------------|
| 2. <u>Information Item</u> | <u>Presenters</u> |
| 2.1 Colonial Audit – Update (verbal) | Trustee Fraser |
| 2.2 Advocacy Committee Update (verbal) | Trustee Cho |
| 3. <u>Items for Discussion</u> | |
| 3.1 Motions referred from the June 22, 2020 Board Meeting: | Committee Chairperson |
| 3.1.1 Racism and Discrimination – Strategic Plan | |
| 3.1.2 Racism and Discrimination – Policy 21 | |
| 3.2 Motion referred from the September 28, 2020 Board Meeting: | Committee Chairperson |
| Trustee Code of Conduct – Policy 4 | |
| 3.3 Audit Committee Terms of Reference Change | J. David Green, Secretary Treasurer |
| 4. <u>Items for Approval</u> | |
| 4.1 Proposed Revisions to Policy 21 (Non-Discrimination) | David Nelson, Deputy Superintendent |
| 5. <u>Information Item Requests</u> | |
| 7. <u>Date and Time of Next Meeting</u> | |
| Wednesday, February 3, 2021 at 5:00pm. | |

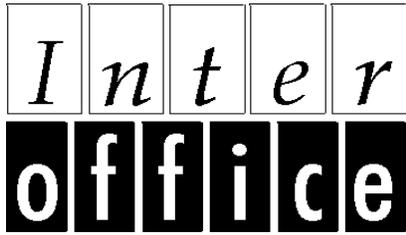
Policy and Governance Committee

1.1 Purpose/Function:

- 1.1.1 To ensure the Board Policy Handbook is kept current.
- 1.1.2 To facilitate Board capacity building, continuous improvement, accountability, and effective working relationship with the Superintendent.
- 1.1.3 To facilitate the Board's effective advocacy/influence.
- 1.1.4 To review and provide recommendations to the Board in regard to assigned governance matters.

1.2 Powers and Duties:

- 1.2.1 Develop and recommend draft policy positions for submission to the BCSTA Annual General Meeting.
- 1.2.2 Ensure the annual facilitated Board Self Evaluation is carried out in a timely manner and in accordance with Policy. Subsequent to the annual evaluation monitor implementation of the agreed upon actions.
- 1.2.3 Annually develop an Advocacy/Influence Plan, recommend the plan to the Board and monitor the implementation of the agreed upon plan.
- 1.2.4 Annually make recommendations for building governance capacity of the Board and ensure approved actions are implemented.
- 1.2.5 On an ongoing basis identify motions which are intended to have continuing effect and ensure they are integrated into existing or new policy statements.
- 1.2.6 Ensure Board Policies are reviewed on a schedule such that all Policies in the Board Policy Handbook are reviewed at least once in a four year term. Make recommendations to the Board regarding policy revisions.
- 1.2.7 Policy or Governance Matters Referred to the Committee by the Board:
 - 1.2.7.1 Review matters referred and make recommendations as requested.



Memorandum

vancouver school board



ITEM 3.1

Date: December 2, 2020

TO: Policy and Governance Committee

FROM: Board of Trustees

RE: **Motions referred from the June 22, 2020 Board Meeting:**
Racism and Discrimination - Strategic Plan
Racism and Discrimination - Policy 21

The attached motions, with rationale, were presented at the June 22, 2020 Board meeting by Trustee Parrott and have been referred to Committee for consideration and feedback.

Attachment

Racism and Discrimination

REFERENCE TO STRATEGIC PLAN:

Goal 3: Create a culture of care and shared social responsibility

Objective:

- Not really one that applies, ergo one of my motions

PROPOSED MOTIONS:

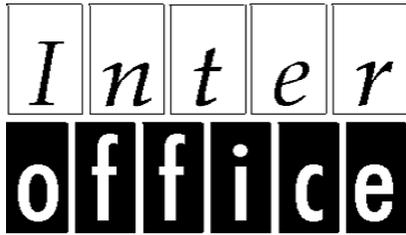
That the Racism and Discrimination Strategic Plan include anti-racism as a guiding principal and that the goals explicitly stated ensuring school communities are safe from racism and discrimination.

That VBE Policy 21 be amended to add “Anti-Racism and” at the beginning of its title.

RATIONALE:

A movement is afoot. The VBE has a responsibility to be a participant in the movement. We have an obligation to ensure our students can learn in an environment free from hate, racism, and discrimination. If we don't learn from history, we will repeat it. Black, Indigenous, and POC must see themselves reflected in what they learn, in what they read, in major contributions to society.

Our language needs to be concise. The word “racism” needs to be in our policy. See it, say it.



Memorandum

vancouver school board



ITEM 3.2

Date: December 2, 2020

TO: Policy and Governance Committee

FROM: Board of Trustees

RE: **Motion referred from the September 28, 2020 Board Meeting: Trustee Code of Conduct – Policy 4**

The attached motion, with rationale, was presented at the September 28, 2020 Board meeting by Trustee Hanson (on behalf of himself and Trustee Cho) and was referred to Committee for consideration and feedback.

Attachment

Trustee Code of Conduct – Policy 4

REFERENCE TO STRATEGIC PLAN:

Goal 3: Create a culture of care and shared social responsibility

Objective: Encourage and enhance practices that support cultural, emotional, physical and mental well-being

Goal 4: Provide effective leadership, governance and stewardship

Objective: Support effective communication, engagement and community partnerships

PROPOSED MOTION:

THAT the Board of Education of School District No. 39 (Vancouver) adopt the amended Policy 4, Trustee Code of Conduct, in the form attached hereto as Schedule "A".

RATIONALE:

As the Board of Education of School District No. 39 (Vancouver), each trustee has a public duty to carry out their responsibilities and the work of the Board in good faith and with reasonable diligence. In doing so, trustees must strictly abide by their fiduciary duties to the Board, exercise their authority properly and judiciously, and conduct themselves with appropriate decorum and professionalism.

It is incumbent upon the Board to ensure that trustees comply with these tenets and the policies of the Board, and, in particular, Policy 4, Trustee Code of Conduct. In circumstances where trustees are alleged to have breached the Trustee Code of Conduct, the Board has a duty to ensure that the investigation, hearing and decision-making process is fair and transparent, and that trustees are held accountable for their actions.

Policy 4

TRUSTEE CODE OF CONDUCT

The Board has a strong commitment to ethical conduct. This includes the responsibility of trustees to properly use authority and to conduct themselves with appropriate decorum and professionalism.

Specifically

1. Trustees shall:
 - 1.1 Carry out their responsibilities as detailed in Policy 3 – Role of the Trustee with reasonable diligence.
 - 1.2 Keep confidential any personal, privileged or confidential information obtained in their capacity as a trustee (the “Confidential Information”) and not disclose the Confidential Information except when authorized by law or by the Board to do so. Trustees shall not divulge the contents of private meetings, recognizing that all information disclosed in private meetings is Confidential Information and that such disclosure could seriously harm the Board’s ability to conduct its business.
 - 1.3 Be fully conversant with Part 5 sections 55 to 64 of the School Act regarding a Trustee conflict of interest.
 - 1.4 Prior to discussion of any such subject matter at a public meeting declare any perceived conflict not take part in the discussion on the matter nor vote on it. In addition not discuss the matter outside the meeting with other trustees nor exert influence on the decision in which the trustee has a conflict of interest.
 - 1.5 In addition to the requirements in 1.4 leave the meeting immediately if the subject matter to which the trustee has a conflict of interest is discussed in a private meeting.
2. Although a trustee is responsible for declaring a possible conflict of interest it is the fiduciary duty of all trustees and the Superintendent to protect the Board and the Board and Superintendent have a duty to point out any apparent, potential or perceived conflict of interest when it appears.
3. A trustee may request guidance from other trustees, the Board or the Superintendent in regard to personal conflict of interest matters.
4. Any declaration of conflict of interest at a public meeting shall be recorded in the minutes of the meeting. Any declaration of conflict of interest at a private meeting shall be recorded in the minutes of the next public meeting.
5. A trustee shall not use their influence to obtain employment within the District for family members or friends and will not use their position for personal advantage or the advantage of friends and/or family.

6. Trustees shall not attempt to exercise individual authority over the organization except as explicitly set forth in policies of the Board. Trustees' interaction with the Superintendent or with staff shall recognize the lack of authority vested in individual trustees except when explicitly authorized by the Board;
7. Only the Board as opposed to individual trustees shall exercise authority over the Superintendent. In particular, only the Board shall make judgments regarding the Superintendent's performance.
8. Trustees shall:
 - 8.1 Abide by the policies of the Board, all applicable legislation and regulations, in particular the School Act, and the Oath of Office.
 - 8.2 Respect and abide by the majority decisions made by the Board in legally constituted meetings.
 - 8.3 Endeavour to work with fellow Board members in a spirit of harmony and cooperation even when there are differences of opinion which may arise during debate.
 - 8.4 Ensure that their comments are issue-based and not personal, demeaning, derogatory or disparaging with regard to Board staff or fellow trustees, including comments made to media or news outlets.
 - 8.5 Ensure fiduciary responsibility to the Board supersedes any conflicting loyalty such as that to advocacy or interest groups and membership on other boards.
 - 8.6 Represent the Board in all Board-related matters with proper decorum and respect for others.
 - 8.7 Use discretion at all times to minimize the impression that the individual trustees' statements reflect the position of the Board.
 - 8.8 Ensure the use of electronic devices do not adversely affect the business of the meeting.
 - 8.9 Protect and enhance the reputation of the District and Board.
9. Trustees are individually responsible for the content of their comments, posts and "likes" on social media and must ensure that their use of social media is consistent with the Trustee Code of Conduct.
10. Consequences for the failure of individual trustees to adhere to the Trustee Code of Conduct are specified in Policy 4 Appendix – Trustee Code of Conduct Sanctions.

Policy 4 – Appendix

TRUSTEE CODE OF CONDUCT SANCTIONS

1. Trustees shall conduct themselves in an ethical and prudent manner in compliance with the Trustee Code of Conduct, Policy 4. The failure by trustees to conduct themselves in compliance with this policy may result in the Board instituting sanctions.

Code of Conduct Sanctions other than a Failure of Security

2. A trustee who believes that a fellow trustee has violated the Code of Conduct shall report such violation in writing (the “Violation Notice”) to the Board Chair (or Vice-Chair if the complaint pertains to the Chair) and permit the Board Chair to seek resolution of the matter through conciliatory measures prior to commencing an official complaint under the Code of Conduct. The Board Chair must notify the offending trustee of the reported violation within three (3) business days of receiving the Violation Notice.
3. It is recognized that from time to time a contravention of the Code of Conduct may occur that is trivial, or committed through inadvertence, or an error of judgment made in good faith. In the spirit of collegiality and the best interests of the Board, the first purpose of alerting the offending trustee to a possible breach of the Code of Conduct is to assist the trustee in understanding their obligations under the Code.
4. The conciliation process will begin within seven (7) business days of receipt of the Violation Notice, as follows:
 - 4.1 The Board Chair (or the Vice-Chair if the complaint pertains to the Chair) will engage in a private conversation with the offending trustee, the purpose of which is to discuss, among other things, the nature of the reported violation of the Code of Conduct and to provide the offending trustee with an opportunity for explanation and to learn from their actions;
 - 4.2 Following the private conversation between the Board Chair and the offending trustee, the Board Chair will act as conciliator in a meeting between the complaining trustee and the offending trustee in an effort to seek resolution of the matter to the satisfaction of the trustees involved; and
 - 4.3 Assuming a satisfactory resolution is reached, the Board Chair shall report to the Board of the outcome of the conciliation process. The conciliatory process, including the content and nature of the Violation Notice, the discussions between the participating trustees and any terms of resolution, are Confidential Information, the public disclosure of which shall be deemed to be a violation of the Code of Conduct without the written consent of the complaining and offending trustees.

5. If a resolution is not reached to the satisfaction of the complaining trustee, the complaining trustee may commence an official complaint to the Board by filing a letter of complaint (the "Complaint") with the Board Chair (or Vice-Chair if the Complaint pertains to the Chair) within thirty (30) days of the conclusion of the conciliation process. The Complaint shall indicate the nature of the violation of the Code of Conduct, the section or sections of the Code of Conduct that are alleged to have been violated by the offending trustee and any other relevant circumstances.
6. The offending trustee and all other trustees shall be forwarded a copy of the Complaint by the Board Chair, or where applicable the Vice-Chair, within five (5) business days of receipt by the Board Chair of the Complaint. The filing, notification, content and nature of the Complaint shall be deemed to be Confidential Information, the public disclosure of which shall be deemed to be a violation of the Code of Conduct. Public disclosure of the Complaint and any resulting decision taken by the Board may be disclosed by the Board Chair only at the direction of the Board, following the disposition of the Complaint by the Board.
7. To ensure that the Complaint has merit to be considered and reviewed, at least one (1) other Trustee must provide to the Board Chair (or Vice-Chair where the Complaint pertains to the Chair) within three (3) business days of receipt of the Complaint, a letter indicating support for having the Complaint heard at a private Board meeting (the "Code of Conduct Hearing"). Any trustee who forwards such a letter of support shall not be disqualified from attending at, and deliberating upon, the Complaint at a Code of Conduct Hearing.
8. Where no letter of support is received by the Board Chair within three (3) business days, the Complaint shall not be heard. The Board Chair shall notify all other trustees in writing that no further action of the Board shall occur.
9. Where a letter of support is received by the Board Chair in the three (3) business day period referred to in section 7 above, the Board Chair shall convene, as soon as is practicable, a Code of Conduct Hearing to consider the alleged violation of the Code of Conduct by the offending trustee.
10. At the Code of Conduct Hearing, the Board Chair shall indicate, at the commencement of the meeting, the nature of the business to be transacted. Without limiting the foregoing, the Board Chair shall ensure fairness in dealing with the Complaint by adhering to the following procedures:
 - 10.1 All preliminary matters, including whether one (1) or more trustees may have a conflict of interest in hearing the presentations regarding the Complaint, shall be dealt with prior to the presentation of the Complaint by the complaining trustee. No trustee shall be deemed to have a conflict of interest simply for the reason that they are affiliated with the same political party.
 - 10.2 The sequence of the Code of Conduct hearing shall be:
 - 10.2.1 The complaining trustee, with or without the assistance of legal counsel, may provide a presentation to the Board which may be

written or oral or both. In the absence of a presentation from the complaining trustee, the Complaint shall stand as the presentation;

- 10.2.2 The offending trustee, with or without the assistance of legal counsel, shall then be given an opportunity to provide a responding presentation to the Board which may be written or oral or both;
 - 10.2.3 The complaining trustee shall then be given an opportunity to reply to the offending trustee's response;
 - 10.2.4 The offending trustee shall then be provided a further opportunity to respond to the complaining trustee's reply;
 - 10.2.5 The remaining trustees of the Board shall be given the opportunity to ask questions of both parties; however, the offending trustee has the right not to answer any questions which may be self-incriminating;
 - 10.2.6 The complaining trustee shall be given the opportunity to make final comments to the Board; and
 - 10.2.7 Finally, the offending trustee shall be given the opportunity to make final comments to the Board.
- 10.3 Following the presentation of the respective positions of the parties, the parties and all persons other than the remaining trustees who do not have a conflict of interest shall be required to leave the room, and the remaining trustees shall deliberate in private, without assistance from administration. The Board may, however, in its discretion, call upon legal advisors to assist them on points of law or the drafting of a possible resolution(s).
 - 10.4 If the remaining trustees in deliberation require further information or clarification, the parties shall be reconvened and the requests made in the presence of both parties. If the information is not readily available, the presiding Chair may request a recess or, if necessary, an adjournment of the Code of Conduct hearing to a later date.
 - 10.5 In the case of an adjournment, no discussion by trustees whatsoever of the matters heard at the Code of Conduct Hearing may take place until the meeting is reconvened.
 - 10.6 Following deliberation by the remaining trustees, the presiding Chair shall reconvene the parties to the Code of Conduct Hearing. The presiding Chair shall then call for a resolution(s) to be placed before the Board. Any resolution(s) of the Board at a Code of Conduct Hearing requires a two-thirds majority vote in order to pass the resolution(s).
 - 10.7 All documentation that is related to the Code of Conduct hearing shall be returned to the Superintendent immediately upon conclusion of the Code of Conduct hearing and shall be retained in accordance with legal requirements.

- 10.8 The presiding Chair shall declare the private Board meeting adjourned.
11. A violation of the Code of Conduct may result in the Board instituting, without limitation, any or all of the following sanctions:
- 11.1 Having the Board Chair write a letter of censure marked “personal and confidential” to the offending trustee;
- 11.2 Having a motion of censure passed; and
- 11.3 Having a motion to remove the offending trustee from one (1), some or all Board committees or other appointments of the Board.
12. The Board may, in its discretion, make public its findings where the Board has not upheld the Complaint alleging a violation of the Trustee’s Code of Conduct or where there has been a withdrawal of the Complaint or under any other circumstances that the Board deems reasonable and appropriate to indicate publicly its disposition of the Complaint.

Failure of Security

13. The Trustee Code of Conduct requires that trustees protect all Confidential Information obtained in their capacity as a trustee. Willful failure to comply with this requirement where the disclosure of information pertains to matters of a sensitive nature constitutes a breach or failure of security. For clarity, matters of a sensitive nature include but are not limited to: (1) the personal information of students, including sexual orientation and gender identities; (2) information that is subject to solicitor-client privilege; (3) information related to appeals under section 11 of the *School Act*; (4) and any other matter that is deemed to be sensitive at the sole discretion of the Board. No trustee shall be in contravention of the requirement to protect all Confidential Information if the disclosure of information was done inadvertently or because of an error in judgment made in good faith.
14. If an individual trustee or the Superintendent become aware of a suspected failure of security, they may bring the suspected breach to the attention of the Board Chair (or Vice-Chair if the suspected failure of security relates to the Chair) to be discussed at a private meeting of the Board. At such private meeting, the Chair (or Vice-Chair as applicable) shall present the nature and circumstances of the suspected failure of security and the offending trustee, or their agent or representative, may respond to the allegations verbally or in writing or both. After hearing all of the circumstances of the suspected breach of security, the Board Chair shall call for a motion to: (1) confirm a failure of security and to write a letter of censure to the offending trustee marked “Personal and Confidential”; or (2) if further information is required before determination can be made, direct that the Superintendent (as head of the District under the *Freedom of Information and Protection of Privacy Act*) appoint an independent investigator to review the alleged breach of security. In such a case, the following procedure shall be invoked:
- 14.1 The independent investigator shall conduct an investigation and submit a report of findings and recommendations to the Board Chair (or Vice-Chair as applicable) and to the Superintendent.

- 14.2 The Board Chair shall present at a private meeting of the Board, the report of the independent investigator. At this time, the trustee in question, with or without the assistance of legal counsel, shall have an opportunity to present any additional, relevant information.
- 14.3 If it is determined by a two-thirds majority vote of the Board that a willful violation of security has occurred, a motion to write a letter of censure marked "Personal and Confidential" is required to be discussed and agreed upon by two-thirds of trustees present at a private meeting of the Board.
15. For subsequent occurrences where the Board confirms a willful failure of security in respect of the same trustee, the Board may impose any or all of the sanctions set out in section 11 of Policy 4 for a violation of the Trustee Code of Conduct.
16. The Board may, with approval of two-thirds of trustees present at a private board meeting, make public its findings where a trustee has committed a willful failure of security.

Legal Reference: Sections 49, 50, (Part 5 Sections 55-64), 65, 85, 94, 95 School Act

Policy 4

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Specifically

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 - 1.2 Keep confidential any personal, privileged or confidential information obtained in their capacity as a trustee (the “Confidential Information”) and not disclose the Confidential information except when authorized by law or by the Board to do so. Trustees shall not divulge the contents of private meetings, recognizing that all information disclosed in private meetings is Confidential Information and that such disclosure could seriously harm the Board’s ability to conduct its business.
 - 1.3 Be fully conversant with Part 5 sections 55 to 64 of the School Act regarding a Trustee conflict of interest.
 - 1.4 Prior to discussion of any such subject matter at a public meeting declare any perceived conflict not take part in the discussion on the matter nor vote on it. In addition not discuss the matter outside the meeting with other trustees nor exert influence on the decision in which the trustee has a conflict of interest.
 - 1.5 In addition to the requirements in 1.4 leave the meeting immediately if the subject matter to which the trustee has a conflict of interest is discussed in a private meeting.
2. Although a trustee is responsible for declaring a possible conflict of interest it is the fiduciary duty of all trustees and the Superintendent to protect the Board and the Board and Superintendent have a duty to point out any apparent, potential or perceived conflict of interest when it appears.
3. A trustee may request guidance from other trustees, the Board or the Superintendent in regard to personal conflict of interest matters.
4. Any declaration of conflict of interest at a public meeting shall be recorded in the minutes of the meeting. Any declaration of conflict of interest at a private meeting shall be recorded in the minutes of the next public meeting.
5. A trustee shall not use their influence to obtain employment within the District for family members or friends and will not use their position for personal advantage or the advantage of friends and/or family.

6. Trustees shall not attempt to exercise individual authority over the organization except as explicitly set forth in policies of the Board. Trustees' interaction with the Superintendent or with staff shall recognize the lack of authority vested in individual trustees except when explicitly authorized by the Board;
7. Only the Board as opposed to individual trustees shall exercise authority over the Superintendent. In particular, only the Board shall make judgments regarding the Superintendent's performance.
8. Trustees shall:
 - 8.1 Abide by the policies of the Board, all applicable legislation and regulations, in particular the School Act, and the Oath of Office.
 - 8.2 Respect and abide by the majority decisions made by the Board in legally constituted meetings.
 - 8.3 Endeavour to work with fellow Board members in a spirit of harmony and cooperation even when there are differences of opinion which may arise during debate.
 - ~~8.38.4~~ Ensure that their comments are issue-based and not personal, demeaning, derogatory or disparaging with regard to Board staff or fellow trustees, including comments made to media or news outlets.
 - ~~8.48.5~~ Ensure fiduciary responsibility to the Board supersedes any conflicting loyalty such as that to advocacy or interest groups and membership on other ~~boards~~ boards or staffs.
 - ~~8.58.6~~ Represent the Board in all Board-related matters with proper decorum and respect for others.
 - ~~8.68.7~~ Use discretion at all times to minimize the impression that the individual trustees' statements reflect the position of the Board.
 - ~~8.78.8~~ Ensure the use of electronic devices do not adversely affect the business of the meeting.
 - ~~8.88.9~~ Protect and enhance the reputation of the District and Board.
9. Trustees are individually responsible for the content of their comments, posts and "likes" on social media and must ensure that their use of social media is consistent with the Trustee Code of Conduct.
- ~~9.10.~~ Consequences for the failure of individual trustees to adhere to the Trustee Code of Conduct are specified in Policy 4 Appendix – Trustee Code of Conduct Sanctions.

Policy 4 – Appendix

TRUSTEE CODE OF CONDUCT SANCTIONS

1. Trustees shall conduct themselves in an ethical and prudent manner in compliance with the Trustee Code of Conduct, Policy 4. The failure by trustees to conduct themselves in compliance with this policy may result in the Board instituting sanctions.

Code of Conduct Sanctions other than a Failure of Security

2. A ~~t~~Trustee who believes that a fellow ~~t~~Trustee has violated the Code of Conduct shall report such violation in writing (the "Violation Notice") to the Board Chair (or Vice-Chair if the complaint pertains to the Chair) and permit the Board Chair to ~~may~~ seek resolution of the matter through ~~appropriate~~ conciliatory measures prior to commencing an official complaint under the Code of Conduct. The Board Chair must notify the offending trustee of the reported violation within three (3) business days of receiving the Violation Notice.

~~2.3.~~ It is recognized that from time to time a contravention of the Code of Conduct may occur that is trivial, or committed through inadvertence, or an error of judgment made in good faith. In the spirit of collegiality and the best interests of the Board, the first purpose of alerting the offending trustee to a possible breach of the Code of Conduct is to assist the trustee in understanding their obligations under the Code.

~~3.4.~~ The ~~c~~Conciliation ~~processory~~ measures will ~~normally include:~~begin within seven (7) business days of receipt of the Violation Notice, as follows:

~~3.14.1~~ The ~~Board Chair (or the Vice-Chair if the complaint pertains to the Chair) Trustee who believes a violation has occurred~~ will engage in an individual private conversation with the ~~offending t~~Trustee, the purpose of which is to discuss, among other things, the nature of the reported violation of the Code of Conduct and to provide the offending trustee with an opportunity for explanation and to learn from their actions; ~~affected.~~

~~3.24.2~~ Following~~gaining resolution through~~ the private conversation ~~between the Board Chair and the offending trustee, the Board Chair will act as conciliator in a meeting between the complaining trustee and the offending trustee in an effort to seek resolution of the matter to the satisfaction of the trustees involved; and~~ the parties will engage the Board Chair, Vice-Chair to gain resolution. If the concern is with the Board Chair, the concern is to be raised with the Vice-Chair.

~~3.34.3~~ Assuming a satisfactory resolution is reached, ~~t~~The Board Chair and ~~at the Chair's option the Chair and Vice-Chair will attempt to resolve the matter to the satisfaction of the trustees involved.~~ shall report to the Board of the outcome of the conciliation process. The conciliatory process, including the content and nature of the Violation Notice, the discussions between the participating trustees and any terms of resolution, are Confidential

Information, the public disclosure of which shall be deemed to be a violation of the Code of Conduct without the written consent of the complaining and offending trustees.

5. If a resolution is not reached to the satisfaction of the complaining trustee, the complaining trustee may~~A Trustee who wishes to~~ commence an official complaint to the Board by filing ~~, under the Code of Conduct shall file~~ a letter of complaint (the "Complaint") with the Board Chair ~~(or Vice-Chair if the Complaint pertains to the Chair)~~ within thirty (30) days of the conclusion of the conciliation process. The Complaint shall ~~alleged event occurring and~~ indicate the nature of the violation of the Code of Conduct~~complaint,~~ and the section or sections of the Code of Conduct that are alleged to have been violated by the offending t~~Trustee~~ and any other relevant circumstances.

~~— The offending t~~~~Trustee who is alleged to have violated the Code of Conduct~~ and all other trustees shall be forwarded a copy of the Complaint~~letter of complaint~~ by the Board Chair, or where ~~otherwise~~ applicable ~~in what follows, by~~ the Vice-Chair, within five (5) business days of receipt by the Board Chair of the C~~letter of~~ complaint. ~~The~~ If the complaint is with respect to the conduct of the Board Chair, ~~the letter of complaint shall be filed with the Vice-Chair.~~

4.6. When a Trustee files a letter of complaint, and a copy of that letter of complaint is forwarded to all trustees; ~~the~~ filing, notification, content and nature of the C~~complaint~~ shall be deemed to be ~~strictly confidential~~Confidential Information, the public disclosure of which shall be deemed to be a violation of the Code of Conduct. Public disclosure of the C~~complaint~~ and any resulting decision taken by the Board may be disclosed by the Board Chair only at the direction of the Board, following the disposition of the C~~complaint~~ by the Board. ~~at a Code of Conduct hearing.~~

5.7. To ensure that the C~~complaint~~ has merit to be considered and reviewed, at least one (1) other Trustee must provide to the Board Chair (or Vice-Chair where the Complaint pertains to the Chair) within three (3) business days of receipt of the Complaint~~the notice in writing of the complaint being forwarded to all trustees~~, a letter indicating support for having the C~~complaint~~ heard at a private Board meeting (the "Code of Conduct H~~hearing")~~. Any ~~t~~Trustee who forwards such a letter of support shall not be disqualified from attending at, and deliberating upon, the C~~complaint~~ at a Code of Conduct H~~hearing~~. ~~convened to hear the matter, solely for having issued such a letter.~~

6.8. Where no letter of support supporting a hearing is received by the Board Chair within ~~in the~~ three (3) business days ~~s period referred to in section 5 above~~, the C~~complaint~~ shall not be heard. The Board Chair shall notify all other trustees in writing that no further action of the Board shall occur.

7.9. Where a letter of supporting a hearing is received by the Board Chair in the three (3) business day period referred to in section 7~~5~~ above, the Board Chair shall convene, as soon as is practicable~~reasonable~~, a Code of Conduct Hearing~~private meeting of the Board~~ to consider the alleged violation of the Code of Conduct by the offending trustee. ~~allow the complaining Trustee to present their views of the alleged violation of the Code of Conduct.~~

At the Code of Conduct Hearing~~private meeting of the Board~~, the Board Chair shall indicate, at the commencement of the meeting, the nature of the business to be transacted.

10. Without limiting ~~the foregoing what appears below~~, the Board Chair shall ensure fairness in dealing with the Ceomplaint by adhering to the following procedures:

~~7.2.10.1~~ 7.2.10.1 ~~The Code of Conduct complaint shall be heard at a Code of Conduct hearing, at a private Board meeting convened for that purpose.~~ All preliminary matters, including whether one (1) or more trustees may have a conflict of interest in hearing the presentations regarding the Ceomplaint, shall be dealt with prior to the presentation of the Ceomplaint ~~on behalf of by~~ the complaining trustee. No trustee shall be deemed to have a conflict of interest simply for the reason that they are affiliated with the same political party.

~~7.2.10.2~~ 7.2.10.2 The sequence of the Code of Conduct hearing shall be:

~~7.2.10.2.1~~ 7.2.10.2.1 The complaining trustee, with or without the assistance of legal counsel, shall may provide a presentation to the Board which may be written or oral or both. In the absence of a presentation from the complaining trustee, the Complaint shall stand as the presentation;

~~7.2.10.2.2~~ 7.2.10.2.2 The ~~respondent offending~~ trustee, with or without the assistance of legal counsel, shall then be given an opportunity to ~~shall~~ provide a responding presentation to the Board which may be written or oral or both;

~~7.2.10.2.3~~ 7.2.10.2.3 The complaining trustee shall then be given an opportunity to reply to the ~~respondent offending~~ trustee's response~~presentation;~~

~~7.2.10.2.4~~ 7.2.10.2.4 The ~~respondent offending~~ trustee shall then be provided a further opportunity to respond to the complaining trustee's ~~presentation and subsequent remarks;~~reply;

~~7.2.10.2.5~~ 7.2.10.2.5 The remaining trustees of the Board shall be given the opportunity to ask questions of both parties; however, the offending trustee has the right not to answer any questions which may be self-incriminating;

~~7.2.10.2.6~~ 7.2.10.2.6 The complaining trustee shall be given the opportunity to make final comments to the Board; and

~~7.2.10.2.7~~ 7.2.10.2.7 Finally, ~~t~~The ~~respondent offending~~ trustee shall be given the opportunity to make final comments to the Board.

~~7.3.10.3~~ 7.3.10.3 Following the presentation of the respective positions of the parties, the parties and all persons other than the remaining trustees who do not have a conflict of interest shall be required to leave the room, and the remaining trustees shall deliberate in private, without assistance from

administration. The Board may, however, in its discretion, call upon legal advisors to assist them on points of law or the drafting of a possible resolution(s).

7.410.4 If the remaining trustees in deliberation require further information or clarification, the parties shall be reconvened and the requests made in the presence of both parties. If the information is not readily available, the presiding Chair may request a recess or, if necessary, an adjournment of the Code of Conduct hearing to a later date.

7.510.5 In the case of an adjournment, no discussion by trustees whatsoever of the matters heard at the Code of Conduct ~~H~~hearing may take place until the meeting is reconvened.

~~7.6 Following deliberation by the remaining trustees, The remaining trustees in deliberation may draft a resolution(s) indicating what action, if any, may be taken regarding the respondent Trustee.~~

~~7.710.6~~ 7.710.6 ~~t~~The presiding Chair shall reconvene the parties to the Code of Conduct ~~H~~hearing. The presiding Chair shall then call for a resolution(s) to be placed before the Board. Any resolution(s) of the Board at a Code of Conduct Hearing requires a two-thirds majority vote in order to pass the resolution(s).

7.810.7 All documentation that is related to the Code of Conduct hearing shall be returned to the Superintendent immediately upon conclusion of the Code of Conduct hearing and shall be retained in accordance with legal requirements.

~~7.9 The presiding Chair shall call for a resolution(s) to be placed before the Board.~~

~~7.1010.8~~ 7.1010.8 The presiding Chair shall declare the private Board meeting adjourned.

~~8.11.~~ 8.11. A violation of the Code of Conduct may result in the Board instituting, without limitation ~~ing what follows~~, any or all of the following sanctions:

~~8.111.1~~ 8.111.1 Having the Board Chair write a letter of censure marked “personal and confidential” to the offending ~~t~~Trustee, ~~on the approval of a majority of those trustees present and allowed to vote at the private meeting of the Board;~~

~~8.211.2~~ 8.211.2 Having a motion of censure passed ~~by a majority of those trustees present and allowed to vote at the private meeting of the Board;~~ and

~~11.3~~ 11.3 Having a motion to remove the offending ~~t~~Trustee from one (1), some or all Board committees or other appointments of the Board ~~passed by a majority of those trustees present and allowed to vote at the private meeting of the Board;~~

12. The Board may, in its discretion, make public its findings where the Board has not upheld the ~~C~~complaint alleging a violation of the ~~Board's~~ Trustee's Code of

Conduct or where there has been a withdrawal of the Ceomplaint or under any other circumstances that the Board deems reasonable and appropriate to indicate publicly its disposition of the Ceomplaint.

Failure of Security

13. The Trustee Code of Conduct requires that trustees protect all Confidential Information obtained in their capacity as a trustee shall respect the confidentiality appropriate to issues of a sensitive nature. Willful fFailure to comply with this requirement where the disclosure of information pertains to matters of a sensitive nature constitutes a failure breach or failure of security. For clarity, matters of a sensitive nature include but are not limited to: (1) the personal information of students, including sexual orientation and gender identities; (2) information that is subject to solicitor-client privilege; (3) information related to appeals under section 11 of the School Act, (4) and any other matter that is deemed to be sensitive at the sole discretion of the Board. No trustee shall be in contravention of the requirement to protect all Confidential Information if the disclosure of information was done inadvertently or because of an error in judgment made in good faith.

~~9.14. If a~~An individual ~~t~~Trustee or the Superintendent become aware of ~~may bring~~ a suspected ~~failure breach~~ of security, they may bring the suspected breach to the attention of the Board Chair (or Vice-Chair if the suspected failure of security relates to the Chair) to be discussed, at a private meeting of the Board. At such private meeting, the Chair (or Vice-Chair as applicable) shall present the nature and circumstances of the suspected failure of security and the offending trustee, or their agent or representative, may respond to the allegations verbally or in writing or both. After hearing all of the circumstances of the suspected breach of security, the Board Chair shall call for a motion to: (1) confirm a failure of security and to write a letter of censure to the offending trustee marked "Personal and Confidential"; or (2) if further information is required before determination can be made, direct that the Superintendent (as head of the District under the Freedom of Information and Protection of Privacy Act) appoint an independent investigator to review the alleged breach of security. In such a case, the following procedure shall be invoked: If by majority vote the Board agrees that a failure has occurred, the failure shall be recorded by the Board and the following procedure shall be invoked:

~~9.1 The Board Chair shall request that the Superintendent (as head of the District under the Freedom of Information and Protection of Privacy Act) appoint an independent investigator to review this matter. This request may occur only after such a motion has been discussed and agreed to by a majority of trustees present at a private meeting of the Board. This decision shall immediately be approved in a public meeting of the Board.~~

~~9.2~~14.1 The independent investigator shall conduct an investigation and submit a report of findings and recommendations to the Board Chair (or Vice-Chair as applicable) and to the Superintendent.

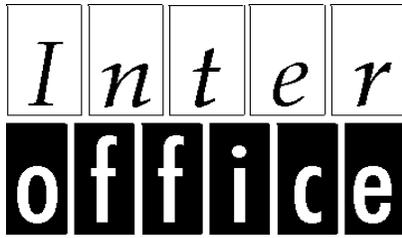
~~9.3~~14.2 The Board Chair shall present at a private meeting of the Board, the report of the independent investigator. At this time, the ~~t~~Trustee in question, with or without the assistance of legal counsel, shall have an opportunity to present any additional, relevant information.

9.414.3 If it is determined by a two-thirds majority vote of the Board that a willful violation of security has occurred, ~~for a first occurrence,~~ a motion to write a letter of censure marked “Personal and Confidential” is required to be discussed and agreed upon by ~~a majority~~two-thirds of trustees present at a private meeting of the Board. ~~This decision requires immediate approval by a majority vote of trustees at a public meeting of the Board.~~

9.515. For subsequent occurrences where the Board confirms a willful failure of security in respect of the same trustee, the Board may impose any or all of the sanctions set out in section 11 of Policy 4 for a violation of the Trustee Code of Conduct. ~~a motion of censure against the Trustee in question may be brought directly to a public meeting of the Board. This motion shall be approved by a majority vote of trustees present at such a meeting.~~

10.16. The Board may, with approval of two-thirds of trustees present at a private board meeting, make public its findings where a trustee has committed a willful failure of security.

Legal Reference: Sections 49, 50, (Part 5 Sections 55-64), 65, 85, 94, 95 School Act



Memorandum

vancouver school board



Date: December 2, 2020
To: Policy and Governance Committee
From: J. David Green, Secretary-Treasurer
Re: Audit Committee Terms of Reference Change

ITEM 3.3

REFERENCE TO STRATEGIC PLAN:

Goal 4: Provide effective leadership, governance and stewardship

- **Objective:** Effectively utilize school district resources and facilities

INTRODUCTION:

This report contains a motion for the committee's consideration.

BACKGROUND:

At the June 24, 2019 meeting of the Board of Education, the Board passed the following motion:

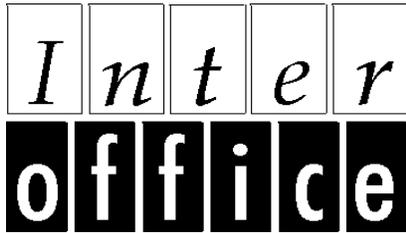
Moved by A. Wong, seconded by J. Reddy, that the Board of Education refer the issue of transferring responsibility for the selection of the District's bankers in Board Policy 8 (Board Committees) from the Audit Committee to the Finance Committee, to the Policy and Governance Committee for consideration.

ANALYSIS:

The recommendation arose from the presentation made at the June 10, 2019 Audit Committee meeting comparing the responsibilities of the Audit Committee and the Finance Committee contained in Board Policy 8 – Board Committees. The Audit Committee recommended that the selection of the District banker should be the responsibility of the Finance Committee. As the responsibilities of committees is ensconced in the Board Policy Handbook, the Policy and Governance Committee should discuss this proposed change and if in agreement, recommend it to the Board of Education.

RECOMMENDATION:

There are no recommendations.



Memorandum

vancouver school board



Date: December 2, 2020

ITEM 4.1

TO: Policy and Governance Committee

FROM: David Nelson, Deputy Superintendent

RE: **Proposed Revisions to Policy 21 (Non-Discrimination) and Accompanying Administrative Procedures**

Goal 3: Create a culture of care and shared social responsibility.

Objectives:

- Encourage and enhance practices that support cultural, emotional, physical and mental well-being.
- Increase knowledge, awareness, appreciation of, and respect for Indigenous histories, traditions, cultures and contributions by all students through eliminating institutional, cultural and individual racism within the Vancouver school district learning communities.
- Respect and celebrate all forms of diversity.

OVERVIEW

At the October 14, 2020 Policy and Governance Committee staff presented a report outlining changes made to Policy 21 (Non-Discrimination) and accompanying Administrative Procedures 170, 171, 350. (Appendix A)

These draft changes were made in response to the December 16, 2019 Board motion:

“That the VSB hire a field expert to advise the Board on policy and VSB staff on procedures that outline an impact-focused, structured response to discriminatory student conduct, specifically including acts of hate.

This policy and procedures, in order to ensure student well-being, should include:

1. *Subject to the Board’s obligations under the Freedom of Information and Protection of Privacy Act:*
 - *clear, transparent and accountable actions to be taken, by administration and staff, in the case of an incident;*
 - *a commitment to full and complete communication with student(s) directly impacted and their caregivers, the perpetrator and their caregivers, and the broader school community.*
2. *A process of restorative justice, accountability and restitution for impacted students and staff and for student perpetrators.”*

Following the October 14 meeting staff received input from stakeholders on draft Policy 21 as presented. In response two points of additional clarification have been incorporated into the draft. These additions are indicated in blue font and have been reviewed by Audrey Ackah in her role as a field expert. (Appendix B)

Following the October 14 meeting the Administrative Procedures Working Group also met to review Administrative Procedures 170, 171, and 350. Input and suggestions from this meeting will be incorporated into the procedures prior to their review by the Superintendent. Following review by the Superintendent, Administrative Procedures 170, 171 and 350 will return to the Policy and Governance Committee for information.

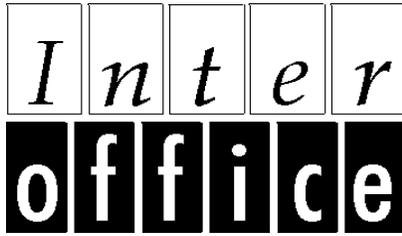
RECOMMENDATION

IT IS RECOMMENDED that the Board adopt Policy 21 (Non-Discrimination) as revised.
(Appendix B)

Attachments

Appendix A – Staff Report to Policy and Governance Committee – Proposed Revisions to Policy 21 (Non-Discrimination) and Accompanying Administrative Procedures (October 14, 2020)

Appendix B – Draft Policy 21: Non-Discrimination



Memorandum

vancouver school board



DATE: October 14, 2020

Appendix A

TO: Policy and Governance Committee

FROM: David Nelson, Deputy Superintendent

RE: **Proposed Revisions to Policy 21 (Non-Discrimination) and Accompanying Administrative Procedures**

Reference to Strategic Plan:

Goal 3: Create a culture of care and shared social responsibility.

Objectives:

- Encourage and enhance practices that support cultural, emotional, physical and mental well-being.
- Increase knowledge, awareness, appreciation of, and respect for Indigenous histories, traditions, cultures, and contributions by all students through eliminating institutional, cultural and individual racism within the Vancouver school district learning communities.
- Respect and celebrate all forms of diversity.

INTRODUCTION AND BACKGROUND:

This report is provided in response to a Motion approved by the Board at the December 16, 2019 Vancouver School Board Meeting. The motion states:

“That the VSB hire a field expert to advise the Board on policy and VSB staff on procedures that outline an impact-focused, structured response to discriminatory student conduct, specifically including acts of hate.

This policy and procedures, in order to ensure student well-being, should include:

1. *Subject to the Board’s obligations under the Freedom of Information and Protection of Privacy Act:*
 - *clear, transparent and accountable actions to be taken, by administration and staff, in the case of an incident;*
 - *a commitment to full and complete communication with student(s) directly impacted and their caregivers, the perpetrator and their caregivers, and the broader school community.*
2. *A process of restorative justice, accountability and restitution for impacted students and staff and for student perpetrators.”*

As a result, Board Policy 21 (Non-Discrimination) and its accompanying Administrative Procedures, AP 170 (Non-Discrimination), AP 171 (Racial, Ethno-Cultural and/or Religious Harassment), and AP 350 (District Student Code of Conduct) have been reviewed and revised.

This report contains suggested revisions for the Superintendent's consideration and a recommendation for the Board's approval.

PROCESS FOR REVIEW AND ANALYSIS

Staff Work

Staff began this work by conducting a preliminary review of the existing Vancouver School Board Policy 21 and corresponding Administrative Procedures in February 2020. As part of this review District staff analyzed similar policies, administrative procedures, and codes of conduct in other Lower Mainland school districts, as well as school districts in other parts of Canada. This analysis included documents from the following school districts:

- SD 36 (Surrey)
- SD 37 (Delta)
- SD 38 (Richmond)
- SD 41 (Burnaby)
- SD 43 (Coquitlam)
- SD 44 (North Vancouver)
- The Toronto District School Board
- The Peel District School Board

While each of these school districts had different titles for their policies and procedures related to this subject matter (i.e. *Equity and Inclusive Education, Human Rights, Discrimination and Bullying And Harassment, Safe and Caring Schools, Student Health and Well-Being, Violence, Threat and Intimidation, Multicultural and Race Relations, Personal, Discriminatory, and Sexual Harassment re Students*), the language, intent and expectations of all documents were similar.

All of the policy and procedure documents reviewed, including those from the VSB, reference the Canadian Human Rights Act and relevant provincial Human Rights Code and make a clear, definitive, and unequivocal statement of opposition to racism, discrimination and harassment. They all promote the necessity of true community involvement and representation in the school district and in schools. They make reference to the importance of recognizing cultural diversity in the community, and how that diversity should be represented in all aspects of the school district, including all educational settings and programs, all employment practices and all district facilities..

Staff made preliminary edits to Policy 21, AP 170, AP 171, and AP 350 at this stage of the review. The edits included:

- Clarifying and making more transparent complaints, investigating complaints, and reporting out on the results of an investigation.
- Defining "acts of hate".
- Including information about how the District will communicate with impacted parties about breaches of school codes of conduct and acts of hate.
- Affirming the provision of a restorative justice process.

Field Expert

Audrey Ackah, Legal Counsel for British Columbia School Trustees' Association (BCSTA) was secured to advise in the capacity as an expert on human rights legislation, school law, and the BC *School Act*. Ms. Ackah was asked to review Board Policy 21 and corresponding Administrative Procedures (AP 170, 171 and 350), inclusive of the preliminary revisions made by staff. Ms. Ackah considered whether the policy and procedures were consistent with the Board's legal obligations and whether the policies and procedures were inclusive of an impact-focused, structured response to discriminatory student conduct, specifically acts of hate. Ms. Ackah also ensured that procedures outlined a clear restorative process following an incident.

In her review Ms. Ackah sought to ensure consistency between the policy and procedures related to non-discrimination, ensure that the policy and procedures upheld the Board's obligations under the *Freedom of Information and Protection of Privacy Act*, and sought to ensure the policy and procedures provided clear, transparent and accountable direction and communication structures. Ms. Ackah also consulted with Board legal counsel as part of her review.

RECOMMENDED REVISIONS

As an outcome of the review undertaken by staff and Ms. Ackah, in her role as field expert, proposed updates and revisions have been made to:

- Policy 21 (Appendix A)
- AP 170 (Appendix B)
- AP 171 (Appendix C)
- AP 350 (Appendix D)

Policy

As Trustees are aware, a policy is a guiding principle used to set direction in an organization. A procedure is a series of steps to be followed as a consistent approach to accomplish an end result. Policies are intended to be broad and general and may change infrequently. Procedures, on the other hand, continuously change and improve, and offer a detailed description of activities or steps to be taken. It is for these reasons that the substantive revisions and additions made are to the Administrative Procedures which support implementation of Board Policy 21.

Policy 21: Non-Discrimination (Attachment A)

The changes proposed for Policy 21 are found in the second paragraph and include changing of the term "hate crimes" to "acts of hate." "Hate crime" refers to an offence under the Criminal Code of Canada and therefore is determined by the police and the judicial system. "Acts of hate" may indeed be hate crimes as well, but they may also be incidents that, while not strictly punishable by law, are deserving of a response, intervention, or consequence. Changing the term "hate crimes" to "acts of hate" provides clarity that school District personnel will pursue those acts which are not found to be criminal under the law but must still be taken seriously and addressed at the school and District level.

As well, the same sentence in Policy 21 mentions "propaganda". The descriptor "hateful" is added to the sentence in order to further clarify what type of propaganda is being referred to. Finally, in the same paragraph, an additional sentence is added to reinforce that by following the

processes outlined in the relevant Administrative Procedures, the Board is committed to transparency, clear communication, and a path to resolution for impacted students and staff.

Ms. Ackah affirmed that Policy 21, and the proposed modifications, fully comply with the legal and statutory requirements of the Board.

Administrative Procedures

The more substantial changes are being made to Administrative Procedures 170, 171 and 350 in order to further clarify steps to be taken when dealing with acts of hate and racism and to increase transparency of actions and accountability to the community as outlined in the Board's December 2019 motion.

Administrative Procedure 170: Non-Discrimination (Attachment B)

One of the changes to AP 170 is the inclusion of the term "acts of hate" to the existing phrase "*racial, ethno-cultural or religious harassment and acts of hate*". This creates alignment and consistency with the use of the term "acts of hate" in Policy 21.

Also included under Section 6.2 of the AP (Preventing (Eliminating) Racism, Ethno-Cultural and Religious Harassment) are additional points intended to provide a more detailed description of how the District commits to dealing with such situations. These include a commitment to:

- practice transparency of process and actions when responding to and reporting on incidents;
- encourage the practice of restorative justice and restitution where appropriate; and
- ensure follow up and support those impacted by the incident.

The final addition to this Procedure is the inclusion of a definition of Acts of Hate.

Administrative Procedure 171: Racial, Ethno-Cultural and/or Religious Harassment (Attachment C)

The largest number of revisions have been made to AP 171. Originally, this Procedure outlined only the processes that would take place regarding employees who experienced one of these types of harassment. Therefore, significant additions have been made to the document to address the needs of students and other members of the school community.

The section on employee processes is unchanged as this process is based on the principles outlined in Article E.2 (Harassment/Sexual Harassment) of the Teachers' Collective Agreement.

A significant revision was made to AP 171 with the inclusion of a section outlining processes and responses for incidents involving students and other members of the school community. This revision, inclusive of Section 8, 9 and 10, provides clear direction as to what the complaint process is for students and how the investigation of such a complaint will be handled by the school and District.

Administrative Procedure 350: District Student Code of Conduct (Attachment D)

This AP includes the delineation of responsibility for students, parents, and school district personnel during an incident involving a breach of conduct. Changes made now further clarify the duties of district personnel, including specifying who should be notified during an incident and what type of follow up should occur after the incident. In addition, Acts of Hate is now specifically named as a violation/breach of the Code of Conduct, whereas previously, only

Weapons and Intoxicating, Banned or Controlled Substances had been named. Finally, a statement regarding the use of restorative justice and the involvement of district staff and the school community in the process has also been added.

Ms. Ackah affirmed that AP 170, 171 and 350, and the proposed modifications, fully comply with legal and statutory requirements.

RECOMMENDATION

Two of the five guiding principles in the Vancouver School Board's Strategic Plan are *inclusion* and *transparency*. In completing this review and revision of Policy 21 (Non-Discrimination) and its accompanying Administrative Procedures, the Vancouver School Board and the District are upholding their commitment to these important guiding principles.

IT IS RECOMMENDED that the Board adopt Policy 21 (Non-Discrimination) as revised.
(Appendix A)

Attachments

Appendix A - Draft Policy 21: Non-Discrimination

Appendix B – Draft AP 170: Non-Discrimination

Appendix C – Draft AP 171: Racial, Ethno-Cultural and/or Religious Harassment

Appendix D – Draft AP 350: District Student Code of Conduct

Policy 21

NON-DISCRIMINATION

The District believes in equitable treatment for all individuals regardless of race, colour, ancestry, ethnic origin, religion, socio-economic status, gender, sexual orientation, physical or mental ability, or political beliefs. The letter and spirit of the *Canadian Human Rights Act* and the *B. C. Human Rights Code* shall be carefully observed, enforced, and supported, so that all members of the school community may work together in an atmosphere of respect and tolerance for individual differences.

This practice of non-discrimination shall prevail in all matters of instruction and course selection: in employment, promotion, and assignment of staff; in providing access to facilities; in the choice of instructional materials and the provision of career guidance and counselling; and in all matters pertaining to community relations. Specifically, the District will not tolerate **acts of hate** or the **distribution of hateful** propaganda and will ensure that administrative procedures dealing with such matters are followed when allegations arise. **These administrative procedures include commitments to transparency, clear communication with all involved and a path to resolution for impacted students and staff.**

The District acknowledges the racial and cultural diversity of the communities that it serves. Under Canadian laws, all people have the right to their fundamental freedoms and protection from discrimination and racism.

The District supports the elimination of direct and systemic discrimination and racism. The District recognizes racism as a form of discrimination that robs society of the full participation of its members.

The District reaffirms its commitment to eliminating racism and promoting educational and employment equity. Furthermore, the District supports the development, implementation and evaluation of procedures, programs and services that promote and support the principles of Multicultural and Anti-Racism Education.

The District also acknowledges that all members of the school community; staff; students, parents and other stakeholders, share the responsibility for creating a welcoming and inclusive environment which honours and respects everyone. It is the District's responsibility to support all members in their efforts to create a welcoming and inclusive environment for all.

In recognition of the *Canadian Charter of Rights and Freedoms*, the *B.C. Human Rights Code* and the *B.C. Multiculturalism Act*, the District accepts its responsibilities in promoting the spirit of the legislation. Additionally, the District recognizes that the principles of Multicultural and Anti-Racism Education are also embedded in the *Aboriginal Educational Enhancement Agreement* to which it is committed.

The District is committed to:

1. Providing human, material and financial resources to support Multicultural and Anti-Racism procedures;

2. Eliminating ethnocentrism, prejudice, stereotyping, discrimination, **hate** and racism in any form;
3. Ensuring that all schools' Codes of Conducts make explicit reference to the prohibited grounds of discrimination in the BC Human Rights Code;
4. Developing and supporting an environment that affirms, respects, reflects and celebrates the racial, ethno-cultural and religious diversity of our society;
5. Supporting employment equity, through the provision of effective processes to recruit, retain and develop all staff regardless of the race, colour, ancestry, national or ethno-cultural origin or religion;
6. Supporting educational equity through the provision of quality programs for all learners regardless of their race, colour, ancestry, national or ethno-cultural origin or religion;
7. Creating a workplace environment that values and welcomes diversity.

This policy is supported by Administrative Procedure 170 (Non-discrimination); **Administrative Procedure 171 (Racial, Ethnocultural and/or Religious Harassment)**; **Administrative Procedure 350 (District Student Code of Conduct)**

Legal Reference: Sections 6, 8, 8.5, 20, 22, 65, 85, 177 School Act
 Human Rights Code
 Multiculturalism Act
 Canadian Charter of Rights and Freedoms

 Criminal Code of Canada
 Collective Agreements

Adopted: December 16, 2019

Updated: **TBD Date**

Administrative Procedure 170

NON-DISCRIMINATION

Background

The District believes in equitable treatment for all individuals regardless of race, colour, ancestry, ethnic origin, religion, socio-economic status, gender, sexual orientation, physical or mental ability, or political beliefs. The letter and spirit of the *Canadian Human Rights Act* and the *B. C. Human Rights Code* shall be carefully observed, enforced, and supported, so that all members of the school community may work together in an atmosphere of respect and tolerance for individual differences.

This Administrative Procedure supports Board Policy 21 Non-discrimination.

Procedures

1. Building and Maintaining Community

- 1.1. The District values dialogue with all parent, student and community groups. The collaboration is important for the creation of effective educational procedures, programs and services. The District recognizes that special efforts may be needed to involve parents because of differing cultural assumptions and histories related to education. Additionally, the District recognizes the need to create an inclusive environment in which all parents and students from various linguistic and cultural backgrounds feel welcome and can contribute.
- 1.2. The District is committed to providing opportunities for diverse communities in order to develop equity in education and create an environment free from racism and shall:
 - 1.2.1. Facilitate discussions with diverse communities and provide translation and interpretation as needed to facilitate these discussions;
 - 1.2.2. Provide opportunities for all communities to enhance their awareness, knowledge and understanding of **bias, privilege, racism and hate**;
 - 1.2.3. Ensure that specialized staff, such as the Aboriginal Educational Enhancement Workers, Multicultural Liaison Workers, Settlement Workers in Schools and the Engaged Immigrant Youth Program Workers work collaboratively with all members of the school community to provide services according to community needs;
 - 1.2.4. Maintain the District Diversity Advisory Committee and encourage collaboration among the advisory committees.

2. Honouring Language

- 2.1. The District recognizes the role of language in learning. The District values language learning opportunities and affirms the importance of the learner's first language. The District also recognizes the power of language to create inclusion or exclusion.
- 2.2. The District is committed to creating a climate of respect for the linguistic diversity of the community and language that honours and creates inclusion of all and shall:

- 2.2.1. Continue to recognize and value the importance of first language(s) and prior educational experiences of students;
- 2.2.2. Support the development and implementation of additional language programs;
- 2.2.3. Develop communication strategies that will assist and inform parents in their first language about their children's progress;
- 2.2.4. Ensure that all efforts are made to use inclusive and welcoming language that respects the racial, cultural and religious diversity of its communities.

3. Inclusive and Multi-Centric Curriculum

- 3.1. The District recognizes that curriculum must present a global view of society from diverse perspectives that include the experiences and achievements of culturally diverse groups. The perspectives of all cultural groups must be included to encourage all students to develop pride in their own identity and to value the cultural identities and ancestries of others.
- 3.2. Examination and modification of existing curricula are required to eliminate racial, ethno- cultural and religious discrimination. An effective curriculum development process is one that is collaborative and supportive of educational equity.
- 3.3. The District is committed to developing and implementing racism-free curricula and shall:
 - 3.3.1. Support equitable access to quality programs for all learners;
 - 3.3.2. Develop and implement new inclusive curricula designed to eliminate racism;
 - 3.3.3. Develop and implement multi-centric approaches to curriculum and delivery;
 - 3.3.4. Select learning resources to eliminate racism, Eurocentric bias and negative cultural bias;
 - 3.3.5. Select learning resources that reflect the experiences and contributions of our diverse society.

4. Equitable Assessment, Evaluation and Placement

- 4.1. The District recognizes that the assessment and evaluation process must be multi-faceted in order to provide a comprehensive understanding of what students are capable of achieving. The previous experiences, knowledge and cultural and linguistic background of all students must be considered.
- 4.2. All staff members share the responsibility for creating a welcoming and inclusive environment which honours and respects the diversity of all students. The District and school-based reception process needs to support assessment and evaluation procedures that are appropriate for each student.
- 4.3. The District is committed to developing, implementing and evaluating processes for assessment, evaluation and placement that accommodate cultural differences and shall:
 - 4.3.1. Examine and monitor practices in assessment, evaluation, placement, engagement and tracking of students and implement practices that address the Racial Achievement Gap and support the principles of Multicultural and Anti-Racism Education;

- 4.3.2. Ensure that parents are adequately informed about assessment and evaluation procedures and involved in placement decisions.

5. Implementing Staff Development

- 5.1. The District recognizes that general staff development on Multiculturalism, Diversity and Anti-Racism is fundamental to creating organizational change. All staff members need the knowledge, skills and attitudes to understand and accommodate diversity and difference. Additionally, specific staff development in Multicultural, Diversity and Anti-Racism Education is crucial to understand and accommodate diverse learning and communication styles. An effective staff development program on Multicultural and Anti-Racism Education will promote the academic, social and emotional growth of all students.
- 5.2. The District is committed to providing in-service training opportunities for all employees to enhance their awareness and competence in working effectively with people of diverse backgrounds and shall:
 - 5.2.1. Offer staff and professional development programs to all employees that heightens understanding of the racial, ethno-cultural, linguistic and religious diversity of the community;
 - 5.2.2. Implement staff development programs that promote the principles of Multicultural and Anti-Racism Education;
 - 5.2.3. Support the integration of Multicultural and Anti-Racism Education into existing and new staff development programs.

6. Preventing (Eliminating) Racism, Ethno-Cultural and Religious Harassment

- 6.1. The District recognizes that every individual has the right to freedom from harassment in the workplace and educational environment. A positive environment protects and promotes the dignity, worth and human rights of every person and supports mutual respect and co-operation among individuals. Racial, ethno-cultural or religious harassment **and acts of hate** in any form by any members of the school community, employees, students, parents, and other stakeholders is unacceptable.
- 6.2. The District is committed to supporting an environment free from intentional or unintentional racial, ethno-cultural or religious harassment **and acts of hate** for all students and employees and shall:
 - 6.2.1. Provide opportunities for employees and students to acquire the necessary knowledge, skills and attitudes to identify and respond effectively to harassment;
 - 6.2.2. Develop and implement procedures for resolving incidents of racial, ethno-cultural and religious harassment **and acts of hate** for all members of the school community;
 - 6.2.3 **Subject to the District's obligations under the Freedom of Information and Protection of Privacy Act, practice transparency of process and actions when responding to and reporting on all incidents of racial, ethno-cultural and religious harassment or acts of hate within a school community;**

- 6.2.4 Where appropriate, encourage the practice of restorative justice and restitution in helping to resolve incidents of hate within a school community;
- 6.2.5 Ensure that there is follow up and support available for all members of the school community impacted by the incident;
- 6.2.6 Monitor and investigate reported incidents of racial, ethno-cultural and religious harassment and acts of hate with annual reports of the number of incidents reported and outcomes.

7. Equitable and Inclusive Employment Practices

- 7.1. The District recognizes that effective employment practices remove barriers to fair and equitable hiring, promotion and training opportunities. Employment practices, consistent with Multicultural and Anti-Racism Education, would eliminate prejudice, stereotyping, ethnocentrism, racism and discrimination. Furthermore, the District recognizes that in removing barriers and practicing equitable and inclusive employment practices it would ensure that the organization is reflective of the communities it serves.
- 7.2. The District is committed to developing employment practices that are consistent with the principles of Multicultural and Anti-Racism Education and shall:
 - 7.2.1. Provide equitable access to employment opportunities and fair treatment in the workplace;
 - 7.2.2. Develop recruitment, interview, selection, training and promotion practices and procedures that identify and remove barriers;
 - 7.2.3. Monitor and examine applications, selections processes, recruitment, retention and progression of all employees with regular reports.

Definitions

Anti-Racism is the practice of identifying, challenging, preventing and eliminating racism by isolating, raising awareness and challenging beliefs (such as prejudice, bias and stereotypes) that maintain racism. It uses direct action at personal and institutional levels to create and implement action to fight racism for individuals and within an organization, workforce or group.

Bias is the usually unconscious process of favouring or not favouring individuals or groups based on internalized prejudices. Recent science has shown that neural pathways can be created based on stereotypes and prejudices that create unconscious bias that impacts our behavior and actions.

Cultural Diversity refers to the variety and range of cultures, languages, religions and backgrounds within the group.

Discrimination is unfair, unequal and differential treatment of individuals and/or groups often based in prejudice; in particular prejudice based on race, gender, class, religion, age, ability, sexual orientation or ethnicity. Discrimination can include overt differential treatment and create barriers to prevent access or opportunity such as through procedures and practices that exclude and/or limit people or groups.

Prejudice/Bias + Action = Discrimination.

Diversity the presence of a wide range of human qualities and attributes within a group, some of which are visible and others that are not. It recognizes that we are all different and that our differences can be a source of strength for the group.

Educational equity is recognizing that for diverse groups and for students' educational success, systemic barriers that have excluded particular groups, such as racialised groups, must be challenged and removed. This involves looking at all aspects of education such as recruitment and retention of students, their success and participation and the curriculum and assessment.

Employment equity is recognizing that for diverse groups and individuals, employment equity requires that systemic barriers that have excluded particular groups, such as racialised groups, be challenged and removed. This involves all aspects of employment such as recruitment, selection, retention and progression of staff, workplace environments and pay equity.

Equality is about treating everyone equal and the same. Equal treatment does not recognize group or individual differences and in particular, the inequality of experiences, opportunities and options due to racism.

Equity/Equitable is about fairness; everyone is equal and different. It involves accommodating differences and recognizing that some people may face barriers or disadvantages in particular due to social inequalities such as racism, which require accommodation in order to achieve the same goal. Equity is not necessarily the same as equality, although at times it can be.

Ethno-cultural refers to a group of people whose members identify with each other through a common heritage, language, culture religion, ancestry or nationality.

Eurocentric is the tendency to present information, organize procedures and practices from a European perspective, so for example, the work week and holidays are based on European calendars and religious/historical holidays and history is taught with regards to the European perspective and impacts.

Ethnocentrism is the tendency to believe that one's ethnic or cultural group is centrally important and that all other groups are measured in relation to one's own. Ethnocentrism means to judge others relative to their own group's culture, values and behaviours.

Harassment is behaviours and actions that result in annoying, insulting or treating individuals or groups badly. It can include such things as name-calling, jokes, insults, ignoring or general rudeness. It is the *impact* of these behaviours and not the *intent* that is considered in defining harassment.

Acts of Hate are defined as verbal, physical, written, cyber or social acts of bias, prejudice, and bigotry which incite hatred toward a person or persons based on their membership in a group protected under the provisions of the Human Rights Code, including race, ancestry, colour, ethnic origin, religion, socio-economic status, gender, gender identify, sexual orientation, physical or mental ability, or political beliefs. These acts may be carried out by individuals or groups and are directed against specific persons, groups or property.

Identity (in multiculturalism and anti-racism) refers to the characteristics determining who or what a person is, what group(s) they belong to and specifically their ethno-cultural groups. It not only includes how individuals might self-identify but also how others might identify them, which includes racial identities.

Inclusion/Inclusive describes any effort to include people and value the diversity of their differences, so that they are able to participate as valued, respected and contributing members of society/community/organisation. In education, inclusion means all members of a school community (students, staff and parents) have equal access to the resources of their community and the opportunity to participate in all areas, regardless of their race, gender, social class, religion, sexual identity, sexual orientation or other dimension of diversity. An Inclusive organization will reflect their communities' diversity.

Multi-Centric Education literally means having more than one centre and is the practice of challenging ethnocentric and particularly Eurocentric practices and perspectives in education, offering diverse viewpoints of each issue. It also means recognizing and challenging the cultural bias in teaching and learning and offering different cultural styles of teaching and learning, acknowledging the strength and values in all styles not favouring one position over others.

Multicultural and Anti-racism Education is the practice of identifying, challenging, preventing and eliminating racism as it occurs within education, by isolating, raising awareness and challenging beliefs and practices that maintain racism both on an individual level and systemically. This includes challenging staffing issues, curriculum and pedagogy, assessment and climate issues.

Prejudice means to pre-judge; a preconceived assumption, belief, value or attitude about a person or group, either positive or negative, not based on experience, without adequate evidence or information, usually based on stereotypes.

Stereotype + Values = Prejudice

Race/Racial is a socially constructed belief that human beings can be divided up into distinct racial groups that are biologically different (based on such characteristics as skin colour, shape of eyes or nose) and that these differences are hierarchical, with some races being superior to others. Although science has proven the notion of races and racial differences to be false, the belief has been ingrained into cultural worldviews and is perpetuated despite evidence to the contrary and is thus recognized as a social construct.

Racial Achievement Gap refers to the different academic achievement and success rates of students and in particular that there is a significant gap between racialised groups in Canada and their fellow White students. This gap is due to systemic racism inherent in educational systems and society. These racialised students include Aboriginal students and Black students in particular and some groups of Hispanic, South Asian and Asian students when linked with migration, specific ethno-cultural identity and class.

Racialised is a general term used to refer to all people who experience racism regardless of ethno-cultural identity and specifically recognises that racism is based on a false belief that races exist. Sometimes racialised people self-define as 'people of colour' or 'visible minority' to highlight their experience of racism.

Racism is a belief, attitude and practice that is based on a false assumption that a group of people can be categorised based on race, in particular by using skin colour as a criteria and that different races are superior or inferior to others. This belief has led to legitimizing some

groups over others creating a power imbalance. This power imbalance has resulted in actions limiting 'racialised' individuals and groups from full participation and can happen on an individual level or on a systemic or institutional level.

Discrimination + Power = Racism

Stereotyping is a conscious or unconscious shared understanding about a whole group of people, based on generalized, simplified characteristics. Some stereotypes may seem positive, but the impact of all stereotypes is negative. They are generalizations about all members of the group and ignore individual uniqueness and differences.

Systemic Discrimination occurs when the procedures and practices of the organization/community/society overtly or covertly prevent access, limit or exclude specific individuals and groups for full participation in the organization/community/society.

Systemic Racism occurs when procedures, rules, behaviours, practices and structures that are built into various systems and services in society result in disadvantages for people of a certain race, ethnic, national or religious group, although they may seem or are intended to be neutral.

Reference: Sections 6, 8, 8.5, 20, 22, 65, 85, 177 School Act
Human Rights Code
Multiculturalism Act
Canadian Charter of Rights and Freedoms
Criminal Code of Canada
Collective Agreements

Adopted: October 18, 1982

Revised: June 28, 1995; February 1996; December 1996; February 1999; April 2011; September 24, 2018,
December 16, 2019, **TBA**

Administrative Procedure 171

RACIAL, ETHNO-CULTURAL AND/OR RELIGIOUS HARASSMENT

Background

The District recognizes that every individual is to be treated with respect and dignity and, accordingly, has the right to be free from harassment in our schools and workplaces. A positive, welcoming work and learning environment protects and promotes the self-esteem worth and human rights of every person; it further supports mutual respect and co-operation among individuals. Racial, ethno-cultural or religious harassment **or acts of hate** in any form **are** unacceptable. The District is committed to supporting an environment free from racial, ethno-cultural or religious harassment for all **students, staff and other members of the school community**.

Definition

Racial, ethno-cultural and religious harassment is defined as any behaviour, conduct or material that a reasonable person ought to know is demeaning, offensive or disrespectful towards a person's racial, ethno-cultural or religious background. Such behaviour has a negative effect on the learning environment and workplace. The Board is committed to creating and maintaining workplaces and schools free from harassment.

Some examples of racial, ethno-cultural and religious harassment may include but are not limited to:

- Behaviour, remarks, comments or physical contact that are unwelcome and offensive;
- Jokes and humour that are demeaning or disrespectful;
- Racist, ethnic or religious name calling;
- Discriminatory or differential treatment due to one's race, ethno-cultural background or religion that may have adverse impact on that individual;
- Display of materials, posters, photographs, electronic media and other paraphernalia that is derogatory or is offensive towards a group because of their race, religion or ethno-cultural background.

Procedures for Dealing with Racial, Ethno-Cultural and Religious Harassment

1. These procedures take into consideration the following principles:
 - 1.1. Harassment is a sensitive issue; therefore, the complainant may find it difficult to tell someone about their concerns;
 - 1.2. Everyone involved in a harassment investigation is to feel they are being treated in a fair and impartial manner;
 - 1.3. A complaint made in a malicious and/or vexatious manner is considered to be unacceptable under this procedure on harassment;
 - 1.4. Harassment may constitute criminal activity;
 - 1.5. The ultimate goal of these procedures is resolution.

2. **Staff:** Those **employees** who feel that they may have been or are being, subject to harassment are encouraged to make their concerns known to someone they trust or with whom they feel most comfortable. The following procedures are open to employees who feel they have been harassed. The District's process does not preclude employees from taking their complaint to their union or association. One can also make a complaint to the B.C. Human Rights Commission.
3. Those who feel that they may have been or are being, subject to harassment may contact one of the following individuals:
 - 3.1. Harassment officer(s) designated by the District;
 - 3.2. An administrator, supervisor/manager; and/or
 - 3.3. A union/association representative.
4. The complainant is urged to make a complaint with one of the above individuals with whom he or she feels most comfortable. It is understood that, in some cases, it may not be appropriate to make the complaint to your immediate administrator/supervisor/manager.
5. Confidentiality will be maintained, on a need-to-know basis, throughout the informal and formal procedures of resolution, as well as the appeal procedure.
6. **Informal Resolution**
 - 6.1. The Complainant may choose to speak directly with the Respondent.
 - 6.2. The Complainant may approach the Personnel Officer - Harassment and their administrative officer/supervisor for assistance with resolution. The Complainant may also wish to contact their union/association representative.
 - 6.3. The Personnel Officer - Harassment may determine that a mediator be assigned for resolution rather than the administrative officer/supervisor if the administrative officer/supervisor was not able to achieve resolution agreeable to both parties.
 - 6.4. The administrative officer or supervisor will initiate the informal resolution process. The purpose of this process is to resolve the complaint between the Complainant and Respondent. It is not the purpose of the informal resolution process to determine whether harassment did occur.
 - 6.5. Upon agreement of resolution, a letter of completion of the process will be agreed to by both parties. The letter will be retained by the Personnel Officer - Harassment.
 - 6.6. Failing resolution through the informal process or if the agreement for resolution has been breached, the Complainant may file a written complaint with the Personnel Officer - Harassment.
7. **Formal Resolution**
 - 7.1. The Complainant must make a written complaint to the Personnel Officer - Harassment. The written document is to identify the basis of the complaint and outline the specific incident(s).
 - 7.2. The Complainant and the Personnel Officer - Harassment, will meet to discuss the allegation of harassment and will outline the investigative procedure. The Complainant may choose to resolve or drop the complaint at any time during this procedure.
 - 7.3. The Personnel Officer - Harassment will notify the Respondent in writing regarding the specifics of the complaint.

- 7.4. The investigation will be conducted by the Personnel Officer – Harassment or by an external investigator.
- 7.5. The Complainant and Respondent will be interviewed without unreasonable delay. Other individuals who may assist in the investigation will also be interviewed. All information will be kept confidential.
 - 7.5.1. The applicable provisions of collective agreements pertaining to the right to union or association representation, the right to notice of investigation and any other provisions relating to investigations will be followed by the individual conducting the investigation.
- 7.6. Once the investigation is complete, the individual conducting the investigation will submit an investigative report to the Personnel Administrator. The report will indicate whether harassment has occurred and is substantiated.
- 7.7. The Personnel Administrator will meet separately with the Complainant and Respondent to disclose the findings of the report.
- 7.8. If the investigation concludes that harassment did not occur and cannot be substantiated, no documentation concerning the complaint will be placed in the personnel file of the Respondent. No documentation will be placed in the personnel file of the Complainant where the complaint is made in good faith. If it is found that a complaint has been made maliciously or vexatiously, appropriate disciplinary action may be pursued.
- 7.9. If the investigation concludes that harassment did occur, the Personnel Administrator will determine the appropriate remedy or disciplinary action. Documentation concerning discipline will be placed in the Respondent's personnel file.
- 7.10. Retaliation because of a harassment complaint will be treated seriously and may lead to disciplinary action (Appeal Procedure).
- 7.11. If the Complainant or the Respondent is not satisfied with the remedy of the complaint, they may complete a harassment appeal form that is to be submitted to the Associate Superintendent – Employee Services. This form must be received within ten (10) working days from the meeting with the Personnel Administrator.
- 7.12. The Associate Superintendent – Employee Services will review the investigative process, assess the investigative report and determine the remedy. After completing the review, the Associate Superintendent - Employee Services will then determine what, if any, action is required to resolve the appeal.

8. Students and Other Members of the School Community

The school administration will take appropriate action when there is evidence of, or a complaint of racial, ethno-cultural and religious harassment or acts of hate involving students and/or members of the school community. Through the School Code of Conduct, students and their families will be informed as to how and when to report such incidents.

9. Complaint Process

- 9.1 When possible, complainants are encouraged, but not required, to immediately tell the harasser when conduct is considered inappropriate and unwanted and ask that the inappropriate or unwanted conduct stop.

- 9.2 A student who feels he or she is being harassed, bullied or discriminated against, and who does not know how, or is unable to confront the alleged perpetrator, shall approach a teacher, counsellor, administrator, parent or trusted adult to obtain advice, support and skills or strategies to both halt the harassment and report the harassment.
- 9.3 Students should record pertinent facts which detail alleged incidents. When? Where? Who? What?
- 9.4 Student complaints should be referred to the Principal or Vice-Principal. If the complaint is not resolved or addressed satisfactorily, the complaint can be referred to the Director of Instruction for help in resolution.
- 9.5 Students may be accompanied by a parent or guardian during any proceedings relating to the investigation of a complaint. If they are unaccompanied when making the complaint, the school administration will inform the parents and/or caregivers of all involved parties of the incident, unless there are compelling reasons not to do so.
- 9.6 No student shall be subject to reprisal, threat of reprisal or discipline as a result of filing a bona fide complaint of racial, ethno-cultural and religious harassment.
- 9.7 It is recognized that false or malicious complaints may damage the reputation of, or be unjust to, students or staff members and therefore disciplinary action will be considered for any individual making a malicious claim.

10. Investigating a Complaint

- 10.1 An investigation under the direction of the school Principal, Vice-Principal or Director of Instruction will be undertaken without unreasonable delay in order to substantiate and/or resolve the complaint. The alleged victim and perpetrator will both be interviewed, as well as other witnesses who may provide additional information. All information will be kept confidential while the investigation is ongoing.
- 10.2 Once the investigation has been completed, the school administration will inform both parties, as well as their parents and/or caregivers of its outcome, unless there are compelling reasons not to do so.
- 10.3 Where appropriate, and subject to the District's obligations under the Freedom of Information and Protection of Privacy Act, details of the incident, the investigation and its outcome may be shared with the broader school community.
- 10.4 Appropriate intervention, resolution or disciplinary action will be taken as quickly as possible. Action may include counselling and/or sessions that develop an awareness of harassment, a verbal warning, a written warning, mediation, other restorative practices, suspension and/or expulsion. A suspension is determined by the Principal, Vice Principal in alignment with Administrative Procedure 350, District Student Code of Conduct.

- 10.5 The school administration, in conjunction with district staff, will decide if any additional support needs to be provided to affected students, and/or the broader school community as a result of this incident.
- 10.6 The Principal will report on each incident involving racial, ethno-cultural and religious harassment or acts of hate involving students in the VSB MyEducation Student Conduct Module. The report will include a description of the incident, the procedures followed in handling the incident, and the outcome. Incidents involving members of the school community will be reported to the Director of Instruction.
- 10.7 Harassers who take retaliatory action against students or staff members who have filed complaints will be subject to additional discipline and intervention.
11. The District believes that the best environment for working and learning is an environment that welcomes people of diverse backgrounds. These procedures are designed to ensure that our schools and workplaces are free from harassment and are places where people are treated with respect and dignity. Accordingly, the District will make every reasonable effort to ensure that Administrative Procedure 171 - Racial, Ethno-cultural and Religious *Harassment* is communicated to all **staff, students and members of the school community**.

Reference: Sections 6, 8, 8.5, 20, 22, 65, 85, 177 School Act
Human Rights Code
Multiculturalism Act
Canadian Charter of Rights and Freedoms
Criminal Code of Canada
Collective Agreements

Adopted: October 18, 1982

Revised: June 28, 195; February 1996; December 1996; February 1999; April 2011; September 24, 2018; **DATE**
TBA

Administrative Procedure 350

DISTRICT STUDENT CODE OF CONDUCT

Background

The District is committed to fostering safe and caring schools that promote mutual respect, cooperation and social responsibility and support optimal learning. Our procedures promote the creation and maintenance of safe, inclusive, equitable, welcoming and nurturing school environments.

District schools are inclusive environments which value all students and families regardless of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex or sexual orientation, or gender identity/expression.

Schools have clear expectations of acceptable behavior set out in their School Codes of Conduct. We subscribe to the belief that schools are places where students are free from harm and places for students to form strong relationships.

We further believe that the effective management of student discipline, congruent with our philosophy, is a necessity to establish safe and caring environments that foster learning, school connectedness and healthy living. Prevention and intervention strategies applied at the school level and supported at the District level are the foundations of a safe and caring school in which students learn to solve problems in peaceful ways, to value diversity and to defend human rights.

We promote understanding and acceptance of the interactive roles required to achieve safe and caring schools and believe that responsibility for safe and caring schools is shared among many partners including the District, schools, students, parents, community groups, social agencies, Vancouver Coastal Health, the Ministry of Children and Family Development and the Vancouver Police Department and RCMP (at UBC).

The District is committed to a District code of conduct that upholds safe, inclusive, equitable, welcoming, nurturing and healthy school environments. To this end, the District code of conduct promotes clear behavioural expectations of respectful and responsible citizenship that lead to a culture of safety, caring and respect amongst everyone in our schools and programs and at all school-events and activities.

Procedures

1. Responsibilities

1.1. District administration responsibilities include:

- 1.1.1.** Supporting schools in developing preventative and responsive interventions to discipline concerns;
- 1.1.2.** Ensuring that each Principal, in consultation with staff, parents and, when appropriate, students, establishes a code of conduct for their school that is consistent with the District Code of Conduct for students and which reflects provincial standards;

- 1.1.3.** Ensuring that schools **are** not places where discrimination is practiced or tolerated. To that end, each school code of conduct shall contain the following statement:

“Students shall not discriminate against others on the basis of the race, religion, colour, ancestry, place of origin, marital status, family status, age, sex or sexual orientation, gender identity/**expression**, or physical or mental disability, or for any other reason set out in the Human Rights Code of British Columbia, nor shall a student publish or display anything that would indicate an intention to discriminate against another, or expose them to contempt or ridicule, on the basis of any such grounds.”

- 1.1.4.** Providing opportunities for staff to acquire the knowledge and skills necessary to develop and maintain learning and working environments that are safe, welcoming, inclusive and respectful of the diverse social and cultural needs of our community;
- 1.1.5.** Providing a variety of supports and programs for students who require proactive intervention to address behavioural needs;
- 1.1.6.** Supporting adherence to a fair and consistent range of consequences, including suspension and change in educational programming, for student misconduct;
- 1.1.7.** Implementing, overseeing, and monitoring Administrative Procedure 165 Appendix D - Violent Threat Risk Assessment;
- 1.1.8.** Encouraging involvement in parent education opportunities offered by schools or partners of the District concerning knowledge and skills parents can acquire to assist them in parenting.

1.2. Principal responsibilities include:

- 1.2.1.** Developing positive, safe and caring school cultures and focus on health promotion, and implementing school-wide efforts to foster respect, inclusion, fairness and equity and to increasing student connectedness to school, as well as to developing students’ social and emotional competencies and skills;
- 1.2.2.** Establishing and **annually** reviewing, in collaboration with staff, students, and parents, the School Code of Conduct, in compliance with Ministry of Education regulations and the District Code of Conduct. The School Code of Conduct will be communicated by displaying it in a prominent area in the school, by placing on the school’s website, and by distributing copies to the school community;
- 1.2.3.** Informing students and parents that the School Code of Conduct applies at school, during school-organized or sponsored activities, on school buses, and any behaviour even if outside of school or school hours,(including on-line behaviour), that negatively impacts the safe, caring or orderly environment of the school, and/or student learning;
- 1.2.4.** Informing students and parents about the District’s policy, procedures and programs with respect to intoxicating and controlled substances;
- 1.2.5.** Taking reasonable steps to prevent retaliation against a student who has made a complaint about a breach of the District or School Code of Conduct;
- 1.2.6.** Responding to threats and reports of threats of violence by implementing

the Violent Threat Risk Assessment process;

1.2.7. Advising impacted parties of serious breaches of the code of conduct, unless there are compelling reasons not to release this information (e.g. the release of the information would undermine the health, safety or welfare of a student or other person. **Parties include:**

- *parents of the student offender, in every instance*
- *parents of the victim, in every instance*
- *Director of Instruction*
- *District staff as applicable*
- *School Liaison Officer (VPD/RCMP) as appropriate or as required by the Criminal Code*
- *Community Support Resources as appropriate (MCFD, VCH)*
- *Other parents and staff where disclosure is necessary to protect the health, safety or welfare of a student or students.*

1.2.8 Ensuring that, where appropriate, a follow up process is implemented to ascertain whether certain individuals or groups within the school community will require ongoing support.

1.2.9 Ensuring all staff speak and act toward students with respect and dignity and deal judiciously with them, always mindful of their rights and sensibilities; and

1.2.10 Adhering to Board policies and administrative procedures.

1.3 Students are expected to learn and mature as they move through successive grades, and as such the expectations progress towards increasing personal responsibility and self-discipline, as well as increasing consequences for inappropriate conduct/unacceptable behavior.

Student responsibilities include: (please note this is not an all-inclusive list)

- 1.3.1 Demonstrating commitment to learning by coming to school prepared to learn and by contributing to a safe, caring, positive, inclusive, and peaceful environment;
- 1.3.2 Neither taking part in nor condoning (provoke, encourage or make a spectacle of) any form of violence, including bullying, harassment, threat-making, intimidation, verbal, sexual, physical or online abuse and harassment, or discrimination in any form including discrimination on the basis of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability or challenge, gender, sexual orientation or age.;
- 1.3.3 Seeking to prevent violence and potentially violent situations, and demonstrating their social responsibility by reporting such situations;
- 1.3.4 Not possessing, using or displaying any weapon, replica weapon or toy weapon, on any school property or at any event that is organized or sponsored by a school;
- 1.3.5 Demonstrating, when utilizing the Internet, social media, email or other electronic forms of communication, appropriate digital behaviour;
- 1.3.6 Not attending school or school functions while in possession of or while

- under the influence of any intoxicating, banned or controlled substances;
- 1.3.7 Showing respect for the property of others by refraining from littering, theft, vandalism, graffiti and other inappropriate behaviours related to property;
 - 1.3.8 Not smoking any substance, nor use vaporizers or e-cigarettes on school and other District property;
 - 1.3.9 Using respectful language and refrain from using obscenities and derogatory language;
 - 1.3.10 Practicing academic honesty and personal integrity by not participating in or encouraging plagiarism, cheating, theft of evaluation instruments, use of unauthorized aids, or false representation of identity; and
 - 1.3.11 Attending school in appropriate dress that is not obscene and does not promote alcohol or drugs, display offensive language or images, encourage discrimination or present a health or safety problem or cause a disruption.
- 1.4 Parent responsibilities include:
- 1.4.1 Informing themselves about the approach and goals of promoting a safe and caring school community through accessing District and school level resources;
 - 1.4.2 Adhering to Board policies, administrative procedures and the School Code of Conduct when in attendance at school functions (including online and digital functions) and supporting all students by reinforcing and modeling appropriate social and digital behaviours;
 - 1.4.3 Supporting students through co-operative school and parent partnerships regarding appropriate academic, social and emotional behaviours;
 - 1.4.4 Supporting the school's and District's role in responding to behaviour that contravene District policies and procedures and reinforcing students' understanding of their behaviour and of the consequences arising;
 - 1.4.5 Ensuring that their child/children (or child/youth in their care) attend school regularly and on time; and
 - 1.4.6 Promptly reporting to the school their child/children's (or child/youth in their care) absence or late arrival.

2 Weapons

- 2.1 Weapons are defined as being anything used, designed to be used, or intended for use in causing injury to any person, or anything used or designed to be used for the purpose of threatening or intimidating any person. Students shall not possess or use any weapon, replica, or toy weapon on any school premises or activity organized or sponsored by a school. Only replica weapons designed for school theatrical production will be permitted for use in productions, drama classes, and rehearsals as authorized and permitted by the Principal or Vice Principal. Offences involving weapons shall result in significant consequences.

3 Acts of Hate

3.1 Students must never engage in acts of hate. Acts of Hate are defined as verbal, physical, written, cyber or social acts of bias, prejudice, and bigotry which incite hatred towards a person or persons based on their membership in a group protected under the provisions of the *Human Rights Code*, including race, colour, ancestry, ethnic origin, religion, socio-economic status, gender, gender identity, sexual orientation, physical or mental ability, or political beliefs. These acts may be carried out by individuals or groups and are directed against specific persons, groups or property. In some cases, acts of hate may constitute criminal offences under the *Criminal Code of Canada*. The District recognizes the serious impact of crimes of hate on individuals and the school community.

3.1.1 Where appropriate, acts of hate will be reported to the appropriate law enforcement authority (VPD/RCMP) for investigation.

3.1.2 The level of discipline, will depend upon the particular circumstances of the case and may include suspension, transfer of the student or the imposition of other restrictions

3.1.3 In each case, the District will, in addition to determining appropriate discipline of the offender, consider what if any restorative or supportive actions are required to support the victims of acts of hate.

4 Intoxicating, Banned or Controlled Substances

4.1 Persons under the suspicion of intoxicating, banned or controlled substances and persons using, marketing or distributing intoxicating, banned or controlled substances are not allowed on school premises or at any school-sponsored event.

4.1.1 A student who is under the suspicion of, or using, an intoxicating or controlled substance during school hours, field studies or at a school-sponsored event is subject to education interventions and discipline. The level of discipline will take into account the particular circumstances of each case. Support measures may be used as an alternative to discipline or may occur in conjunction with discipline at the discretion of the Principal. Support measures may include meeting with school counselors and school SACY prevention workers, as well as education requirements such as the District's alternative to suspension program, STEP.

4.1.2 A student selling or distributing an intoxicating or controlled substance at school or at school-sponsored events will be subject to education and discipline. The level of discipline will depend upon the particular circumstances of the case and may include suspension, change in educational program or if the student is over the age of 16, expulsion from the educational program.

4.1.3 A student selling or distributing intoxicating or controlled substances may be reported to the police for the possibility of criminal charges.

5 Searches

5.1 A Principal may conduct or authorize a search of a student, personal property, including backpacks and personal electronic devices (including computers and cell phones), or a locker if there are reasonable grounds to believe that school procedures have been or are being violated and that evidence of the violation

may be found in the location or on the device or person of the student searched. The search is to be conducted in a respectful manner and be minimally intrusive.

- 5.2 The following may constitute reasonable grounds for conducting a search:
 - 5.2.1 Information received from a third party believed to be credible;
 - 5.2.2 A staff member's or Principal/Vice Principal's observation; or
 - 5.2.3 Any combination of sources of information which the Principal considers to be credible.
- 5.3 Where the Principal conducts a search of a student and the student may be subject to school-initiated consequences only, the following procedures will be observed:
 - 5.3.1 The reason and purpose of the search will be clearly stated to the student(s);
 - 5.3.2 The search will be conducted in a private area in a respectful manner; and
 - 5.3.3 The search will be conducted in the presence of a second adult.

6 Conducting Interviews and Investigations

- 6.1 The following procedures shall govern interviews and investigations:
 - 6.1.1 Where the police wish to interview a student suspect on school premises, the Principal or Vice Principal will determine the appropriateness of conducting the interview on school premises.
 - 6.1.2 When the student is of elementary school age, the parents must be notified prior to the police conducting an interview. The police are to be requested to delay any interview until the parent has been contacted and provided an opportunity to attend.
 - 6.1.3 When the student is of secondary school age, where possible, the police are to be requested to delay any interview until the parent has been contacted and provided an opportunity to attend.
 - 6.1.4 Where the police wish to conduct an interview with a student witness/potential student witness or student victim on school premises, the Principal or Vice Principal will determine the appropriateness of conducting the interview on school premises. Except in emergency circumstances, the parents will be contacted prior to the interview taking place.

7 Student Suspensions

- 7.1 The District believes that: "appropriate [student] behaviour is essential to the development of responsible and self-disciplined citizens and essential to the operation of effective schools" ; therefore, in accordance with the School Act, Sec. 85(2)(ii) and (d), the District authorizes the Principal of any school in the District to suspend a student from attendance at school and to remove a suspension that they have imposed, provided that the Principal observes the conditions outlined in this Administrative Procedure.

7.2 During a suspension the student shall not attend the school, school property or any school related functions and/or extracurricular activity, unless invited at the explicit request of the Principal. For the purposes of this Administrative Procedure, “school function” includes any assembly, meeting or gathering of students, or student field trips for school purposes under the supervision or direction of the District, representatives of the District, or the teaching or supervisory staff in the course of their duties.

7.3 Suspensions may be for the following reasons:

7.3.1 Because a student is willfully and repeatedly disrespectful to a teacher or to any other employee of the District carrying out responsibilities approved by the District.

7.3.2 Because the behaviour of the student breaches the District Code of Conduct and/or has a harmful effect on others or the learning environment of the school.

7.3.3 Because the student has failed to comply with the School Code of Conduct.

7.4 In School Suspension

In some cases, as determined by the Principal, an in-school suspension may be issued. An in-school suspension refers to the in-school removal from classes and activities. During an in-school suspension the student would continue to attend school and would be provided with an educational program however, would do so under the direction of the Principal. In-school suspensions are informal and are not subject to the same requirements as a formal suspension served out of school.

7.5 Restorative Practice

It is also recognized that in many instances a restorative response may have greater impact on improving behaviour, increase a young person’s empathy, help to rebuild community and a sense of safety, and may prevent further incidents. **When considering implementing a restorative justice process the Principal must exercise discretion based on all relevant facts and must consult with appropriate District staff and the impacted party/ies. Appropriate members of the school community may also be involved in the decision-making process as warranted.**

7.6 Special Considerations

7.6.1 Elementary Age Students

Formal suspensions of students in primary or intermediate grades in elementary schools is only to be done in exceptional cases. In the case of primary or intermediate students whose behavior warrants a removal from the classroom, administrators must work with parents and District staff to resolve the situation, which may include in-school suspensions or asking for the cooperation and agreement of the parents to keep the child at home for a determined period of time.

7.6.2 Special Needs/Diverse Needs Students

Special considerations may apply to students with special/diverse needs if these students are unable to comply with a code of conduct due to having a disability/challenge of an intellectual, physical, sensory, emotional or behavioural nature. When the actions or behaviours of students with special needs may

result in suspension, the specific needs of the student such as the age, special education designation and maturity of the student must be taken into account prior to a formal suspension being issued. Further, consultation with the Director of Instruction must occur prior to the formal suspension of any student with special needs.

7.7 Provision of an Educational Program

Students who are suspended from school, must be given an educational program. It is the responsibility of the Principal, to ensure that appropriate arrangements are made to provide that program.

8 Levels of Suspension

There are three levels of suspensions. Before a suspension is imposed, the Principal will assess all relevant circumstances including the seriousness of the infraction, the prior disciplinary record of the student, the impact of the conduct on the school community, and any expression of remorse demonstrated by the student. The Principal will determine the level at which a student is suspended, with consultation with the Director of Instruction where applicable. The level at which a student is suspended will depend upon all circumstances. Serious breaches of conduct that threaten the safety and welfare of others will be referred directly to Level Three for resolution by the Student Suspension Review Committee.

8.1 Suspension Process

Consistent with the provisions of the *School Act*, *School Act* regulations, Board policy and administrative procedures, the District process for handling the suspension of students is outlined below.

- 8.1.1 The Principal has the authority to suspend a student up to and including a referral directly to Level Three for resolution by the Student Suspension Review Committee.
- 8.1.2 Following a behavior incident or breach of the Code of Conduct, the Principal must contact the parent before sending the student home and arrange an interview at the earliest convenient time. A student will not be sent home during the school day unless the Principal has made contact with the student's parents or emergency contact and informed them of the action being taken and the general reasons for those actions.
- 8.1.3 The Principal may send the student home without issuing a formal suspension for the purposes of supporting and overseeing a proper and thorough investigation of an incident. The Principal will determine either the appropriateness of a suspension and/or the length of the suspension based on the results of the investigation. This time period is considered a short-term absence and is not to exceed two days before either the student returns to school or a suspension is issued.
- 8.1.4 If a suspension is issued, the days already absent from school will be counted towards the length of the formal suspension.
- 8.1.5 The Principal may determine that an immediate suspension without investigation is appropriate given the nature of an offence.
- 8.1.6 The Principal shall report the suspension to parents in writing, including a brief statement of the reason for the suspension and the level at which the student has been suspended. A copy of this letter will be sent to the

office of the Associate Superintendent responsible for student suspensions, and the school's Director of Instruction.

- 8.1.7 At all levels of the suspension process, parents or students may seek assistance from an adult advocate.
- 8.1.8 An educational program will be provided to the student during the student's suspension.
- 8.1.9 These procedures do not apply to in-school removal from classes and activities, or to informal arrangements made with parents for a full or partial day home educational program.

8.2 Level 1 Suspension: 5 Days or Fewer

When a Principal suspends a student, they must, in addition to complying with the School Act, Sec. 85 and Administrative Procedure 350 - District Code of Conduct, follow these procedures.

- 8.2.1 A Level 1 suspension must not be greater than 5 days in total. The day the suspension is issued is "day one" with up to the next 4 days constituting a Level 1 period of formal suspension.
- 8.2.2 The Principal will contact the student's parents or emergency contact, informing them of the actions being taken and the reasons for those actions.
 - 8.2.2.1 If a suspension is issued immediately, the Principal must contact the parent prior to releasing the student from school. If contact is not made with the parents by the end of the school day, a suspended student can be released from the school's care if in the judgment of the Principal, the student's safety and well-being are not at increased risk; and the Principal continues to attempt to make contact.
- 8.2.3 A suspension letter outlining the circumstances of the suspension will be sent to the parents by the Principal. A copy of the suspension letter will also be placed in the student file at the school.
- 8.2.4 The Principal must continue to maintain student access to an appropriate educational program.
- 8.2.5 Where appropriate, prior to a student's return to school, a meeting will be held with the parent, student and appropriate school staff to plan for the student's successful return to the school.
- 8.2.6 Where appropriate, in-school suspensions are encouraged relative to appropriate resources.

8.3 Level 2 Suspension: Over 5 Days

- 8.3.1 Level 2 Suspensions are made in consultation with the appropriate Director of Instruction, who will work closely with the schools to effectively resolve over five-day suspensions. The Director of Instruction may also call upon the District Principal of Alternate Programs to assist in effecting a resolution.

- 8.3.2 A suspension which begins as five days or fewer and then becomes, as a result of ongoing investigation, an over five-day suspension is subject to the procedures as outlined for Level 2 suspensions.
- 8.3.3 Where a Principal, deems that a matter is sufficiently serious to warrant a suspension greater than 5 days, the Principal must:
- 8.3.3.1 Advise the parent that the student is suspended for an initial period of five (5) days in accordance with the above.
 - 8.3.3.2 Advise the parent that the District is considering the imposition of a suspension of greater than five (5) days, and that a final determination will be made on the length of the suspension after the parent and student (where appropriate) have had the opportunity to meet and review the matter with the Principal and the Director of Instruction.
 - 8.3.3.2.1 The Director of Instruction will chair the meeting and will be responsible for making the final determination, in collaboration with the Principal, and the District Principal for Alternate Programs on whether a suspension of over five days will be issued. If a suspension of over five days is issued the Director of Instruction will determine the length of the suspension and the resolution of the suspension.
 - 8.3.3.3 If the decision is made to issue a suspension of over five days, the Principal will advise the parents of the suspension in writing and will inform the parent of their ability to appeal under Board Policy 13 - Appeals Procedure.
 - 8.3.3.4 When a student is not attending school as a result of a suspension their educational program shall continue, the Principal, in consultation with the appropriate teacher(s), must provide an educational program by assigning homework to be completed during the time of suspension.

8.4 Level 3 Suspension: Indeterminate

- 8.4.1 A Level 3 suspension may be imposed where the conduct of a student is serious, or when the prior disciplinary record of the student indicates that a suspension at Level 1 or Level 2 is inappropriate. A Level 3 suspension is an indeterminate suspension until the Student Suspension Review Committee (SSRC) has determined the educational program to be offered to the student and the conditions to be imposed upon the ending of a student suspension.
- 8.4.2 Serious breaches of conduct include, but are not limited to:
- 8.4.2.1 Physical assault
 - 8.4.2.2 Sexual assault
 - 8.4.2.3 Possessing or using weapons or threatening to use weapons
 - 8.4.2.4 Threats to a student or staff member
 - 8.4.2.5 Gang activity

8.4.2.6 Retaliation against a student

8.4.2.7 Failure to respond to Level 1 or Level 2 interventions

8.4.3 The SSRC will be comprised of the Associate Superintendent responsible for student suspension, the Director of Instruction, the District Principal of Alternate Programs (where appropriate), and the Principal.

8.4.4 The Chair of the SSRC will be the Associate Superintendent.

8.4.5 The Chair of the SSRC shall convene a meeting of the SSRC within ten school days of being notified that a student has been suspended to Level 3 by the Principal. The suspended student and their parents will be notified in writing of the meeting. The parents, the student, and the school administration will be given the opportunity to be heard at this meeting.

8.4.6 The SSRC will consider all the information and make its determination as to the educational program to be offered to the student and the conditions to be imposed upon the ending of the suspension.

8.4.7 The Chair of the SSRC will communicate that determination in writing to the parents of the suspended student.

8.4.8 A District initiated transfer (administrative transfer) may result from a Level 3 suspension and be imposed by the SSRC. If the SSRC determines that a District initiated transfer is appropriate, the SSRC will determine the location of the receiving school in consultation with other school and/or District resource staff, and the School Liaison Officer where appropriate, and the Principal will coordinate the transfer process. The decision to impose a suspension at Level 3, and the determination of the SSRC may be appealed under Board Policy 13 - Appeals Procedure.

8.5 Change of Educational Program: Students 16 And Over

8.5.1 If a student 16 years of age or older fails to apply themselves to their studies or fails to comply with the District and/or School Code of Conduct or the procedures or policies of the District, the Principal may counsel the student about how to best pursue their educational program at either an alternate program, Adult Education Centre or Vancouver Learning Network.

8.5.2 Prior to facilitating a change in program, the Principal must ensure that a meeting has occurred with the student and the parent.

8.5.3 It is the responsibility of the Principal to facilitate change of educational program transitions and to ensure the appropriate arrangements for the student to attend are in place.

9 Dispute Resolution

Parents and students are encouraged to use the District's informal dispute resolution processes at the school or District level. The District's dispute resolution process is available at <http://www.vsb.bc.ca/sites/default/files/conflict-resolution.pdf>.

10 Appeals

10.1 Section 11 of the School Act gives parents the right to appeal certain decisions made by District employees. The right of appeal applies to decisions which

significantly affect the health, education, or welfare of a student. While the determination of whether a decision or failure to make a decision ‘significantly’ affects a student’s education, health or safety is made on a case-by-case basis, the following decisions are always appealable under the formal appeal process:

- 10.1.1 Disciplinary suspension of more than five (5) consecutive instructional days;
- 10.1.2 The transfer of a student from one school to another for disciplinary reasons;
- 10.1.3 The exclusion of a student from school for a health condition;
- 10.1.4 Significant decisions regarding placement in an educational program (classroom or teacher preference issues would be included in this Level only in exceptional circumstances);
- 10.1.5 Grade promotion or graduation; and
- 10.1.6 Refusal to offer an education program to a non-graduated student sixteen (16) years of age or older

10.2 The procedures for filing a Section 11 Appeal are outlined in Board Policy 13 and available at <http://www.vsb.bc.ca/sites/default/files/appeal-guide.pdf>.

Reference: Sections 6, 7, 11, 17, 20, 22, 65, 79, 85 School Act

Adopted: June 7, 2016

Revised: September 24, 2018; DATE TBA

DRAFT

Policy 21

Appendix B

NON-DISCRIMINATION

The District believes in equitable treatment for all individuals regardless of race, colour, ancestry, ethnic origin, religion, socio-economic status, gender, sexual orientation, physical or mental ability, or political beliefs. The letter and spirit of the *Canadian Human Rights Act* and the *B. C. Human Rights Code* shall be carefully observed, enforced, and supported, so that all members of the school community may work together in an atmosphere of respect and tolerance for individual differences.

This practice of non-discrimination shall prevail in all matters of instruction and course selection: in employment, promotion, and assignment of staff; in providing access to facilities; in the choice of instructional materials and the provision of career guidance and counselling; and in all matters pertaining to community relations. Specifically, the District will not tolerate **acts of hate** or **the distribution of hateful** propaganda and will ensure that administrative procedures dealing with such matters are followed when allegations arise **including keeping a record of incidents and steps taken in response to an incident**. **These administrative procedures include commitments to transparency, clear communication with all involved and a path to resolution for impacted students and staff.**

The District acknowledges the racial and cultural diversity of the communities that it serves. Under Canadian laws, all people have the right to their fundamental freedoms and protection from discrimination and racism.

The District supports the elimination of direct and systemic discrimination and racism. The District recognizes racism as a form of discrimination that robs society of the full participation of its members.

The District reaffirms its commitment to eliminating racism and promoting educational and employment equity. Furthermore, the District supports the development, implementation and evaluation of procedures, programs and services that promote and support the principles of Multicultural and Anti-Racism Education.

The District also acknowledges that all members of the school community; staff; students, parents and other stakeholders, share the responsibility for creating a welcoming and inclusive environment which honours and respects everyone. It is the District's responsibility to support all members in their efforts to create a welcoming and inclusive environment for all.

In recognition of the *Canadian Charter of Rights and Freedoms*, the *B.C. Human Rights Code* and the *B.C. Multiculturalism Act*, the District accepts its responsibilities in promoting the spirit of the legislation. Additionally, the District recognizes that the principles of Multicultural and Anti-Racism Education are also embedded in the *Aboriginal Educational Enhancement Agreement* to which it is committed.

The District is committed to:

1. Providing human, material and financial resources to support Multicultural and Anti-Racism procedures;

2. Eliminating ethnocentrism, prejudice, stereotyping, discrimination, **hate** and racism in any form;
3. [Ensuring individuals who are targets of prejudice, discrimination, hate and/or racism are offered support following an incident.](#)
4. Ensuring that all schools' Codes of Conducts make explicit reference to the prohibited grounds of discrimination in the BC Human Rights Code;
5. Developing and supporting an environment that affirms, respects, reflects and celebrates the racial, ethno-cultural and religious diversity of our society;
6. Supporting employment equity, through the provision of effective processes to recruit, retain and develop all staff regardless of the race, colour, ancestry, national or ethno-cultural origin or religion;
7. Supporting educational equity through the provision of quality programs for all learners regardless of their race, colour, ancestry, national or ethno-cultural origin or religion;
8. Creating a workplace environment that values and welcomes diversity.

This policy is supported by Administrative Procedure 170 (Non-discrimination); [Administrative Procedure 171 \(Racial, Ethnocultural and/or Religious Harassment\)](#); [Administrative Procedure 350 \(District Student Code of Conduct\)](#)

Legal Reference: Sections 6, 8, 8.5, 20, 22, 65, 85, 177 School Act
 Human Rights Code
 Multiculturalism Act
 Canadian Charter of Rights and Freedoms

 Criminal Code of Canada
 Collective Agreements

Adopted: December 16, 2019

Updated: TBD Date