



## YORK REGION DISTRICT SCHOOL BOARD

### Policy and Procedure #242.0, Standards of Conduct

The York Region District School Board believes that its first priority is to provide the best possible educational environment for all students in its charge. Employees of the Board are required to conduct themselves in a professional manner at all times.

The Standards of Conduct policy and procedure requires that employees be in compliance with statutory law, and operate in a manner consistent with accepted standards, including those required by the standards of their profession, and in line with Board policies, procedures and expectations.

All members of the Board community are expected to maintain a high level of respect and civility at all times. Concerns related to a breach of this policy will be reviewed in line with the process detailed in the Standards of Conduct procedure.

#### **Who has responsibilities?**

- Board of Trustees
- Director of Education
- Associate Directors
- Coordinating Superintendent(s)
- Superintendents of Education
- Principals, Managers and Supervisors
- Community and Fundraising Events Review Committee
- Staff members
- Students
- Parents and Guardians
- Community Advisory Committee members
- External Community Organizations

#### **How is this policy and procedure related to Board priorities?**

The Standards of Conduct policy and procedure addresses conduct that affects schools or workplace climate regardless of whether it occurs on or off Board property.

#### **Department**

Human Resource Services

#### **Related Documents**

[Appropriate Use of Technology](#)

[Violence Prevention and Intervention and Non Code Workplace Related Harassment – Employees](#)

[Equity and Inclusivity](#)

[Supporting Community Concerns](#)

[Accessibility](#)

[Recruitment and Promotion of Staff](#)

[Health and Safety](#)

[Progressive Discipline](#)

[Caring and Safe Schools](#)

[Conflict of Interest](#)

[Healthy Schools and Workplaces](#)

[Human Rights](#)

*It is the expectation of the York Region District School Board that all employees, students and persons invited to or visiting Board property; or partaking/volunteering in Board or school-sponsored events and activities will respect the policies and procedures of the Board. The term “parents” refers to both biological/adoptive parents and guardians in all Board policies and procedures.*



# Board Policy #242.0, Standards of Conduct

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## **Policy Statement**

The York Region District School Board believes that its first priority is to provide the best possible educational environment for all students in its charge. Employees of the Board are required to conduct themselves in a professional manner at all times. The Standards of Conduct policy and procedure requires that employees be in compliance with statutory law, and operate in a manner consistent with accepted standards, including those required by the standards of their profession, and in line with Board policies, procedures and expectations.

All members of the Board community, including students and members of the community who access and/or use Board property, facilities and or services are expected to maintain a high level of respect and civility at all times, ensuring relationships are professional and appropriate.

Concerns related to a breach of this policy will be reviewed in line with the process detailed in the Standards of Conduct procedure.

## **Application**

This policy applies to all members of the Board community including, but not limited to, students, staff members, trustees and members of the community who access and/or use Board property, facilities and/or services.

This policy and its related procedure address conduct that affects schools or workplace climate regardless of whether it occurs on or off Board property.

Incidents of code-related harassment or discrimination should be considered under the [Human Rights: Code-Related Harassment and Discrimination](#) policy and procedure.

Incidents of non-code harassment alleged by staff members will be considered in line with the investigative process detailed in the [Violence Prevention and Intervention and Non-Code Workplace Harassment - Employees](#) policy and procedure.

Complaints against a trustee will be considered under the [Trustee Code of Conduct](#).

Complaints against a student will be considered under the [Caring and Safe School](#) policy and procedure.

Reprisal against an individual for raising a concern, being named in a relation to a concern or participating in an investigation is strictly prohibited. If this occurs, it may result in disciplinary action.

If it is determined that allegations have been filed in bad faith, an investigation may be discontinued and disciplinary action may occur.

## **Responsibilities**

*The Board of Trustees is responsible for:*

- creating and maintaining a learning and working environment that operates within the expectations of the Standards of Conduct policy;
- understanding and reviewing the Standards of Conduct policy in accordance with the priorities in the Multi-Year Plan and the approved policy review cycle;

- receiving information from the Board Chair or Vice-Chair about allegations against the Director of Education and,
  - determining appropriate next steps with regard to the investigation of allegations by an external third party,
  - ensuring the third party investigator adheres to the investigation process outlined in the Standards of Conduct procedure, and
  - addressing the findings of the third party investigator in accordance with Board policy including, but not limited to, the Standards of Conduct policy and procedure, Staff Progressive Discipline policy and procedure;
- conducting themselves in a professional and civil manner that is in compliance with the [Trustee Code of Conduct](#);
- bringing forward concerns about a staff member or member of the community in accordance with the Standards of Conduct procedure; and
- where applicable, communicating the Standards of Conduct policy to members of the community.

*The Chair of the Board, or Vice-Chair of the Board, is responsible for:*

- receiving any allegation raised by a student, staff member, parent(s)/guardian(s) and/or community member related to the Director of Education;
- bringing any allegation against the Director of Education to the attention of the Board of Trustees;
- ensuring the external third party investigator has access to appropriate staff and resources necessary to support an investigation of the Director of Education under the Standards of Conduct policy and procedure, where applicable; and
- implementing any direction provided by the Board of Trustees with regard to the conduct of the Director of Education.

*The Director of Education is responsible for:*

- implementing and operationalizing the Standards of Conduct policy;
- supporting and providing system direction in the application of the Standards of Conduct policy and related procedure; and
- reporting to the applicable professional association, College or regulatory body when a breach of the Standards of Conduct policy has occurred, in line with the regulations that govern the applicable profession.

## **Definitions**

### *Inappropriate student relationships*

Includes a range of conduct where boundaries related to professional relationships with students are breached. A boundary violation is any behavior or interaction which damages or has the potential to be damaging to the student.

Employee-student relationships are not confined within a particular class or school, but apply to students throughout the Board. This responsibility does not rest with a student even if the student attempts to initiate an inappropriate relationship.

Examples include, but are not limited to; physical interactions, becoming involved with a student socially or in a sexual or sexualized manner. Interactions may be in any form including but not limited to: in person, in writing, electronically, via social media or by way of sexualized remarks.

### *Members of the Community*

Include, but are not limited to; committee members, contractors, parent(s)/guardian(s), permit holders, vendors, volunteers, visitors, service providers, community partners and all other persons who are invited to or who work on Board property.

### *Misconduct*

Includes a range of inappropriate actions or inactions. It is conduct that is in contravention of the expectations of the Board. Examples include but are not limited to failing to fulfill the responsibilities and expectations of an individual's position with the Board, breach of confidentiality, providing false information, misuse of Board resources and/or benefits, harassing behaviour, breach of statutory law, inappropriate student relationships, inappropriate interactions with students, staff or community, failing to maintain the standards of professionalism, abusing a student physically, sexually, verbally, psychologically or emotionally.

Ultimately, the determination of whether particular behaviour constitutes misconduct will be made by the Board.

### *Reprisal*

The negative treatment or suggestion of negative treatment of an individual because of their involvement in a Standards of Conduct investigation or resolution process.

### *Statutory Law*

The legislation, laws, Acts, Codes, statutes, and the related regulations that governs the province of Ontario and the country of Canada where applicable.

### *Student*

For the purpose of this policy, a student is a current student of the Board of any age and/or a past student of the Board who has not achieved the age of 18 and has not been a student of the Board for a minimum of 18 months.

### **History**

*Replacing elements of Policy and Procedure #578.0, Professional Misconduct and Progressive Discipline*

Working Document: October 2017, July 2018

Revised: July 2018, November 2018



# Board Procedure #242.0 Standards of Conduct

This procedure clarifies the Board's process to address professional misconduct, inappropriate conduct or behaviour that does not meet accepted standards for all staff members and members of the community.

## **Application**

This procedure addresses allegations and concerns related to the violation of the Standards of Conduct policy. There are a variety of other Board policies and procedures under which concerns may be addressed. Based on the unique circumstances surrounding an incident of alleged professional misconduct, individuals may be directed to one of the following processes.

- Incidents of code-related harassment or discrimination should be considered under the [Human Rights: Code-Related Harassment and Discrimination](#) policy and procedure.
- Concerns regarding the conduct of a trustee will be considered under the [Trustee Code of Conduct](#).
- Concerns raised about the conduct of a student will be considered under the [Caring and Safe Schools](#) policy and procedures.
- Behaviour of a violent nature including physical and/or sexual assault related to staff members must be formally reported and considered in accordance with the emergency response measures outlined in the [Violence Prevention and Intervention and Non- Code Related Harassment – Employees](#) policy and procedure.
- Concerns related to accommodation for the provision of services under the [Accessibility for Ontarians with Disabilities Act \(AODA\)](#) should initially be reported under the [Accessibility](#) policy and procedure for resolution prior to further consideration of investigation under this policy and procedure.

Concerns should be addressed in a timely manner when coming to the attention of the supervisor.

Records will be maintained as per the [Progressive Discipline](#) policy and procedure and retention schedule, the relevant collective agreements and the [Records and Information Management](#) policy and procedure.

When assessing if allegations are founded, determinations will be made on the balance of probabilities. Issues raised anonymously will be assessed to determine if an investigation can or will be undertaken. Not all incidents of workplace conflict (e.g. disputes between staff members and supervisors) constitute a violation of the Standards of Conduct as defined in the policy.

## **Allegations/Concerns**

### *Students*

Students, with their parent(s)/guardian(s) where applicable, who believe they have observed or are aware of inappropriate conduct by a staff member or member of the community should contact their principal or vice-principal. If the vice-principal or principal is the party alleged to be responsible for the alleged inappropriate conduct, the issue should be reported to the appropriate superintendent of education.

### *Staff members*

Staff members who believe they have observed or are aware of inappropriate conduct by another staff member or member of the community should contact their immediate supervisor. If the immediate supervisor is the party alleged to be responsible for the alleged inappropriate conduct, the issue should be reported to the individual to whom the supervisor directly reports.

### *Members of the Community*

Members of the community who believe they have observed or are aware of inappropriate conduct by a staff member or another member of the community should contact the appropriate school, department or Board level supervisor where the conduct took place. If this individual is the party alleged to be responsible for the alleged inappropriate conduct, the issue should be reported to the individual to whom the person directly reports.

### *Trustees*

Trustees who believe they have observed or are aware of inappropriate conduct by a staff member, student or community member shall report the alleged incident/ to the Director of Education (or designate).

### *Special Situations*

If a student, staff member, parent(s)/guardian(s) and/or community member believes they have observed or are aware of inappropriate conduct by a trustee the complainant should be addressed in accordance with the process outlined in the [Trustee Code of Conduct](#).

Any allegations raised by a trustee, student, staff member, parent/guardian and/or community member related to the Director of Education should be filed with the Chair of the Board. If the Chair of the Board is party to the allegations, the concern should be filed with the Vice-Chair of the Board. The Chair of the Board and/or Vice-Chair of the Board will ensure the concern is addressed in accordance with the Standards of Conduct policy and procedure and any other relevant Board policy.

### **Investigation Process**

If the concern raised requires investigation, the appropriate supervisor will, in consultation with Human Resource Services, facilitate an investigation in a timely manner and, where appropriate and possible, be accompanied by another administrator, supervisor, or a delegated Board representative.

#### **Where the investigation relates to the conduct of a staff member the supervisor will:**

- a. Receive the allegations.
  - Notify and obtain support from their immediate supervisor and consult with Human Resource Services where required to:
    - determine who will conduct the investigative meetings, as required;
    - conduct an initial review to determine whether the allegations have merit under this policy; should be referred for review under an alternate policy; or should be referred to the Human Rights Office for code related harassment and discrimination allegations;
    - determine if the involvement of an outside agency is required, such as the police or Children's Aid Society (CAS);
    - consider suspending, canceling or putting an investigation into abeyance, if the investigation would duplicate or influence another proceeding;
    - determine if an individual is required to be relocated, not attend at work or not attend on Board property, and issue a letter to the affected party;
    - determine scope of the investigation and who is to be interviewed and conduct interview(s);
    - where the supervisor has not directly observed the behavior, conduct an interview with the complainant(s) and/or witness(es);
    - provide notification in a timely manner to the parties that:
      - a matter is being investigated,
      - they will be contacted to provide a statement,
      - they may seek support and assistance from their union representative, and
      - notify union in accordance with collective agreement terms;

- notify all participants of confidentiality requirements;
- interview individuals and allow for a response. For unionized staff, provide the employee with the opportunity to have union representation;
- collect, secure and review potential evidence, documentation or images that may be relevant;
- make a determination as to whether the incident occurred, and if it is related to conduct as alleged;
- determine if disciplinary consequences or corrective actions are required, and, work with Human Resource Services to determine appropriate consequences and/or corrective actions in accordance with the Progressive Discipline policy and procedure;
- implement the appropriate action(s) to resolve the situation; and
- monitor the situation to ensure the resolution is maintained and the conduct is not repeated.

### **Outcome and Investigative Records**

- The investigation documentation will be maintained by the supervisor and Human Resource Services, including documentation to support any disciplinary measures for staff members. Documentation related to discipline, if required, will be retained in line with the [Progressive Discipline](#) policy and procedure.
- Only information to confirm that the matter has been addressed will be shared with the parties. Specific outcomes and personnel related information or information related to personnel labour files will not be shared.
- The following actions may be taken subsequent to an investigation and its findings:
  - counseling and/or training;
  - strategies to restore a positive working and learning environment, including, but not limited to, a joint meeting of complainant(s) and respondent(s) to determine future operating norms;
  - disciplinary action in accordance with applicable Board policies and procedures; and/or
  - any other appropriate action.

### **Where the investigation is related to the conduct of a parent or a community member, the supervisor responsible for the school, department or service area will:**

- notify and request support from the immediate supervisor;
- determine who will conduct the investigative meetings as appropriate;
- conduct an initial review to determine whether the allegations have merit;
- determine if the involvement of an outside agency is required, such as the Police or CAS;
- determine if an individual is required to remain away from Board property, and if so, issue a letter to the affected party;
- consider suspending, canceling or putting an investigation into abeyance, if an investigation would duplicate or influence another proceeding;
- conduct an interview with the complainant(s);
- provide notification in a timely manner to the parties that:
  - a matter is being investigated,
  - they may be contacted to provide a statement,
  - there is a requirement to keep the matter confidential and
  - where to direct communication during the course of the investigation.
- determine who is to be interviewed and conduct interview(s) of witnesses;
- collect, secure and review potential evidence, documentation or images that may be relevant;
- interview with the parent or community member and provide an opportunity for the individual to provide a response;
- make a decision as to whether an incident related to conduct occurred, and if it occurred as alleged;
- work with the appropriate supervisor to determine appropriate consequences and/or corrective actions;
- implement appropriate action(s) to resolve the situation; and
- monitor the situation to ensure the resolution is maintained and the conduct is not repeated.

## **Outcome and Investigative Records**

Should the allegation against the parent or community member be upheld, the result could be consequences up to and including: exclusion from Board property, the termination of a contract with the Board, the cancellation of an existing permit, being barred from obtaining permits in the future, and/or being subject to civil or criminal procedures.

Records will be maintained as per the [Records and Information Management](#) policy and procedure.

### **Responsibilities**

*The Director of Education shall:*

- allocate staff and resources to support the Standards of Conduct procedure.

*The Associate Director with responsibility for Human Resource Services, or designate, shall:*

- review and authorize any recommendations for termination of employees before a decision is made; and
- submit recommendations for the termination of teachers to the Board of Trustees.

*The Superintendent responsible for Human Resource Services or designate shall:*

- review and authorize any recommendations for termination of employees before a decision is made;
- submit recommendations for the termination of teachers to the Board of Trustees;
- provide advice and direction regarding disciplinary incidents which may require parallel investigation by a Children's Aid Society and/or Police Service;
- support the implementation of the Standards of Conduct procedure;
- provide consultative services to superintendents, principals, managers and supervisors in responding to incidents of misconduct;
- engage staff members when conducting investigations, where appropriate;
- work with and refer allegations that are code related to the Human Rights Commissioner's Office; and
- maintain records of policy breaches, counseling and disciplinary action as required.

*Associate Director(s), Coordinating Superintendent(s) and Superintendent(s) of Education shall:*

- support and provide system direction in the application of the Standards of Conduct policy and related procedure.

*Supervisors shall:*

- formulate, communicate and enforce work requirements and Standards of Conduct;
- monitor and manage conduct;
- investigate any allegation of misconduct or inappropriate conduct to determine whether disciplinary or corrective action is appropriate;
- ensure that appropriate consultation occurs with the appropriate superintendent and with Human Resource Services when administering disciplinary or corrective action;
- comply with any applicable clause(s) of the relevant collective agreements; and
- maintain records of counseling, corrective and disciplinary action.

*Students, staff and community members shall:*

- conduct themselves in a professional and civil manner that is in compliance with the Standards of Conduct policy and procedure, where applicable, and all other Board policies, procedures, by-laws and guidelines;



- bring forward concerns in line with the Standards of Conduct policy and procedure;
- demonstrate professional behaviour consistent with individuals who are responsible for the safety, learning and well-being of students;
- create and maintaining a learning and working environment that operates within the expectations of the Standards of Conduct;
- ensure awareness and understanding of Board policies, procedures and expectations;
- ensure that relationships are professional and appropriate at all times;
- promptly reporting any reasonable suspicion of abuse, neglect, sexual misconduct or sexual abuse of a student to the school principal, the police and/or a children's aid society in compliance with the Child and Family Services Act as appropriate; and
- fully participate in Board investigations and investigations with professional bodies such as the Children's Aid Society, Police and the Ontario College of Teachers; and
- for staff, notify the Board within 48 hours of any occasion where they are the subject of a criminal or CAS investigation, or if criminal charges have been laid against them.

### **Definition**

Balance of Probabilities

A process by which the decision maker is satisfied an event occurred if, on the evidence, the occurrence of the event was more likely than not.

### **History**

*Replacing elements of Policy and Procedure #578.0, Professional Misconduct and Progressive Discipline*

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