

### AGENDA: 6:30 pm

**Electronic Participation via MS TEAMS**

1. Call to Order and Land Acknowledgement
2. O Canada
3. Meeting Roll Call

#### **Delegation:**

- A. Jason Kowalyshyn and Paul Alexander re: Mandatory Vaccine Procedure (10 mins)
4. Approval of the Agenda
5. Declarations of Conflict of Interest
6. Confirmation of the Minutes: November 29 and December 6, 2021 (Initial Board)
7. Correspondence:
  - A. Walter Furlan – Barton Street Community re: Location of Safe Injection Site at 746 Barton St. E
  - B. Equity Network of Dundas re: Vice Chair Selection
  - C. Peace of Mind Coalition re: Student Mental Healthcare Policies

#### Reports from Trustee Special Committees:

8. Policy Committee – December 1, 2021
9. Human Resources – November 30, 2021

#### Reports from Staff

10. Mandatory Vaccine Procedure - Motion Update
11. COVID-19 Update Report #4 – no copy

#### 12. Reports from:

- A. Standing Committee – December 6, 2021
- B. Committee of the Whole (private) – December 13, 2021

#### 13. Oral Reports from:

- A. Student Trustees' Report – Local Activities & Ontario Student Trustees' Association (OSTA) Report
- B. Director's Report
- C. Chair's Report

#### 14. Adjournment

Meeting times and locations are subject to change. Please refer to our website for the latest information.

<http://www.hwdsb.on.ca/trustees/meetings/>

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Trustees: Kathy Archer, Becky Buck, Dawn Danko, Penny Deathe, Cam Galindo, Alex Johnstone, Maria Felix Miller, Ray Mulholland, Carole Paikin Miller and Paul Tut. Student Trustees Deema Abdel Hafeez and Aisha Mahmoud.

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Regrets were received from Trustee Christine Bingham and Shakowennakara:tats Tanaya Kagige.

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**1. Call to Order**

Dawn Danko, Chair of the Board, called the meeting to order at 6:30 p.m.

**2. Approval of the Agenda:**

**RESOLUTION #21-169:** Trustees Buck/Johnstone moved: **That the agenda be approved.**

**CARRIED**

Student Trustees Abdel Hafeez and Mahmoud voted in favour.

**3. Declaration of Conflict of Interest**

None were declared.

**4. Confirmation of the Minutes**

Minutes from November 8 and November 15, 2021 were confirmed.

**Reports from Trustee Special Committees:**

**5. Policy – November 3, 2021**

**RESOLUTION #21-170:** Trustees Miller/Buck moved: **That the Policy Committee report from November 3, 2021 be approved including the Whistleblower Policy – Scoping Document and Employee Expense Policy.**

**CARRIED**

Student Trustees Abdel Hafeez and Mahmoud voted in favour.

**6. Audit – November 11, 2021**

**RESOLUTION #21-171:** Trustees Tut/Galindo moved: **That the Audit Committee report from November 11, 2021 be approved including that the 2020-21 Consolidated Financial Statements of the Hamilton Wentworth District School Board for the Year Ended August 31, 2021 be forwarded to the Board of Trustees for approval.**

**CARRIED**

Student Trustees Abdel Hafeez and Mahmoud voted in favour.

**7. Finance & Facilities – November 18, 2021**

**RESOLUTION #21-172:** Trustees Galindo/Johnstone moved: **That the Finance & Facilities Committee report from November 18, 2021 be received.**

**CARRIED**

Student Trustees Abdel Hafeez and Mahmoud voted in favour.

**Reports from Legislative Committees:**

**8. Parent Involvement Committee – November 9, 2021**

**RESOLUTION #21-173:** Trustees Buck/Deathe moved: **That the Parent Involvement Committee report from November 9, 2021 be received.**

**CARRIED**

Student Trustees Abdel Hafeez and Mahmoud voted in favour.

**Report from Staff:**

**9. Community Advisory Committees - Membership**

**RESOLUTION #21-174:** Trustees Galindo/Miller moved: **That the Community Advisory Committee Memberships be approved for the following committees: Faith, First Nation, Métis and Inuit, French as a Second Language, Human Rights and Equity and Rural Schools.**

**CARRIED**

Student Trustees Abdel Hafeez and Mahmoud voted in favour.

**Reports from:**

**10. Standing Committee – November 8, 2021**

**RESOLUTION #21-175:** Trustees Galindo/Mulholland moved: **That the Standing Committee Report from November 9, 2021 be received.**

**CARRIED**

Student Trustees Abdel Hafeez and Mahmoud voted in favour.

**11. Committee of the Whole – November 29, 2021**

**RESOLUTION #21-176:** Trustees Galindo/Tut moved: **That the Committee of the Whole Report from November 29, 2021 be approved including:**

- **That the Audit Committee report from November 11, 2021 be received.**
- **That Trustees receive the resignation from Trustee Christine Bingham, Wards 1 & 2 effective immediately.**

**CARRIED**

Student Trustees Abdel Hafeez and Mahmoud voted in favour.

**RESOLUTION #21-177:** Trustees Galindo/Miller moved: **That Staff prepare a report on options for filling the vacancy for wards one and two at the next available board meeting.**

**CARRIED**

Student Trustees Abdel Hafeez and Mahmoud voted in favour.

**12. Oral Reports from:**

**A. Student Trustees**

Student Trustees Abdel Hafeez and Mahmoud highlighted the following:

- Both attended OSTA-AECO's Fall General Meeting from November 4<sup>th</sup> -7<sup>th</sup>
- OSTA-AECO's Executive Council met virtually on November 20th. We discussed OSTA-AECO's upcoming election platform, The Student Blueprint, conference planning, student trustee governance initiatives, among other ongoing projects
- created a feedback form towards the end of the first quadmester to give all secondary students a platform to voice their concerns or feedback around the quadmester, and how strategies can be implemented to support students
- Both Elementary and Secondary Student Senates have gotten to a great start. We've worked with Senators to establish norms and expectations for meetings, and ensuring accountability
- We welcome the announcement made by the Ministry to return to semesters in February
- With all of that being said, it's crucial that we emphasize right now, that this is yet another adjustment for students

**RESOLUTION #21-178:** Trustees Deathe/Buck moved: **That HWDSB**

- **Communicate with secondary students the most current and up to date information on the second semester model as we get guidance from the ministry and Public Health**
- **That we support Student Trustees to gather student voice through an accessible platform and**
- **Prioritize mental health supports and strategies to support students through the transition**

**CARRIED**

Student Trustees Abdel Hafeez and Mahmoud voted in favour.

**B. Director's Update**

The Director highlighted the following:

- School Visits most recently to Sherwood and Glendale. While at Glendale, was welcomed into a classroom where Grade 9 teaching staff are engaged in leading a grade 9 De-streaming course
- Visits also made to Prince of Wales, Cathy Weaver and Dundas, Central and the real focus of this was to get a sense of staff well-being
- ACCPI awards took place on November 20<sup>th</sup> where seven HWDSB students won scholarship awards for post secondary studies
- Students Success Foundation - received a donation of \$10,000 from Tandia Bank to provide funding for Indigenous Programs
- New Ministry of Education data shows that HWDSB's five-year high school graduation rate increased to 83 per cent for students who started Grade 9 in 2015-16 and remained with HWDSB until graduation. The figure points to an increase from the previous year and marks a sixth consecutive cohort with a graduation rate at or above 80 per cent.

**C. Chair's Update**

The Chair noted that this was the last meeting of the third term for the Board of Trustees and that at their next Board meeting on December 6<sup>th</sup>, the Board of Trustees will elect a new Chair and Vice Chair. Chair Danko noted that this year has been one of challenges and transition, however, we can really strive and make big differences with every small step we take over the next year.

**13. Resolution Into Committee of the Whole (Private Session)**

**RESOLUTION #21-179:** Trustees Miller/Mulholland moved: **That the Board move into Committee of the Whole (Private), this being done at 7:53 p.m.**

**CARRIED**

Student Trustees Abdel Hafeez and Mahmoud voted in favour.

Open session resumed at 10:27 pm. Trustees Johnstone, Galindo, Buck, Deathe, Miller and Archer in attendance. Chair Danko and Trustees Mulholland, Tut, Paikin Miller did not return to open session.

**14. Committee of the Whole (Private) – November 29, 2021**

Chair Galindo noted that there was no report for this evening.

The meeting adjourned at 10:30 p.m.

The recording of the Board meeting can be found here:

Part 1: <https://tv.commonshwdsb.on.ca/media/board-meeting-nov-29-2021-part-1/>

Part 2: <https://tv.commonshwdsb.on.ca/media/board-meeting-nov-29-2021-part-2/>

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**Trustees:** Kathy Archer, Becky Buck, Dawn Danko, Penny Deathe Cam Galindo, Alex Johnstone, Ray Mulholland, Maria Felix Miller, Carole Paikin Miller and Paul Tut. **Student Trustees** Deema Abdel Hafeez and Aisha Mahmoud.

**Regrets were received from Shakowennakara:tats Tanaya Kagige.**

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**1. Call to Order**

Manny Figueiredo, Director of HWDSB, called the meeting to order at 5:32 p.m.

**2. Approval of the Agenda**

**RESOLUTION #21-180:** Trustees Archer/Miller, moved: **That the agenda be approved.**

**CARRIED**

**3. Appointment of Scrutineers**

**RESOLUTION #21-181:** Trustees Mulholland/Buck, moved: **That Heather Miller be appointed as scrutineer.**

**CARRIED**

**4. Election of the Chair**

The Director called for nominations for the Chair of the Board. Trustee Mulholland nominated Trustee Danko as Chair of the Board. Trustee Johnstone nominated Trustee Galindo as Chair of the Board.

The Director called three times for nomination and no further nominations were received.

**RESOLUTION #21-182:** Trustees Tut/Paikin Miller, **moved to close nominations.**

**CARRIED**

**RESOLUTION #21-183:** **That Dawn Danko be appointed Chair of the Board.**

Trustee Danko thanked Trustee Mulholland for nominating her and shared a brief note of thanks and stated that it has been an honour to serve as Chair for the past year.

**5. Election of the Vice-Chair**

The Chair called for nominations for the Vice-Chair of the Board.

Trustee Deathe nominated Trustee Buck as Vice-Chair of the Board. Trustee Buck accepted the nomination.

Trustee Galindo nominated Trustee Tut as Vice-Chair of the Board. Trustee Tut accepted the nomination.

The Chair called three times for nominations and no further nominations were received.

**RESOLUTION #21-184:** Trustees Mulholland/Deathe, moved to close nominations.

**CARRIED**

**RESOLUTION #21-185: That Becky Buck be appointed Vice Chair of the Board.**

Trustee Buck thanked Trustee Deathe for nominating her. She assumed the Vice-Chair position.

**6. Greetings from Pat Daly, Chair, Hamilton-Wentworth Catholic District School Board**

On behalf of Hamilton-Wentworth Catholic District School Board, Chair Pat Daly congratulated Director Figueiredo on his new role with the YMCA and commended him on the great work that he has done in the past. Chair Daly also commended all Trustees on the challenges that they have met over the past couple of years. He recognized Trustee Mulholland for his many years of service and shared that Trustee Mulholland has inspired him in his own work. He thanked the Board for the invitation and spoke of their commitment to working together moving forward.

Chair Danko thanked Chair Daly for his time and well wishes.

**7. Appointments to Board Mandated Committees**

**RESOLUTION #21-186: Trustees Miller/Buck, moved: That the appointments to the following Board Mandated Committees be approved:**

- A. Standing Committee  
All Trustees
- B. Suspensions Appeals and Expulsion Hearings  
All Trustees
- C. Trustee code of Conduct Review Committee  
Trustee Deathe (1<sup>st</sup> Alternate) and Trustee Johnstone (2<sup>nd</sup> Alternate)
- D. Parent Involvement Committee (PIC)  
Trustees Buck, Deathe and Danko
- E. Supervised Alternative Learning Committee (SAL)  
Trustees Archer, Deathe and Miller
- F. Special Education Advisory Committee (SEAC)  
Trustees Deathe and Johnstone
- G. Student Trustee Mentor  
Trustee Miller

**CARRIED**

**8. Appointments to Trustee Special Committees**

**RESOLUTION #21-187: Trustees Tut/Miller, moved: That the appointments to the following Trustee Special Committees be approved.**

- A. **Finance & Facilities**  
Trustees Buck, Danko, Galindo, Johnstone and Tut
- B. **Governance**  
Trustees Buck, Danko, Johnstone, Miller and Tut
- C. **Human Resources**  
Trustees Deathe, Johnstone and Miller

- D. **Policy**  
Trustees Archer, Danko and Miller
- E. **Program**  
Trustees Archer, Buck and Deathe
- F. **Audit**  
Trustee Buck

**CARRIED**

**9. Election of Committee Chairs for Trustee Special Committees**

**RESOLUTION #21-188:** Trustees Miller/Buck, moved: **That the appointments of the following Chairs for Trustee Special Committees be approved.**

**A. Finance and Facilities**

Trustee Tut nominated **Trustee Galindo** as Chair of Finance and Facilities.

The Chair called three times for nominations and no further nominations were received.

**B. Governance**

Trustee Miller nominated **Trustee Tut** as Chair of Governance.

The Chair called three times for nominations and no further nominations were received.

**C. Human Resources**

Trustee Buck nominated **Trustee Deathe** as Chair of Human Resources.

The Chair called three times for nominations and no further nominations were received.

**D. Policy**

Trustee Tut nominated **Trustee Miller** as Chair of Policy.

The Chair called three times for nominations and no further nominations were received.

**E. Program**

Trustee Miller nominated **Trustee Buck** as Chair of Program.

The Chair called three times for nominations and no further nominations were received.

**CARRIED UNANIMOUSLY**

**10. Appointments to HWDSB Community Advisory Committees**

**RESOLUTION #21-189:** Trustees Miller/Galindo, moved: **That the following appointments to HWDSB Community Advisory Committees be approved:**

**A. Faith Community**

Trustee Buck

**B. First Nations, Métis and Inuit Community Advisory Committee (FNMI)**

Trustees Danko and Galindo

**C. French As a Second Language Community Advisory Committee (FASL)**

Trustee Buck

- D. Human Rights and Equity**  
Trustees Galindo and Miller

- E. Rural Schools Community Advisory Committee**  
Trustees Deathe and Johnstone

**CARRIED UNANIMOUSLY**

**11. Appointments as Liaison/Representatives to Associated Agencies:**

**RESOLUTION #21-190:** Trustees Tut/Miller, moved: **That the following appointments as Liaison/Representatives to Associated Agencies be approved:**

- A. City/School Board Liaison Committee**  
Trustees Danko, Deathe and Miller
  
- B. Hamilton-Wentworth Home & School Association**  
Trustee Buck
  
- C. HWDSB Foundation**  
Trustee Buck
  
- D. Ontario Public School Boards Association (OPSBA)**  
Trustee Johnstone as the Director and Trustee Danko as the Alternate.

**CARRIED UNANIMOUSLY**

**12. Director's Report**

Director Figueiredo shared his congratulations to both the Chair and the Vice-Chair. He also stated that moving forward he will be supporting both the Interim Director and Director during the transition phase. He knows that the highly effective Executive Council team will continue to support the Committees, students and communities in the upcoming year.

**13. Chair's Report**

The Chair acknowledged the Trustees who put their name forward for the role of the Chair and Vice-Chair stating these are critical positions of service to the Board. She thanked Trustee Galindo for his support as Vice-Chair over the past year and for the incredible work that he did in collaborating with the Board. The Chair welcomed Vice-Chair Buck stating this will be a critical time in working with the Chair as well as the Committees to build capacity. The Board has come through a time of crisis and many challenges and she would like to be proactive in building connections and relationships. Chair Danko invited any of the Trustees who would like to experience some of the roles of the Chair to reach out to take on some of those tasks. She thanked the Board for supporting her in her role as Chair for the upcoming year.

The meeting adjourned at 7:00 p.m.



December 8, 2021

**RE: Location of Safe Injection Site at 746 Barton St E**

Dear Public-School Board

I am writing to you today on behalf of the immediate community surrounding 2 of your schools Prince of Wales primary school and Bernie Custis High School.

This proposed site is in close proximity of these schools and the daycare which is operated at Prince of Wales.

We are asking you to **oppose the location of this CTS**. We are not asking for comment on the service it is to provide as it has no bearing here. It is the location being so close to young children that walk to these schools everyday. Many of us see these children and their parents walk by this proposed site on the way to and from school. We do not believe school children will have an equal chance at learning after interacting with clients of CTS.

Public Health's own data shows only 2% of opioid EMS related calls occur on Barton Street East. Most Opioid related calls are in Ward 2 We already have one CTS going into Ward 3. Why another one? Why are none being put into Ward 2?

As most of you are aware, that fact that the proponents of the CTS never consulted your organization about the location prior to the Board of Health vote shows their lack of sincerity. No one knew about it. We found out through a media report.

Please find attached the signatures of 780 people so far who have signed a petition expressing opposition to this location for a CTS. Many of these people are parents and caregivers of children who attend these 2 schools and the daycare.

Please consider our request fully and carefully.

Sincerely

*Hand Delivered*



Walter Furlan for Barton Street Community

765 Barton Street East

Hamilton ON L8L 3A9

905 383 3704

HWDSB Note: For privacy reasons, the petition is available for review through the Office of Trustee Services.



Hamilton Urban Core Health Centre

November 1 2021

CTS Site

A. en0on: HWDSB Trustees and Senior Leadership

Re: Becky Buck's elec0on as Vice Chair

This is to call out your choice to vote for Becky Buck as Vice Chair. Your choice of vo0ng in Becky Buck aMcr she was implicated in the third-party inves0ga0on, in regards to racism is trauma0c for students, staff and community members who were outraged by the ini0al incidents which were exposed by former Student Trustee, Ahona Mehdi.

We as a community wonder, have you learned nothing from the past year? Have you forgo. en or are you once again choosing to ignore that Becky Buck is known to have upheld the comfort of affluent White students while dismissing the safety of Black, Brown and Indigenous students. By taking this "All Lives Ma. er" stance, she intended to sustain the harm of marginalized students by suppor0ng the Police Liaison Program in schools. She referred to community parents and partners as "Twi. er Trolls" for speaking up and advoca0ng for marginalized students. She voted against having an Indigenous Student Trustee posi0on showing her disregard for the HWDSB's Equity Ac0on Plan. She has con0nued to take the stand to show that she possesses no dedica0on to learn, let alone uphold, principles of equity which HWDSB con0nually claims to be devoted to.

If you had genuinely learned anything from the AR/AO training that you chose as your own consequence for the harm that you caused Black, Brown, Indigenous and racialized students from your posi0on of power and our tax dollars, you would not have taken these steps to put Becky Buck in such a posi0on of power. Instead what you have said to students, parents and community members is that you are con0nuing to uphold an oppressive system which lacks empathy, good will and disregard for an0-oppression and an0-racism.

Given that the Ontario Human Rights Commission's recent recommenda0ons for the removal of Trustees who are found to have violated Human Rights codes and knowing that HWDSB Trustees was named as one of the reasons for this decision, we find the callous and cruel elec0on of Bucky Beck as Vice Chair to be representa0ve of past, present and future harm towards students.

Finally, it's important to note that the same audacity and privilege that allowed Becky Buck to publicly harm marginalized students in public board mee0ngs as a Trustee is the same audacity and systemic privilege that enables you to elect her as Vice Chair. This is what systemic racism looks like and you have once again proven that it will be sustained at any cost at HWDSB.

Equity Network



To Whom It May Concern,

In this correspondence, I wanted to review student mental healthcare policies within the school board and across the province. On December 1st, 2021, Peace of Mind, an Ontarian student-run think tank, released a report analyzing the need, cost, savings and other considerations for policy to expand mental healthcare access for students.

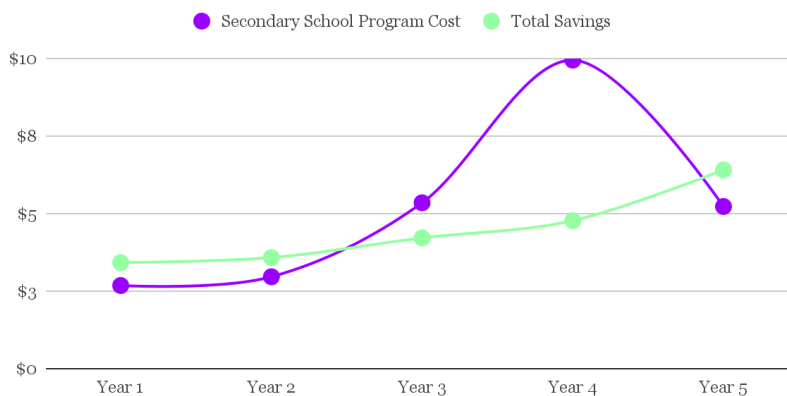
Our analysis lead us to identify 6 policies that may be implemented across the province, of which four partially or wholly may be implemented solely by the school board;

- Providing all students access to at least 26 sessions of Cognitive/Dialectical Behavioural or Psychodynamic Therapy annually;
- Providing 1 annual mental health check-in provided by a registered therapist to every student;
- Developing and enforcing training for teachers in cooperation with mental health experts to teach how to identify mental illness, those at risk of mental illness and how to effectively help students overcome barriers to mental wellness; and,
- Mandating professional mental healthcare workers take and succeed in training for culturally responsive summary.

These policies are recommended to be expanded over the course of 5 years and would not only reduce rates of criminal behaviour, suicide, addiction, and anxiety and depression but also prove to be cashflow positive for a period of time by considering savings from redundant programming. Additional budgetary savings will also occur for provincial and federal jurisdictions which are in effect an extension of the board.

Within the HWDSB, we expect this strategic investment will require a total budgetary allocation with a maximum of \$10 million and every year after year 5 of operation costing roughly \$5.5 million with

HWDSB Pilot Cost of Care and Savings in the First Five Years of Programming (Millions of \$)



growth in costs due to inflation and population growth. A majority of this amount goes towards hiring several therapists with salary and benefits coming to \$98,464 per person per year. Additional costs include payment for a program administrator and some program navigators to implement the program and to help students understand how to properly access the program and transition in and out of it, along with serving to inform

them of other programs. Finally, roughly \$300,000 are allocated towards costs of office space, utilities, insurance, internet, desks, chairs, hardware, transportation, training and other costs for delivery.

While in total this amount is greater than the current \$2 million allocations towards Mental Health & Well-Being in the HWDSB, it amounts to less than the grant amount provided as a part of Priorities and Partnership Funds from School Mental Health Ontario.

Additionally, after 5 years of operations, we expect 7,168 students will require very limited amount of further support in their lifetimes to cope with mental health problems, 7 students will be prevented from being incarcerated in the future and youth correctional days will decrease by 118. 9 students who would have otherwise faced problems with employment will not during their lifetimes and 559 students who otherwise would have been victims of substance abuse would be drug-free.

By creating these programs, and crucially promoting them among students, we can reduce the burden of the ongoing mental health crisis and ensure students are able to not only live but thrive. We hope that the board will consider these policies at the least as we attempt to push for their implementation to show how the quality of life of students could be improved within the school board and the province as a whole. Mental health is a core factor in one's happiness and success, and it is vital that action is taken to preserve the health of students. We hope this report and this letter adequately outline the benefits and possibilities for implementing policy that would go a long way to ensuring the safekeeping of students' mental health.

To read the full report, please visit: [bit.ly/pocpom](https://bit.ly/pocpom)

For your considerations,

Faiz Jan  
Co-Chair, Peace of Mind Coalition  
[f.jan@mail.utoronto.ca](mailto:f.jan@mail.utoronto.ca)

**COMMITTEE REPORT**

Presented to: Board

Date of Meeting: December 1, 2021

From: Policy Committee

Date of Meeting: December 13, 2021

The committee held a meeting from 5:30 p.m. to 6:00 p.m. on December 1, 2021, with Trustee Miller presiding.

Members present were: Trustees Becky Buck, Cam Galindo and Maria Felix Miller.

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**ACTION ITEMS:**

**A. Student Behaviour and Discipline Policy**

The Committee considered the Student Behaviour and Discipline policy as it is up for its cyclical review. Staff have reviewed the policy and note that majority of the changes are updates to language used through out the policy as well as additional definitions that are currently being used. There has been no changes made to PPM 145 which serves as a guideline for the development of local policies.

On motion of Trustee Galindo, the Policy Committee **RECOMMENDS that the Student Behaviour and Discipline Policy be approved.**

**CARRIED**

Respectfully submitted,  
Maria Felix Miller, Chair of the Committee



# Student Behaviour and Discipline

Date Approved: XXXX

Projected Review Date: XXXX

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## PURPOSE:

The purpose of the Student Behaviour and Discipline Policy is to promote a positive school climate through a whole school approach that supports student achievement, mental health, and well-being. The policy reflects an approach to utilizing a continuum of strategies including promotion of programs to build social skills, interventions to investigate the underlying factors of behaviour and to help students change maladaptive behaviours, consequences and progressive discipline when maladaptive behaviours persist and cause harm, and progressive discipline when serious incidents occur.

## GUIDING PRINCIPLES:

- Every student is entitled to a safe, caring, and bias free learning environment. Every student has the right to learn in an environment that is free from harassment and discrimination.
- Every student has the responsibility to keep their learning environment free from harassment and discrimination
- Respectful, positive, working and learning environments are created by modeling relationships founded in mutual acceptance and inclusion, and by promoting, supporting, and recognizing adaptive behaviours and consequencing maladaptive behaviours.
- Programs which focus on equity education, building pro-social skills, bullying prevention, building healthy relationships and restorative practices provide the foundation for an effective continuum of prevention and intervention strategies within a school.
- Maladaptive behaviours are effectively dealt with by employing a range of consequences that are developmentally appropriate, provide the opportunity to learn from mistakes, and focus on improving behaviour and safety.
- Consider bias, prejudice and discrimination that may influence student discipline. This involves considering the impact of all beliefs and actions that may enter a situation, especially those involving currently and historically underserved populations of students
- Mitigating circumstances are considered for all students.

## INTENDED OUTCOMES:

The goal of the Student Behaviour and Discipline Policy is to:

- Support a safe, inclusive and accepting learning and teaching environment in which every student can reach their full potential academically
- Promote positive student behaviours through a focus on social skills and healthy relationships.
- Reinforce adaptive student behaviour and address maladaptive student behaviours



# Student Behaviour and Discipline

Date Approved: XXXX

Projected Review Date: XXXX

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## RESPONSIBILITY:

Director of Education  
Members of Executive Council  
School Principals

## TERMINOLOGY:

*Adaptive Behaviour:* Behaviour that enables a person to perform in their environment with greatest success and least conflict with others to meet academic, cultural, and social responsibilities. This is a term used in the areas of psychology and special education.

*Adult Pupil:* For the purpose of this policy, an “adult pupil” who is 18 years of age or older or who is 16 or 17 and has withdrawn from parental control.

*Bias:* very similar to, but not as extreme as prejudice. Someone who is biased usually refuses to accept that there are views other than their own.

*Bullying:* (refer to the Bullying Policy for types and descriptions of bullying behaviours). Bullying is defined as aggressive and typically repeated behaviour by a student where the behaviour is intended, or the student ought to know that the behaviour would be likely to have the effect of:

- causing fear or distress to another individual, including physical, psychological, social or academic harm
- harm to the person’s reputation or property, or
- creating a negative environment at the school for another individual, and the behaviour occurs in a context where there is a real or perceived power imbalance based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education.

*Child and Family Services Review Board (CFSR Board):* The Child and Family Services Review Board provides a mechanism under the Child and Family Services Act to hear an appeal of a school Board's decision to expel a pupil. The CFSR Board makes specific decisions on the residential placement of children; refusal of placement by private adoption licensees; rules on licenses for children’s residences, adoption placement, day nurseries and private home day care; refusal to disclose adoption information; and applications for the release of children from emergency secure treatment facilities.

### *Committees:*

(i) *Expulsion Hearing Committee:* A committee of three or more Trustees of Hamilton-Wentworth District School Board, established to hear a recommended expulsion of a pupil.

(ii) *Suspension Appeals Committee:* A committee of three or more Trustees of Hamilton-Wentworth District School Board, established to hear an appeal of a principal’s decision to suspend a pupil.





# Student Behaviour and Discipline

Date Approved: XXXX

Projected Review Date: XXXX

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**Discrimination:** the unjust or prejudicial treatment of different categories of people or things, especially on the grounds of race, age, or sex.

**Harassment:** engaging in a course of vexatious [annoying or provoking] comment or conduct which is known or ought reasonably to be known to be unwelcome. Engaging in a course of " means that a comment or action would usually have to occur more than once for it to be considered harassment.

**Hate Crime:** Hate/bias motivated crimes are criminal offences or incidents motivated solely or in part because of the suspect's hate, bias or prejudice against another person based on the victim's ancestry, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity or expression.

**Individual Education Plan (IEP):** A plan that provides modifications or accommodations to program of exceptional students, or, in some cases, students who have specific needs. (complete definition available in schools or on the Ministry of education website.)

**Maladaptive Behaviour:** Behavior that can be viewed as the direct opposite of adaptive behavior. It is a counterproductive or interfering form of behavior which harms individuals or the environment.

**Medical Cannabis User:** as defined by the Education Act, a person who is authorized to possess cannabis for the person's own medical purposes in accordance with applicable federal laws.

**Mitigating Circumstance:** There can be positive or negative mitigating circumstances. These are factors that lessen the severity or culpability of an act requiring a suspension or expulsion.

**Parent/Guardian:** Where there is a reference to involving a parent/guardian it means the custodial parent or guardian of a minor who is under 18 years of age or is not 16 or 17 and removed from parental control.

**Positive School Climate:** School climate is the learning environment and relationships found within a school and school community. A positive school climate exists when all members of the school community (staff, students, parents, community members) feel safe, included, and respected; and actively promote address the needs of the student population, particularly those currently and historically underserved. Principles of equity and inclusive education are embedded in the learning environment to promote a positive school climate and a culture of mutual respect.

**Prejudice:** An opinion against a group or an individual based on insufficient facts and is usually unfavourable and/or intolerant.

**Progressive Discipline:** Progressive Discipline is an approach that utilizes a continuum of prevention programs, interventions, and supports to promote positive student behavior. Appropriate consequences to address inappropriate student behavior are also included in the continuum. This approach to student discipline also includes learning opportunities for students that reinforce positive behaviours and help students make good choices.



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*Superintendent:* Superintendent of Hamilton-Wentworth District School Board responsible for the supervision of the school attended by the pupil who is suspended or recommended for expulsion.

*Whole-School Approach:* A whole-school approach involves all members of the school community including, but not limited to, staff, students, administrators, community members and parents. It supports efforts to ensure that schools are safe, inclusive and accepting. It involves the development of respectful and caring relationships between staff, students, parents and community. All aspects of school life are included in a whole-school approach, such as curriculum, school climate, teaching practices, policies and procedures.



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## Activities Leading to Possible Suspension or Expulsion

<p style="text-align: center;"><b>SUSPENSION(1 to 20 days)</b></p> <p style="text-align: center;"><b>Consult with School Superintendent for any recommendations over 5 days</b></p>	<p style="text-align: center;"><b>EXPULSION</b></p> <p style="text-align: center;"><b>Consult with School’s Superintendent; Issue 20-day suspension pending expulsion; Conduct investigation; Determine suspension or referral to expulsion hearing</b></p>
<p>A principal shall consider whether to suspend a student if they have reasonable grounds to believe that the student has engaged in any of the following activities while at school, at a school- related event, or in other circumstances where engaging in the activity will have an impact on the school climate:</p> <p><b>Education Act</b></p> <ol style="list-style-type: none"> <li>1. uttering a threat to inflict serious bodily harm on another person</li> <li>2. possessing alcohol, illegal drugs or cannabis (unless the individual has been authorized to use cannabis for medical purposes)</li> <li>3. being under the influence of alcohol, or cannabis (unless the individual has been authorized to use cannabis for medical purposes)</li> <li>4. swearing at a teacher or at another person in a position of authority</li> <li>5. committing an act of vandalism that causes extensive damage to school property at the student’s school or to property located on the premises of the student’s school</li> <li>6. bullying</li> <li>7. non-consensual sharing of intimate image(s)</li> <li>8. any other activity that is an activity for which a principal may suspend a student under a policy of the Board</li> </ol> <p><b>HWDSB</b></p> <ol style="list-style-type: none"> <li>9. violations of the Code of Conduct, school and Board policy, e.g. repeated disrespect of authority.</li> <li>10. using social media in such a way that negatively impacts others or school climate.</li> <li>11. inappropriate behaviours, including biting, spitting, kicking, etc.</li> <li>12. physical fighting and assault (not requiring medical treatment).</li> <li>13. an act harmful to one’s physical/mental well-being.</li> <li>14. being under the influence of drugs.</li> <li>15. making a bomb threat</li> </ol>	<p>A principal shall expel a student if they have reasonable grounds to believe that the student has engaged in any of the following activities while at school, at a school-related activity or event, or in other circumstances where engaging in the activity will have an impact on the school climate:</p> <p><b>Education Act:</b></p> <ol style="list-style-type: none"> <li>1. possessing a weapon, including possessing a firearm</li> <li>2. using a weapon to cause or to threaten bodily harm to another person</li> <li>3. committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner</li> <li>4. committing sexual assault</li> <li>5. trafficking in weapons or in illegal drugs</li> <li>6. committing robbery</li> <li>7. bullying <i>(if the student has been previously suspended for engaging in bullying and the student’s continuing presence in the school creates an unacceptable risk to the safety of another person)</i></li> <li>8. any activity listed in Ed Act Subsection 306(1) that is motivated by bias, prejudice, or hate (An activity in violation of the Equity and Inclusion Policy or any human rights violation under the Human Rights Code (pending Human Rights Policy, e.g., use of racial slurs, homophobic/transphobic language; etc.)</li> <li>9. giving alcohol or cannabis to a minor</li> <li>10. any other activity for which a student may be expelled under Board policy</li> </ol> <p><b>HWDSB</b></p> <ol style="list-style-type: none"> <li>11. serious violations of the Standards of Behaviour in the Code of Conduct, e.g. Repeated disrespect of authority</li> <li>12. committing an act of vandalism that causes extensive damage to Board property</li> <li>13. continuous pattern of behaviour injurious to the learning or safety.</li> <li>14. Their presence constituting an unacceptable risk.</li> </ol>



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## ACTION REQUIRED:

### School Climate Surveys:

- School climate surveys will be administered to students in schools once every two years.
- Parent and Staff surveys will include questions related to school climate.
- Staff surveys are administered annually.
- Parent surveys are administered once every two years.

### Prevention and Awareness Training:

The Board will develop programs and provide opportunities for all members of the school community to increase their awareness and understanding to ensure consistency in the policy implementation.

Training will focus on:

- developing a positive school climate and building healthy relationships through safe schools, equity, mental health, inclusion and Indigenous Cultural Safety.
- Developing a common understanding of student behaviour expectations
- Preventing behaviours that could lead to suspension or expulsion
- Multidisciplinary team collaboration to support students

### Communication:

Hamilton-Wentworth District School Board will post the Student Behaviour and Discipline Policy and supporting policy procedures on the Board Website. Schools will ensure that parents/guardians/students/staff are aware of the Student Behaviour and Discipline Policy.

### Board Plan:

The Board will develop a three-year Safe Schools Action Plan to improve the well-being of students and staff and to close the gap for those currently historically underserved. We will build student and staff well-being through positive climate strategies and positive relationships.

### School Plans:

Each school will develop a bullying prevention and intervention ~~school~~ plan, in consultation with their School Council, Home and School (where one exists), students, teachers, and other staff members,

### Resources:

Curriculum-linked resources and other relevant materials that promote positive student behaviour will be identified for schools. Resources will focus on building prosocial behaviours, healthy relationships, and other factors that contribute to student achievement and well-being. Other Resources (e.g.: Programs, Student Services, Community Partnerships, Student Engagement) will be reviewed annually for data related to student behavior to determine the needs of students who require further support to promote adaptive and prosocial behaviours and healthy relationships.



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Specific resources can be viewed in the supporting policy procedures for this policy, which include:

- Progressive Discipline and Promoting Positive Student Behaviour
- Bullying Prevention and Intervention

## PROGRESS INDICATORS:

Intended Outcome	Assessment
Support a safe, inclusive and accepting learning and teaching environment in which every student can reach their full potential academically	School Climate and Parent Surveys indicate improved student sense of safety. Board data shows improvement in all categories. Input /data from student forums indicates students feel comfortable and safe at school.
Promote positive student behaviours through a focus on social skills and healthy relationships.	School plans include programs/opportunities for students to learn/engage in building healthy relationships and pro-social skills. The plans are reviewed with the Superintendent during the School Improvement Visit using school-based data.
Reinforce adaptive student behaviour and address maladaptive student behaviours	Decrease in incidents resulting in suspensions or expulsions.  Incidents of bias, prejudice and hate are reported and addressed  Fewer incidents of bullying leading to suspension.

## REFERENCES:

### Government Documents

Part XIII of the Education Act (300.0-316.0): Student Behaviour, Discipline, and Safety

An Act to Amend the Education Act (Accepting Schools Act), 2012

Policy/Program Memorandum 141, Programs for Students on Long Term Suspension

Policy/Program Memorandum 142: Program for Expelled Students

Policy Program Memorandum 145: Progressive Discipline and Promoting Positive Student Behaviour



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Policy Program Memorandum 119: Developing and Implementing Inclusive Education Policies in Ontario Schools 2009  
 Policy Program Memorandum 166: Keeping Students Safe: Framework for school Board Protocols to Combat Sex Trafficking (2021)  
 Keeping Our Kids Safe at School Act (Bill 157) 2010  
 Ontario Regulation 472/00 Shaping A Culture of Respect in Our Schools 2008  
 Ontario Regulation 181/98 "Identification and Placement of Exceptional Pupils"  
 Access to School Premises – Ontario Regulation 474/00  
 OCT Standards of Teaching Practice  
 Caring and Safe Schools in Ontario: Supporting Students with Special Education Needs Through Progressive Discipline, K-12 2010  
 English Language Learners: ESL and ELD First Nation, and Inuit Education Policy Framework 2007  
 Ontario's Equity and Inclusive Education Strategy, 2009  
 Ontario Human Rights Code  
 Ontario Criminal Code

## **HWDSB Policies**

Anti-Black Racism (in development)  
 Bullying Prevention and Intervention  
 Code of Conduct  
 Equity and Inclusive Education  
 Human Rights (in development)  
 Police/Board Protocol  
 Privacy and Information Management  
 Staff Progressive Discipline  
 Volunteer

## COMMITTEE REPORT (Public)

Presented to: Board Meeting Date: December 13, 2021  
 From: Human Resource Committee Meeting Date: November 30, 2021

The committee held a meeting November 30, 2021 - from 5:30 p.m. – 6:31 p.m. via MS Teams, Hamilton, Ontario, with Penny Deathe presiding.

Members present were: Trustees Penny Deathe (Chair), Dawn Danko, Maria Felix Miller and Alex Johnstone.

\*\*\*\*\*

### INFORMATION ITEM(S):

#### **A. Employee and Staffing Update: Fall Staffing, Reorganization and Recruitment**

Human Resource Services continues one of its largest recruitment efforts in response to four factors:

- The Board of Trustees passed a motion in May 2021, requesting that staff use COVID funding and up to 1% of our operational savings in reserves to reduce elementary class size to promote distancing and learning recovery.
- Increased elementary and secondary enrolment.
- Additional positions funded through *Support and Students* funding (central bargaining) .
- Employee demographics within certain employee groups.

Despite the Board's ongoing recruitment efforts to maintain healthy pools of occasional staff, staff are unable to fill all vacancies on a daily basis. For example, in the month of October, on average, staff were able to fill 85% of academic vacancies and 74% of our Educational Worker vacancies (Educational Assistants, Caretakers, Designated Early Childhood Educators, Office and Technical Workers).

On the motion of Trustee Danko, the Human Resources consents to the Chair of the Board writing a letter to the Minister of Education requesting that Education Workers have standardized pay.

#### **B. Living Wage**

The Superintendent provided the Committee with an update regarding the commitment the Board made on January 14, 2013 to be a Living Wage employer. On November 1st, 2021, the Ontario Living Wage Network announced Hamilton's living wage is now \$17.20 per hour. In response, staff have reviewed all local and central collective agreements to determine where hourly rates may be below the new living wage of \$17.20/hour.

Staff have entered into letters of agreement with both our Office, Clerical and Technical Workers (OCTU) Union and Canadian Union of Public Employees (CUPE) Union to increase our hourly rates for occasional staff to ensure we meet our Board's commitment as a living wage employer.

#### **C. Violence in the Workplace: Employee Incidents and Reporting Statistics, 2020-2021**

Staff provided the committee with an annual update on Employee Incident and Reporting Statistics. The data was broken into four major categories: First Aid, Health Care, Lost Time and No Injury. During the 2020-2021 school year, there were two periods of remote learning (January 4, 2021 – February 5, 2021 and from April 19, 2021 – June 29, 2021), where a large number of students participated in remote learning rather than in-class, contributing to a potential decrease in total violent incidents reported to the Board.

The Board continues to provide Behaviour Management Systems (BMS) training, a training system that emphasizes on prevention and non-physical intervention strategies. Strategies include gathering information to understand the student and factors which are affecting behaviour, responding to early indicators of escalation, and effectively using calming and interventions categorized as non-verbal, verbal and physical. Training will continue throughout the school year for identified employees. Further, staff were provided with a half day of Violence Prevention training as part of the September Professional Activity days.

**D. Employee Attendance Monitoring Report: September & October 2021**

Staff provided the committee with an update on employee attendance. For the first two months of the school year, the average permanent Board employee has been absent for personal illness 2.28 days. Relative to the previous school year, this is an increase of 1.38 days of personal illness absences for the same two-month period. Further, the average Board employee has been absent .09 days per month related to COVID-19 related absences. Relative to the previous school year this is a decrease of .21 days for COVID-19 related absences for the period of September 1, 2021 to October 31, 2021.

Employee Support and Wellness (ESW) will continue to support a safe return to work for all staff recovering from medical procedures or personal illness in accordance with all Board policies and legislation. Further, ESW and immediate supervisors continue to support staff with workplace accommodations when medically supported by an employee's health care provider.

Respectfully Submitted,  
Penny Deathe, Chair of the Committee





## EXECUTIVE REPORT TO BOARD

**TO:** BOARD

**FROM:** Manny Figueiredo, Director of Education

**DATE:** Monday, December 13, 2021

**PREPARED BY:** Jamie Nunn, Superintendent of Human Resource Services

**RE:** Mandatory Vaccine Procedure Motion

Action X

Monitoring

**Recommended Action:**

That HWDSB continue to implement the COVID-19 Immunization Disclosure Procedure (Appendix A) that is aligned with the Ministry of Education Immunization Disclosure Policy.

**Background:**

On August 17, 2021, the Chief Medical Officer of Health, Dr. Kieran Moore, announced a new plan requiring the disclosure of vaccination status by all school board staff. Additionally, staff who do not provide proof of full vaccination against COVID-19 are required to undertake regular rapid antigen testing, twice a week. As required, Human Resource Services staff have implemented the Ministry of Education Immunization Disclosure Policy (and testing requirements) in regards to all staff covered by the Policy to limit the spread of COVID-19 in our schools and communities.

On September 13, 2021, the Board of Trustees passed the following motion:

**RESOLUTION #21-132:** *That HWDSB work collaboratively with Hamilton's local public health unit, local partners and HWDSB employee groups to develop a mandatory COVID-19 vaccination procedure that is grounded in education and supportive incentives;*

- a. *Requires all employees, trustees, service providers and volunteers to provide proof of full vaccination against COVID-19 while adhering to legislated privacy standards;*
- b. *Requires any employee, trustee or service provider who is not fully vaccinated to participate in an exemption process, with approvals where there is a legal obligation to accommodate; and*
- c. *For anyone who is not adhering to the procedure requirements by an established deadline, that staff develop appropriate steps including limiting access to the physical environments at HWDSB;*
- d. *Requires any employee, trustee or service provider who has an approved formal exemption and is not vaccinated be accommodated and required to complete regular asymptomatic rapid testing and demonstrate a negative test, as per the recommendations by Public Health.*

On October 25, staff provided the Board with a monitoring update on the implementation of the Board's motion (September 13, 2021). Within that update, staff provided the Board with advice gathered from Hamilton Public Health Services, union and management groups, Human Rights Office, Privacy Office, Occupational Health & Safety Office and the Director and Human Resource Services staff. A summary of this advice is included as an appendix to this report (Appendix C).

Further, on October 28, 2021, the Ministry of Education provided an updated plan, with the following direction regarding testing requirements: “As of November 10, 2021, individuals subject to testing requirements must now provide verification of negative test results three times per week as an added measure to protect schools from the risk of COVID-19”. Therefore, all HWDSB staff who are currently working in our schools who are unvaccinated are required to test for COVID-19 three times a week.

### Staff Observations

Human Resource staff have implemented the Ministry of Education Immunization Disclosure policy with all staff. As indicated in the chart below, over the past four months, our staff vaccination rate has increased steadily. As of the time of this report, 95% of all staff who have disclosed their vaccination status, and working in our schools, are vaccinated against COVID-19.

	September 29, 2021		October 19, 2021		December 3, 2021	
	School Board Employees & Trustees		School Board Employees & Trustees		School Board Employees & Trustees	
	#	%	#	%	#	%
Total number of individuals to which the policy will apply	7,127	100	7005	100	7197	100
Total number of individuals who have attested to being fully vaccinated (with and without supporting documentation)	6297	87.80	6504	92.85	6702	93.12
Total number of individuals who have attested to being unvaccinated	515	7.18	373	5.32	369	5.13
Total number of individuals who attested to a medical reason for not being fully vaccinated	59	0.82	48	0.69	6	0.08
Total number of individuals who have not yet submitted an attestation form, if known	301	4.20	80	1.14	120	1.67

### Data Analysis from December 3, 2021

Staff have further completed an analysis of our employee reporting data as December 3, 2021. Of the total number of staff who have attested to being unvaccinated and participating in the required rapid antigen testing program, there have been less than ten (10) positive cases.

Total Number of Individuals who have attested to being Unvaccinated	369	Number of Individuals who have not submitted an attestation form	120
Number of Individuals that are permanent staff	266	Number of Individuals who are permanent staff	31
Number of Individuals that are occasional staff	103	Number of Individuals who are occasional staff	89
Number of Individuals that are participating in regular rapid weekly testing	357	Number of Individuals who are participating in regular rapid weekly testing	6
Number of positive tests	<10	Number of positive tests	0

### **Summary of Advice from Experts, Employee and Management Groups**

Further to the monitoring report to the Board (October 25), staff continue to be concerned that the implementation of this procedure will have a negative impact on the daily operations of schools for a variety of factors including, but not limited to:

- Adjacent school boards are not implementing a mandatory vaccine procedure or policy and those that have such a Board motion or direction, have delayed implementation and/or have extensive exemptions (i.e. all teacher and other education workers where there are labour market challenges)
- Despite ongoing recruitment efforts, the Board continues to have daily unfilled jobs. As reported to the Human Resources Committee (November 30, 2021), in the month of October, on average, staff were able to fill 85% of academic vacancies and 74% of our Educational Worker vacancies (Educational Assistants, Caretakers, Designated Early Childhood Educators, Office and Technical Workers).
- A rise in employee personal illness utilization. As shared at the Human Resources Committee (November 30, 2021), Employee Support and Wellness department (ESW) noted an increase of 1.38 personal illness days per employee compared to the same time frame last year. Some noted observations that have contributed to the increased absenteeism include;
  - Increase in short term disability absences related to medical procedures that were rescheduled due to the pandemic; and
  - Growth in mental health short term related absences; and
  - Growth in sporadic absences less than 5 consecutive days; and
  - Employee Assistance Program (LifeWorks) utilization is lower than industry standards for utilization.
- Would limit the number of third-party contractors to maintain our response to site-based emergencies.

### **Next Steps if implementing the Board Motion (Mandatory COVID-19 Immunization Procedure)**

Aligned to the Trustee's motion, staff have developed a Mandatory Staff Vaccination Procedure (Appendix B) which summarizes the application and scope of the Procedure, required staff procedures (including vaccination disclosure, testing, educational programs, exemptions, and non-compliance), evaluation, appendixes and references. Highlights of the draft Procedure include:

- All HWDSB employees are required to submit a formal attestation and disclose their vaccination status by December 17, 2022 and will be required to do so as they return from a leave of absence.
- All HWDSB employees must complete the full course of vaccination and submit proof of vaccination by February 1, 2022, subject to exemptions as indicated in the Procedure, which are:
  - Medical Related Exemption
  - Disability Related Exemption
  - Religion or Creed Exemption
- Subject to relevant accommodations or exemptions, new employees hired by the Board after the effective date of this Procedure must be fully vaccinated prior to their first day of work and show proof thereof.
- If an individual to which this procedure applies is unable to be vaccinated due to a protected ground as defined by the Human Rights Code, HWDSB will consider each exemption request and provide accommodations in accordance with Policy No. 4.1 Accommodation of Staff.
- Individuals who have been exempted from the full vaccination requirement, and those individuals whose exemption requests are under review, must continue undertaking regular rapid COVID-19 antigen testing and providing verification of tests results as described in the Procedure.
- Employees who fail to comply with this Procedure will be subject to corrective action including placement on an unpaid leave of absence until compliance has been achieved. Furthermore, continued non-compliance may lead to further corrective action up to and including termination of employment.
- Human Resource Services will address each employee's situation on a case-by-case basis, and will endeavor to work collaboratively with staff and their union representative (if applicable), based on a staff member's individual need to achieve compliance with this (draft) Board Procedure
- Further, subject to relevant exemptions, individuals covered by this Procedure who are not Board employees must also be fully vaccinated prior to their first day attending a HWDSB work site and show proof thereof.

# COVID-19 Immunization Disclosure Procedure

## RATIONALE:

The Ontario Chief Medical Officer of Health (CMOH) has issued direction to publicly funded Ontario school boards to implement a COVID-19 immunization disclosure procedure, including required regular rapid COVID-19 antigen testing for staff who are not fully vaccinated against COVID-19, and a mandatory educational program for individuals who do not intend to be vaccinated without a documented medical reason.

The COVID-19 Immunization Procedure (the “Procedure”) affirms, and serves to promote, Hamilton-Wentworth District School Board’s (“HWDSB”) commitment to providing and maintaining a safe and healthy work environment for all workers and occupants of HWDSB sites. Vaccination against COVID-19 helps reduce the number of new cases with the overarching goal to keep HWDSB schools open and safe for in-person learning, which supports learning, development, and health and well-being.

## TERMINOLOGY:

*Creed:* Includes religion in the broadest sense. Creed may also include non-religious belief systems that, like religion, substantially influence a person’s identity, worldview, and way of life. A creed is sincerely, freely, and deeply held; is integrally linked to a person’s identity, self-definition, and fulfilment; is a particular and comprehensive, overarching system of belief that governs one’s conduct and practices; addresses ultimate questions of human existence, including ideas about life, purpose, death, and the existence of non-existence of a Creator and/or a higher or different order of existence; and has some “nexus” or connection to an organization or community that professes a shared system of belief (OHRC Policy on Preventing Discrimination based on Creed (2015)). Personal preferences or singular beliefs do not amount to a creed for the purposes of the Ontario Human Rights Code.

*Fully Vaccinated:* Having received all doses required for a COVID-19 vaccine(s) approved by the World Health Organization (e.g., two doses of a two-dose vaccine, or one dose of a single-dose vaccine); and having received the final vaccine dose at least 14 days ago.

*PCR:* A polymerase chain reaction test, which is a test to detect genetic material from a specific organism, such as a virus.

*Vaccine:* A COVID-19 vaccine approved by the World Health Organization (WHO) and includes Moderna Spikevax, Pfizer-BioNTech Comirnaty, AstraZeneca Vaxzevria and Janssen (Johnson & Johnson).

*Workplace:* Any land, premises, location, or thing at, upon, in or near which an employee works. Examples include, but are not limited to:

## COVID-19 Immunization Disclosure Procedure

- Schools, Board offices, properties, and facilities, as well as vehicles used in the course of completing work and traveling between work sites.
- School-related activities such as extracurricular activities, co-instructional activities, and excursions.
- Conferences, training sessions, workshops, and other work-related events or functions.

### 1.0 APPLICATION AND SCOPE

This Procedure applies to:

- All HWDSB employees, including daily and long-term occasional teachers, and casual education workers
- Trustees
- Service Providers
- Volunteers

For clarity, this Procedure does not apply to individuals who are on a leave or work remotely, and whose work does not involve in-person interaction (e.g., continuing education instructors whose classes are exclusively taught remotely with no in-person interaction with students and/or employees). Should the individual's assignment change, and in-person work be required, this Procedure would then apply.

This Procedure also applies to the following individuals frequently attending an HWDSB site or engaging in Board related activities or functions, and who have direct contact with HWDSB employees or students ("Other Individuals"):

- Candidates on educational placements, including professional services students on a placement/work-integrated learning visit (e.g., teacher candidates, nurses, psychologists, behavioural therapists, speech-language pathologists, etc.);
- Individuals attending HWDSB on internships, co-op placements, or apprenticeship programs;
- Permit holders (during school hours), and contractors;
- Those who provide professional services to children at school; and
- Other members of organizations not related to the Board but who nevertheless work on or are invited onto Board premises or deliver services (e.g., affiliated registered medical/health professionals, childcare providers, after school program administrators, student nutrition program volunteers, and tenants).

The Board will consult community-based Indigenous health care providers with respect to the implementation of this Procedure as it relates to individuals from Indigenous communities.

The Board will also consult with other specifically identified populations with a history of underservice in healthcare and lower rates of vaccination as identified by Hamilton Public Health Services, and provide supports for individuals subject to this Procedure.

## COVID-19 Immunization Disclosure Procedure

### 2.0 PROCEDURES

#### Vaccination Disclosure

- All HWDSB employees were required to submit a formal attestation, disclosing their vaccination status on the “Covid19 Vaccination Form” on the secure HWDSB Employee Web Portal, by September 7<sup>th</sup>, 2021 at 12:00 pm, or an alternate date depending on circumstances for staff including new hires and staff returning from an approved leave. Any employee who has not yet submitted their vaccination disclosure must do so by December 17 2021.
- New employees hired by the Board after the effective date of this Procedure must disclose their vaccination status prior to their first day of work.
- Employees who attest to being fully vaccinated are required to upload proof of vaccination on the “Covid19 Vaccination Form”. Proof of vaccination includes a copy of the physical or electronic COVID-19 vaccine receipt provided by the Ministry of Health for each dose received. Receipts are available for first and second doses received in Ontario, and for doses received out of province for vaccines approved by the World Health Organization.
- Where an employee cannot easily present or upload a digital copy of their vaccine receipt, the HWDSB will work with the employee on a case-by-case-basis to collect acceptable proof of vaccination.
- Subject to relevant exemptions, individuals covered by this Procedure who are not employees of the Board must be fully vaccinated prior to their first day attending a HWDSB work site and show proof thereof.
- In addition to the regular screening and orientation process outlined in Volunteer Policy/Procedure 1.8, volunteers will be required to disclose their immunization status through an attestation and show their proof of vaccination. Volunteers may not work with staff or students until all screening is complete.

#### COVID-19 Rapid Antigen Testing

- All employees who have not provided proof of full vaccination against COVID-19 – including individuals with approved exemptions, made a personal choice not to be vaccinated or those who are awaiting completion of their full course of vaccination – must undergo rapid COVID-19 antigen testing, outside of working hours, at a minimum frequency prescribed by the Ministry of

## COVID-19 Immunization Disclosure Procedure

Education and provide proof of a negative result in order to attend a HWDSB workplace.

- Individuals subject to testing requirements must provide verification of test results using the “Vaccination Policy Test Results Form” through the Employee Web Portal.
- For individuals who are less frequently present at a HWDSB workplace/in direct contact with students or employees, frequent testing may not be possible or reasonable. In these cases, the individual must complete a rapid antigen test as part of screening and demonstrate a negative test result prior to accessing a HWDSB facility or interacting with students or employees.
- COVID-19 test kits will be provided by the HWDSB to eligible individuals at no charge.
- Entry into HWDSB workplaces or participation in HWDSB work-related activities will only be permitted for those who test negative on the rapid antigen test.
- A positive test result on the rapid antigen test is considered a preliminary or presumptive positive. An employee who receives a preliminary positive result must:
  - Not attend an HWDSB site. If scheduled to work that day, enter Code 80 into EasyConnect to document the absence.
  - Seek confirmation through a lab-based PCR test as soon as possible (ideally within 24 hours).
  - Isolate until the results of the lab-based PCR test results are confirmed negative.
  - An employee who has had a laboratory-confirmed COVID-19 infection should contact Employee Support and Wellness (ESW) for direction, and not participate in antigen testing for 90 days following the date of their positive COVID-19 test result.

### Education Program

- All HWDSB employees who are not vaccinated without a documented medical reason are required to participate, outside of working hours, in an education program about the safety and efficacy of COVID-19 vaccines supplied by the Ontario government, and verify completion on the Employee Web Portal using the form “COVID-19 Vaccination Educational Video” no later than December 17, 2021.
- New employees hired by the Board are required to verify completion of the video prior to their first day of work.
- The education program will be provided as a video resource by the Ministry of Education.

## COVID-19 Immunization Disclosure Procedure

### Exemptions

- If an individual to which this Procedure applies is unable to be vaccinated due to a protected ground as defined by the Human Rights Code, HWDSB will consider each exemption request and provide accommodations in accordance with Policy No. 4.1 Accommodation of Staff.
- Requests for exemptions must be submitted by January 3, 2022.
- New employees hired by the Board are required to submit the request for exemption within two weeks of their start date.
- The duty to accommodate is balanced against HWDSB's obligation to protect the health and safety of employees and students.
- Individuals who have been exempted from vaccination, and those individuals whose exemption requests are under review, must continue undertaking regular rapid COVID-19 antigen testing and providing verification of tests results as described above.

### *Medical- or Disability-Related Exemption*

- An employee who is requesting an exemption based on a medical condition or disability, must fill out and take the HWDSB Medical Exemption COVID-19 Form to their physician or nurse practitioner to complete. Once complete, the employee must send the completed Workplace Medical Corporation (WMC) Consent Form and the HWDSB Medical Exemption COVID-19 Form directly to Workplace Medical Corporation. Required documentation must be provided to Employee Support and Wellness (ESW) by January 3, 2022.
- For new employees, or employees returning from an approved leave, the employee must submit the documentation to ESW prior to their first day of work.

### *Accommodation Process for Medical/Disability Exemptions*

- Employees who are requesting an accommodation are required to adhere to the HWDSB Accommodation of Staff Disability Support Procedure, including the provision of information upon request, and participation in the development of an individualized accommodation plan.

### *Religion or Creed Exemption*

- The Ontario Human Rights Commission has issued a policy stated on COVID-19 vaccine mandates and vaccines certifies and indicated the following in respect to a belief about



## COVID-19 Immunization Disclosure Procedure

vaccines:

“Receiving a COVID-19 vaccine is voluntary. At the same time, the OHRC’s position is that a person who chooses not to be vaccinated based on personal preference does not have the right to accommodation under the *Code*.”

“While the Code prohibits discrimination based on creed, personal preferences or singular beliefs do not amount to a creed for the purposes of the *Code*.”

“The duty to accommodate can be limited if it would significantly compromise health and safety amounting to undue hardship – such as during a pandemic.”

[http://www.ohrc.on.ca/en/news\\_centre/ohrc-policy-statement-covid-19-vaccine-mandates-and-proof-vaccine-certificates](http://www.ohrc.on.ca/en/news_centre/ohrc-policy-statement-covid-19-vaccine-mandates-and-proof-vaccine-certificates)

### Data Collection, Reporting and Protection of Privacy

- As directed by the Chief Medical Officer of Health, HWDSB must collect, maintain, and disclose to the Ministry of Education aggregated and depersonalized statistical information on Board-level immunization in a manner set out by the Ministry.
- HWDSB will post aggregated, depersonalized Board level data on the HWDSB website.
- All health information including testing results, will be secure and kept confidential shared only with select staff in Human Resource Services. The HWDSB will act in compliance with its Privacy Policy No. 1.6 applicable to the collection, use, disclosure and retention of personal information, including health information.

### Prevention of Harassment or Discrimination

- HWDSB is committed to providing a working and learning environment free from discrimination and harassment where all individuals are treated with respect and dignity.
- Where allegations relate to harassment or discrimination based on a ground prohibited by the Ontario Human Rights Code or the Occupational Health and Safety Act, the allegations shall be addressed following the HWDSB Workplace Harassment Prevention Procedure, under Policy No. 4.9.

### Non-Compliance

- It is a violation of this Procedure:

## COVID-19 Immunization Disclosure Procedure

- a. To access a Board site and/or participate in work-related activities without fully complying with this Procedure;
  - b. To fail to report any vaccination status, and if applicable under this Procedure, verification of results of rapid COVID-19 antigen testing;
  - c. To provide any false, misleading, or otherwise dishonest information or documents to the Board in relation to this Procedure; or
  - d. To otherwise fail to comply with any COVID-19 health or safety precaution requirement established by the HWDSB, whether or not such requirement is expressly set out in this Procedure.
- Employees who fail to comply with this Procedure will be subject to corrective action, including being placed on an unpaid leave of absence until compliance has been achieved. Furthermore, continued non-compliance may lead to further corrective action up to and including termination of employment.
  - Human Resource Services will address each employee's situation on a case-by-case basis, and will endeavor to work collaboratively with staff and their union representative (if applicable), based on a staff member's individual need to achieve compliance with the Ministry of Education direction.
  - Individuals who make false attestations related to being vaccinated will be subject to disciplinary action, up to and including termination, removal of access to/restriction from Board premises on such conditions and/or for such duration as determined by the Board, or any other action at the Board's discretion.
  - Information provided by individuals covered under this Procedure will be audited to ensure the accuracy of the information provided.
  - Appendix A – COVID-19 Immunization Procedure outlines the dates for compliance with this Procedure.

### 3.0 EVALUATION

This Procedure will be reviewed as required, but at a minimum one (1) year after the effective date.

### 4.0 APPENDICES

- Appendix A: COVID-19 Immunization Procedure Timeline

## COVID-19 Immunization Disclosure Procedure

### 4.0 REFERENCES

- Accommodation of Staff Policy 4.1
- Occupational Health and Safety Policy 4.3
- Workplace Violence and Harassment Prevention Policy 4.9

DRAFT

# Mandatory COVID-19 Immunization Procedure

## RATIONALE:

The Ontario Chief Medical Officer of Health (CMOH) has issued direction to publicly-funded Ontario school boards to implement a COVID-19 immunization disclosure procedure, including regular rapid COVID-19 antigen testing for staff who are not fully vaccinated against COVID-19, and a mandatory educational program for individuals who do not intend to be vaccinated, without a documented medical reason.

The COVID-19 Immunization Procedure (the “Procedure”) affirms, and serves to promote, Hamilton-Wentworth District School Board’s (“HWDSB”) commitment to providing and maintaining a safe and healthy work environment for all workers and occupants of HWDSB sites. Vaccination against COVID-19 helps reduce the number of new cases with the overarching goal to keep HWDSB schools open and safe for in-person learning, which supports learning, development, and health and well-being.

## TERMINOLOGY:

*Creed:* Includes religion in the broadest sense. Creed may also include non-religious belief systems that, like religion, substantially influence a person’s identity, worldview and way of life. A creed is sincerely, freely, and deeply held; is integrally linked to a person’s identity, self-definition, and fulfilment; is a particular and comprehensive, overarching system of belief that governs one’s conduct and practices; addresses ultimate questions of human existence, including ideas about life, purpose, death, and the existence of non-existence of a Creator and/or a higher or different order of existence; and has some “nexus” or connection to an organization or community that professes a shared system of belief (OHRC Policy on Preventing Discrimination based on Creed (2015)). Personal preferences or singular beliefs do not amount to a creed for the purposes of the Ontario Human Rights Code.

*Fully Vaccinated:* Having received all of the doses required for a COVID-19 vaccine(s) approved by the World Health Organization (e.g., two doses of a two-dose vaccine, or one dose of a single-dose vaccine); and having received the final vaccine dose at least 14 days ago.

*PCR:* A polymerase chain reaction test, which is a test to detect genetic material from a specific organism, such as a virus.

*Vaccine:* A COVID-19 vaccine approved by the World Health Organization (WHO) and includes Moderna Spikevax, Pfizer-BioNTech Comirnaty, AstraZeneca Vaxzevria and Janssen (Johnson & Johnson).

*Workplace:* Any land, premises, location, or thing at, upon, in or near which an employee works. Examples include, but are not limited to:

## Mandatory COVID-19 Immunization Procedure

- Schools, Board offices, properties and facilities, as well as vehicles used in the course of completing work and traveling between work sites.
- School-related activities such as extracurricular activities, co-instructional activities and excursions.
- Conferences, training sessions, workshops and other work-related events or functions.

### 1.0 APPLICATION AND SCOPE

This procedure applies to:

- All HWDSB employees, including daily and long-term occasional teachers and casual education workers
- Trustees
- Service Providers
- Volunteers

For clarity, this Procedure does not apply to individuals who are on a leave or work remotely and whose work does not involve in-person interaction (e.g., continuing education instructors whose classes are exclusively taught remotely with no in-person interaction with students and/or employees). Should the individual's assignment change, and in-person work is required, this procedure would then apply.

This Procedure also applies to the following individuals frequently attending an HWDSB site or engaging in Board related activities or functions and who have direct contact with HWDSB employees or students ("Other Individuals"):

- Candidates on educational placements, including professional services students on a placement/work-integrated learning visit (e.g., teacher candidate practicums, nurses, psychologists, behavioural therapists, speech-language pathologists, etc.);
- Individuals attending HWDSB on internships, co-op placements, or apprenticeship programs;
- Volunteers, permit holders (during school hours), and contractors;
- Those who provide professional services to children at school; and
- Other members of organizations not related to the Board but who nevertheless work on or are invited onto Board premises or deliver services (e.g., affiliated registers medical/health professionals, childcare providers, after school program administrators, student nutrition program volunteers, and tenants).

The Board will consult community-based Indigenous health care providers with respect to the implementation of this procedure as it relates to individuals from Indigenous communities.

The Board will also consult with other specifically identified populations with a history of underservice in healthcare and lower rates of vaccination as identified by Hamilton Public Health Services, and provide supports for individuals subject to this Procedure.

## Mandatory COVID-19 Immunization Procedure

### 2.0 PROCEDURES

#### Vaccination Disclosure

- All HWDSB employees were required to submit a formal attestation, disclosing their vaccination status on the “Covid19 Vaccination Form” on the secure HWDSB Employee Web Portal, by September 7<sup>th</sup>, 2021 at 12:00 pm, or an alternate date depending on circumstances for staff including new hires and staff returning from an approved leave. Any employee who has not yet submitted their vaccination disclosure must do so by December 17, 2021.
- All individuals subject to the Procedure must have completed the full course of vaccination and submitted proof of vaccination by February 1, 2022, subject to exemptions as indicated below.
- Subject to relevant accommodations or exemptions, new employees hired by the Board after the effective date of this Procedure must be fully vaccinated prior to their first day of work and show proof thereof.
- Employees who attest to being fully vaccinated are required to upload proof of vaccination on the “Covid19 Vaccination Form”. Proof of vaccination includes a copy of the physical or electronic COVID-19 vaccine receipt provided by the Ministry of Health for each dose received. Receipts are available for first and second doses received in Ontario, and for doses received out of province for vaccines approved by the World Health Organization.
- Where an employee cannot easily present or upload a digital copy of their vaccine receipt, the HWDSB will work with the employee on a case-by-case-basis to collect acceptable proof of vaccination.
- Subject to relevant exemptions, individuals covered by this Procedure who are not Board employees must also be fully vaccinated prior to their first day attending a HWDSB work site and show proof thereof.

#### COVID-19 Rapid Antigen Testing

- Individuals covered by this Procedure who are not fully vaccinated through an approved exemption or are awaiting completion of the full course of vaccination, must undergo rapid COVID-19 antigen testing outside of working hours at a minimum frequency prescribed by the Ministry of Education, and provide proof of a negative result in order to attend a HWDSB workplace until the mandatory vaccination date.

## Mandatory COVID-19 Immunization Procedure

- Individuals subject to testing requirements must provide verification of test results using the “Vaccination Policy Test Results Form” through the Employee Web Portal.
- For individuals who are less frequently present at a HWDSB workplace/in direct contact with students or employees, frequent testing may not be possible or reasonable. In these cases, the individual must complete a rapid antigen test as part of screening and demonstrate a negative test result, prior to interacting with students or employees.
- COVID-19 test kits will be provided by the HWDSB to eligible individuals at no charge.
- Entry into HWDSB workplaces or participation in HWDSB work-related activities will only be permitted for those who test negative on the rapid antigen test.
- A positive test result on the rapid antigen test is considered a preliminary or presumptive positive. An employee who receives a preliminary positive result must:
  - Not attend an HWDSB site. If scheduled to work that day, enter Code 80 into EasyConnect to document the absence.
  - Seek confirmation through a lab-based PCR test as soon as possible (ideally within 24 hours).
  - Isolate until the results of the lab-based PCR test results are confirmed negative.

### Education Program

- Individuals who do not intend to be vaccinated, without a documented medical reason must complete the mandatory education program about the benefits of COVID-19 supplied by the Ontario government and verify completion on the Employee Web Portal using the form “COVID-19 Vaccination Educational Video”, outside of working hours as soon as possible but no later than December 17, 2021.
- The education program will be provided as a video resource by the Ministry of Education.
- Individuals undergoing the education program are still required to meet the full vaccination requirement by February 1, 2022 as outlined in section 2.1.2.

### Exemptions

- If an individual to which this procedure applies is unable to be vaccinated due to a protected ground as defined by the Human Rights Code, HWDSB will consider each exemption request and provide accommodations in accordance with Policy No. 4.1 Accommodation of Staff.

## Mandatory COVID-19 Immunization Procedure

- Requests for exemptions must be submitted by January 3, 2022.
- New employees hired by the Board are required to submit the request for exemption within two weeks of their start date.
- The duty to accommodate is balanced against HWDSB's obligation to protect the health and safety of employees and students.
- Individuals who have been exempted from the full vaccination requirement, and those individuals whose exemption requests are under review, must continue undertaking regular rapid COVID-19 antigen testing and providing verification of tests results as described above.

### *Medical- or Disability-Related Exemption*

- An employee who is requesting an exemption on the basis of a medical condition or disability must complete and take the HWDSB Medical Exemption COVID-19 Form to their physician or nurse practitioner to complete. Once complete, the employee must send the completed Workplace Medical Corporation (WMC) Consent Form and the HWDSB Medical Exemption COVID-19 Form directly to Workplace Medical Corporation. Required documentation must be provided to Employee Support and Wellness (ESW) by January 3, 2022.
- For new employees, or employees returning from an approved leave, the employee must submit the documentation to ESW prior to their first day of work.
- If the effective time period of a medical exemption has expired, the employee must, within 45 calendar days past the expiry date, provide proof of full vaccination in accordance with subsection 2.2.1. HWDSB will follow up with the employee once the time period has expired.
- If a medical exemption request is denied, the employee must, within 45 calendar days of the notification date, provide proof of full vaccination in accordance with subsection 2.2.1.
- During the 45 period as outlined above, employees must continue participating in rapid COVID-19 antigen testing and providing verification of results in accordance with section 2.3.

### *Accommodation Process for Medical/Disability Exemptions*

- Employees who are requesting an accommodation are required to adhere to the HWDSB Accommodation of Staff Disability Support Procedure including the provision of information upon request and participation in the development of an individualized accommodation plan.



## Mandatory COVID-19 Immunization Procedure

### *Religion or Creed Exemption*

- The Ontario Human Rights Commission has issued a policy stated on COVID-19 vaccine mandates and vaccines certifies and indicated the following in respect to a belief about vaccines:

“Receiving a COVID-19 vaccine is voluntary. At the same time, the OHRC’s position is that a person who chooses not to be vaccinated based on personal preference does not have the right to accommodation under the *Code*.”

“While the Code prohibits discrimination based on creed, personal preferences or singular beliefs do not amount to a creed for the purposes of the *Code*.”

“The duty to accommodate can be limited if it would significantly compromise health and safety amounting to undue hardship – such as during a pandemic.”

[http://www.ohrc.on.ca/en/news\\_centre/ohrc-policy-statement-covid-19-vaccine-mandates-and-proof-vaccine-certificates](http://www.ohrc.on.ca/en/news_centre/ohrc-policy-statement-covid-19-vaccine-mandates-and-proof-vaccine-certificates)

### **Data Collection, Reporting and Protection of Privacy**

- As directed by the Chief Medical Officer of Health, HWDSB must collect, maintain, and disclose to the Ministry of Education aggregated and depersonalized statistical information on Board-level immunization in a manner set out by the Ministry.
- HWDSB will post aggregated, depersonalized Board level data on the HWDSB website.
- All health information including testing results, will be secure and kept confidential shared only with select staff in Human Resource Services. The HWDSB will act in compliance with its Privacy Policy No. 1.6 applicable to the collection, use, disclosure and retention of personal information, including health information.

### **Prevention of Harassment or Discrimination**

- HWDSB is committed to providing a working and learning environment free from discrimination and harassment where all individuals are treated with respect and dignity.
- Where allegations relate to harassment or discrimination on the basis of a ground prohibited by the Ontario Human Rights Code or the Occupational Health and Safety Act, the allegations shall be addressed following the HWDSB Workplace Harassment Prevention Procedure, under Policy No. 4.9.

## Mandatory COVID-19 Immunization Procedure

### Non-Compliance

- It is a violation of this procedure:
  - a. To access a Board site and/or participate in work-related activities without fully complying with this Procedure;
  - b. To fail to report any vaccination status and if applicable under this procedure, verification of results of rapid COVID-19 antigen testing;
  - c. To provide any false, misleading or otherwise dishonest information or documents to the Board in relation to this Procedure; or
  - d. To otherwise fail to comply with any COVID-19 health or safety precaution requirement established by the HWDSB, whether or not such requirement is expressly set out in this Procedure.
- Employees who fail to comply with this Procedure will be subject to corrective action including placement on an unpaid leave of absence until compliance has been achieved. Furthermore, continued non-compliance may lead to further corrective action up to and including termination of employment.
- Human Resource Services will address each employee's situation on a case-by-case basis, and will endeavor to work collaboratively with staff and their union representative (if applicable), based on a staff member's individual need to achieve compliance with the Ministry of Education direction.
- Individuals who make false attestations related to being vaccinated will be subject to disciplinary action, up to and including termination, removal of access to/restriction from Board premises on such conditions and/or for such duration as determined by the Board, or any other action at the Board's discretion.
- Information provided by individuals covered under this Procedure will be audited to ensure the accuracy of the information provided.
- Appendix A – COVID-19 Immunization Procedure outlines the dates for compliance with this procedure.

### 3.0 EVALUATION

This Procedure will be reviewed as required, but at a minimum one (1) year after the effective date.

## Mandatory COVID-19 Immunization Procedure

### 4.0 APPENDICES

- Appendix A: COVID-19 Immunization Procedure Timeline

### 5.0 REFERENCES

- Accommodation of Staff Policy 4.1
- Occupational Health and Safety Policy 4.3
- Workplace Violence and Harassment Prevention Policy 4.9

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## APPENDIX C – Summary of Feedback and Advice from Employee Groups and Experts

Group	Summary of Key Points
<p><b>Employee/Union and Management Groups</b></p>	<p>Comments and themes that emerged from conversations and feedback.</p> <ul style="list-style-type: none"> <li>• Concerned that the information needs to be secure and remain confidential.</li> <li>• Concerned that this would take away the personal choice of some staff to do twice a week rapid antigen testing as an alternative unless they had a rare Human Rights exemption (medical or Creed/Religion).</li> <li>• Concerned about consistency in verifying religious or creed exemptions.</li> <li>• Would unvaccinated staff members be provided the option of working in remote positions, if they exist?</li> <li>• Roles and responsibilities would need to be clearly outlined so staff/members are not asking other staff/members who provide support in multiple schools their vaccination status.</li> <li>• Concerned about the access to third party service providers and tracking of their vaccination status.</li> <li>• Great concern on the impact of workforce and staff/members losing pay, benefits, pension and potentially jobs.</li> <li>• Concerned that there is not consistency in the K-12 sector.</li> <li>• Concerned that a mandatory procedure would impact our workforce, especially occasional staff, who work for many adjacent boards who are not considering mandatory vaccine procedure or policy.</li> <li>• How would such a procedure or policy hold up in a legal challenge?</li> <li>• Would there be access to provincial funds to support a legal challenge?</li> <li>• Has there been any feedback from other boards, Ministry of Labour, or the Ministry of Education.</li> <li>• Support to follow current legal and medical advice on vaccinations in the workplace.</li> <li>• Would it be mandatory for new employees?</li> <li>• Concerned about stigmatization of unvaccinated employees.</li> <li>• Process for monitoring will need to be well defined for everyone entering our schools.</li> </ul>
<p><b>Privacy Office</b></p>	<p><i>Collection</i> – Under Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) it is permissible to collect personal information from staff where required by legislation or where necessary for the proper administration of authorized activities of the board.</p> <p>COVID-19 vaccine policies and mandates can be considered a lawfully authorized activity under MFIPPA because:</p> <ul style="list-style-type: none"> <li>• Schools were identified as higher risk environment by the Ministry of Health and Education due to the number of students who are not eligible to be vaccinated.</li> <li>• Chief Medical Officer of Ontario announced a plan requiring the disclosure of vaccination status by all publicly funded school board employees.</li> <li>• Under the Education Act, school boards are responsible for promoting student well-being.</li> <li>• Occupation Health and Safety Act (OHSA) requires that employers provide a safe workplace for all staff.</li> <li>• Vaccines align with Hamilton Public Health guidance for reducing COVID-19 infections in workplaces and schools.</li> </ul> <p><i>Access and Disclosure</i></p> <p>Personal information must be protected under MFIPPA and only accessible to staff within the organization that require it, such as Human Resource Employee Wellness Department &amp; COVID-19 Response Team, for the purposes of case management.</p> <p>Any public information reporting are non-identifying board-level statistics.</p> <p><i>Notice of Collection</i></p> <p>When collecting personal information, we need to advise of the reason for collection, our authority to collect, how it will be used and who to contact with questions or concerns.</p>

	<p>The collection of the Vaccination Disclosure Form disseminated to all staff includes all of the notice of collection requirements (current Ministry policy).</p>
<p><b>Human Rights Office</b></p>	<p><i>Religion/creed/ideology accommodation/exemption</i></p> <p>Such requests should be considered in good faith for reasonable accommodation to a point of undue hardship.</p> <p>The duty to accommodate has to be balanced with the board's responsibilities and obligations to keep staff and students' safe and exemption requests should be processed case by case.</p> <p><i>Ideology and Personal Beliefs</i></p> <p>They are not protected grounds, therefore, should not be considered for the exemption or accommodation (supported by the Ontario Human Rights Commission).</p> <p><i>Exemptions based on Creed/Religious Beliefs</i></p> <p>Ontario case law shows that it requires that several aspects must exist including that a belief/practice is:</p> <ul style="list-style-type: none"> <li>• A sincerely, freely, and deeply held belief.</li> <li>• Integrally linked to a person's identity, self-definition, and fulfilment.</li> <li>• Part of a particular and comprehensive, overarching system of belief that governs one's conduct and practise.</li> <li>• Addressing ultimate questions of human existence, including ideas about life, purpose, death, and the existence of a creator and/or a higher of different order of existence.</li> <li>• Connected to an organization or community that professes a shared system of belief.</li> </ul> <p><i>Exemptions based on Medical/Health</i></p> <p>A third party vendor would assess and adjudicate the initial form provided by the staff member's health care professional and consult, with the permission of the employee, should further information be required to access the exemption request in alignment with the <a href="#">Ministry of Health exemption criteria</a>.</p>
<p><b>Occupational Health &amp; Safety Office</b></p>	<p>Occupational Health &amp; Safety Act (OHSA) does not directly address vaccination but states that an employer must take every reasonable precaution necessary to protect the health and safety of staff and students.</p> <p>Rapid antigen testing and screening is an acceptable and reasonable alternative if it is done frequently vs. randomly.</p> <p>There are other communicable diseases that could present a risk to staff where a vaccine is available (i.e. influenza, Hep. A, Hep. B, Tdap, MMR, VAR, etc.) but we do not mandate staff be vaccinated, as we use other Infection Prevention &amp; Control (IPAC) measures, such as for COVID-19.</p> <p>We continue to promote public health measures and messaging around the benefits of vaccinations to encourage more people to get vaccinated, while working with public health to reduce barriers to equitable vaccine access.</p> <p>We continue to follow Ministry of Education/Ontario CMOH and Ministry of Labour policies and directives.</p>
<p><b>Ministry of Education</b></p>	<p>Ministry staff emphasized that the Immunization Disclosure and Testing Requirement Policy is a legal framework supported and endorsed by the Ontario Chief Medical Officer for the K-12 Education Sector.</p> <p>The current Ministry policy ensures every staff member entering our schools are either fully vaccinated or participating in regular, weekly (twice) rapid antigen testing,</p>

	<p>Ministry staff indicated that School Boards who implement mandatory vaccine policies or procedures would likely deal with a legal challenge, specifically from the privacy or Human Rights perspective, because the Ministry of Education has provided a legal framework that offers a reasonable alternative, which is weekly rapid antigen testing.</p>
<p><b>Hamilton Public Health Services</b></p>	<p>Encouraged by our staff vaccination rates under the current Ministry Policy which reflects the continued increase in vaccination rates in our community.</p> <p>Supports the continued focus on compliance with the current Ministry policy and to reassess throughout the school year based on case counts in community and schools,</p> <p>Encourages us to continue to monitor and review safety protocols and measures in higher risk areas or activities (i.e. contact sports),</p> <p>Acknowledges we serve an unvaccinated population (students under 12 years of age) that are not the highest risk in our community, except for some students who might be more vulnerable.</p> <p>To consider the equity implications of a mandatory vaccine procedure on our workforce.</p>
<p><b>Director &amp; Human Resources (Risks to Daily Operations)</b></p>	<p>Limiting active employment to fully vaccinated staff will pose operational challenges, potentially leading to additional occupational health and safety concerns.</p> <p>Restricting staff to work who are only vaccinated or with an approved exemption, may result in increased unfilled jobs in our schools; roles that provide critical support to our students and staff.</p> <p>Many HWDSB occasional staff are also on many other surrounding School Board occasional lists (i.e. Halton, Grand Erie, Niagara, Waterloo) and none of them are considering a mandatory vaccine policy, but rather focusing on the current Ministry Vaccine Disclosure and Testing Requirement policy.</p> <p>Further, the Board has experienced a rise in employee personal illness utilization. Employee Support and Wellness department (ESW) did some further analysis of the personal illness utilization to assist understanding of the increase of 1.38 days per employee. Some noted observations that have contributed to the increased absenteeism include;</p> <ul style="list-style-type: none"> <li>• Increase in short term disability absences related to medical procedures that were rescheduled due to the pandemic; and</li> <li>• Growth in mental health short term related absences; and</li> <li>• Growth in sporadic absences less than 5 consecutive days; and</li> <li>• Employee Assistance Program (LifeWorks) utilization is lower than industry standards for utilization.</li> </ul> <p>A concern has been raised about third part attestation where limiting contractors to only fully vaccinated vs to also those that fully attest to testing, would limit the number of contractors to maintain or respond to emergencies.</p>

**COMMITTEE REPORT**

Presented to: Board

Date of Meeting: December 13, 2021

From: Standing Committee

Date of Meeting: December 6, 2021

The committee held a meeting from 9:01 p.m. to 9:35 p.m. on December 6, 2021 virtually on MS Teams in Hamilton, ON, with Trustee Becky Buck presiding.

Members present were: Trustees Kathy Archer, Becky Buck, Dawn Danko, Penny Deathe, Cam Galindo, Alex Johnstone, Maria Felix Miller, Ray Mulholland and Paul Tut. Student Trustees Deema Abdel Hafeez and Aisha Mahmoud.

Regrets were received from Trustee Paikin Miller and Shakowennakara:tats Tanaya Kagige.

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**1. Delegation - School Year Calendar 2022-23 - Aine Leadbetter, Manager Elections, Print and Andrea Holland, City Clerk, City of Hamilton (5 mins)**

Aine Leadbetter, Manager Elections, and Andrea Holland City Clerk, City of Hamilton delegated to the Board requesting that the Board consider changing the Draft School Year Calendars 2022-23 to accommodate the upcoming Municipal Election taking place on October 24, 2022. It was noted that 160 locations were needed and that school gyms would be required for the day. The delegates requested that October 24, 2022 be changed to a PA day in order to accommodate the upcoming election and for ease of use and Health and Safety concerns.

**2. Approval of Agenda**

On the motion of Trustees Johnstone/Deathe, the Standing Committee **RECOMMENDS that the agenda be approved.**

**CARRIED**

Student Trustees Abdel Hafeez and Mahmoud voted in favour.

**3. Declarations of Conflict of Interest**

None.

**Reports from Staff**

**4. School Year Calendar 2022-23**

Staff presented the Draft School Year Calendar 2022-23 report. The 2022-2023 School Year Calendars (Elementary and Secondary) have been prepared in consultation with the School Year Calendar Advisory Committee and endorsed by Executive Council. The Draft School Year Calendar 2022-2023 will go out for public consultation and will be brought back before the Board for final approval. Trustees asked questions regarding the possibility of a change of PA Day to October 24, 2022 to accommodate the upcoming Municipal election.

On the motion of Trustees Danko/Johnstone, the Standing Committee **RECOMMENDS that Draft School Year Calendar 2022-23 be approved for public consultation.**

**CARRIED**

Student Trustees Abdel Hafeez and Mahmoud voted in favour.

Respectfully submitted,  
Becky Buck, Chair of the Committee



## EXECUTIVE REPORT TO STANDING COMMITTEE

**TO:** BOARD

**FROM:** Manny Figueiredo, Director of Education

**DATE:** December 6, 2021

**PREPARED BY:** Estella Jones, Superintendent of Student Achievement

**RE:** 2022-2023 Draft School Year Calendars

Action X Monitoring

### **Recommended Action:**

That the Draft 2022-2023 School Year Calendars be approved for public consultation.

### **Rationale/Benefits:**

The 2022-2023 School Year Calendars (Elementary and Secondary) have been prepared in consultation with the School Year Calendar Advisory Committee and endorsed by Executive Council.

The calendars comply with Ontario *Regulation 304, School Year Calendars and Professional Activity Days*. As per the requirements of O. Reg 304, the deadline for submission of regular and modified school calendars is March 1, 2022.

Public consultation will be undertaken from December 14, 2021 to January 17, 2022 to receive community feedback regarding the draft calendars.

### **Background:**

*Ontario Regulation 304, School Year Calendar, Professional Activity Days* sets the requirements for preparation and submission of school year calendars to the Ministry of Education. This includes a minimum of 194 school days between September 1 and June 30. To prepare a calendar with 194 school days, two PA days have been placed prior to the Labour Day holiday (Thursday, September 1, 2022 and Friday, September 2, 2022) and two board holidays have been placed at end of the school year (Thursday, June 29, 2023 and Friday June 30, 2023).

Regulation 304 establishes holidays for the school year that includes a Winter Holiday Break (December 19, 2022 to January 2, 2023) and the March Break (March 13 to 17, 2023). However, to accommodate local needs, school boards may request a modified school year calendar that is organized differently from the criteria outlined in Regulation 304. This year, the draft calendars for the 2022-2023 school year includes one modification with a proposed winter break from December 26, 2022 to January 6, 2023.

The Ministry of Education requires school boards to arrange up to seven Professional Activity (PA) days in the school year. The PA day plan must include three mandatory PA days dedicated to provincial education priorities established by the Minister, a half PA day dedicated to violence prevention training, and integration of education priorities within the remaining PA days in the school year.

Development of the Draft 2022-2023 School Year Calendars has been undertaken in consultation with the School Year Calendar Advisory Committee that consists of members representing: Elementary and Secondary Principals (HWPC);



Elementary and Secondary Teachers (HWETL, OSSTF, HWOTL); Parents (HW Council of Home & School Associations; HWDSB PIC); Educational Assistants and Child and Youth Care Practitioners (COPE), Early Childhood Educators (HWDECEL), ESL Instructors, Professional Student Services (PSSP) and School Office Assistants (OCTU).

The School Year Calendar Advisory Committee reviewed and provided feedback on the draft elementary and secondary calendars. The committee will meet again in February to review results of the public consultation process and provide further input. The consultation process will also include discussions with the coterminous board to align PA days wherever possible to reduce transportation costs and disruption.

One additional date to note is October 24, 2022. This is the date of the Municipal Elections and is a regular school day for students as per past practice.

Executive Council supports the Draft School Year Calendars (Appendix – 1 and 2) that include:

### Elementary

<b>Start and End Dates for Students</b>	Tuesday September 6, 2022 and Tuesday June 27, 2023
<b>Professional Activity Days</b>	September 1, September 2, November 25, 2022 and January 27, March 3, June 2, June 28, 2023 (7 days)

### Secondary

	<u>Semester 1</u>	<u>Semester 2</u>
<b>Start and End Dates for Students</b>	September 6, 2022 to January 31, 2023	February 2 to June 26, 2023
<b>Examination Days (5)</b>	January 25 – 31, 2023	June 20 – 26, 2023
<b>Professional Activity Days</b>	September 1, September 2, November 25, 2022 (3 days)	February 1, March 3, June 27, June 28, 2023 (4 days)

### Professional Activity Days

Dates for Professional Activity (PA) days have been informed by the School Year Calendar Advisory Committee and have been determined through Executive Council to prioritize timely professional learning opportunities for staff that adhere to provincial requirements and maximize influence on student learning, achievement and well-being.

	<b>ELEMENTARY</b>	<b>Focus</b>		<b>SECONDARY</b>	<b>Focus</b>
X	September 1	Mandatory Provincial Education Priorities	X	September 1	Mandatory Provincial Education Priorities
X	September 2	Health & Safety Training Violence Prevention Training	X	September 2	Health & Safety Training Violence Prevention Training
X	November 25	Mandatory Provincial Education Priorities	X	November 25	Mandatory Provincial Education Priorities
	January 27	Evaluation & Reporting		February 1	Transition/Promotion
X	March 3	Mandatory Provincial Education Priorities	X	March 3	Mandatory Provincial Education Priorities
	June 2	Evaluation & Reporting		June 27	Transition/Promotion
X	June 28	Improvement Process	X	June 28	Improvement Process

X=Joint Elementary and Secondary PA Day

Professional learning topics for mandatory PA days (September 1, November 25, and March 3) will be based on PPM 151 - Professional Activity Days Devoted to Provincial Education Priorities. Based on learning topics for this current school year, the three mandatory PA days may include the following topics:

- Health and safety protocols, mental health and well-being
- Learning recovery and intervention strategies
- Mathematics, including the elementary math curriculum and Grade 9 de-streamed math course
- Anti-racism, anti-discrimination training
- Instructional approaches to online/remote learning
- Anti-sex trafficking and anti-bullying, including cyber-bullying

Subject to revision of PPM 151, the following professional learning topics may also be included for PA days throughout the school year:

- Advice from local health units within the context of the current provincial health guidelines;
- Ways to confront racism and intersecting forms of discrimination that negatively affect student learning, achievement, and well-being, with the goal of eliminating disparities in outcomes for all students, including Black, Indigenous, and other racialized students. This included developing practices that promote and uphold human rights and that help create welcoming and inclusive school environments;
- Equity and inclusive education policies;
- Ways to develop knowledge of the impact of the Indian Act on Indigenous peoples in Canada, the residential school system, treaties and systemic racism, as well as understanding of First Nation, Métis, and Inuit perspectives, cultures, histories, contributions, and the contemporary realities of Indigenous students;
- Tools and strategies to help deliver safe and meaningful remote learning, while providing differentiated instruction and support to all students;
- Strategies to support the mental health and well-being of all students, with a strong focus on building students' social-emotional learning skills during school re-entry and throughout the school year;
- Approaches that help educators foster a welcoming, inclusive, and safe return to school that supports equity, helps prevent bullying and cyber-bullying, and promotes positive student behaviour;
- Ways to provide equitable learning opportunities to support students who have special education needs and who experience intersecting systemic barriers through a teaching and learning approach that recognizes individual strengths and needs.

### **Public Consultation & Next Steps**

The Draft 2022-23 School Year Calendars along with an overview/rationale of proposed PA Day topics will be posted on the HWDSB website from December 14, 2021 to January 17, 2022 for public feedback. Results of the consultation will be analysed by HWDSB Research & Analytics Department and provided for review by Executive Council, the School Year Calendar Advisory Committee, and the Board of Trustees prior to final approval of the calendars for submission to the Ministry of Education by March 1, 2022.

**DRAFT HWDSB 2022-2023 SCHOOL YEAR CALENDAR - ELEMENTARY**

Month	Instr. Days	PA Days	Exam Days																												
				M	T	W	T	F		M	T	W	T	F		M	T	W	T	F		M	T	W	T	F					
Aug.	0	0	0	1	2	3	4	5		8	9	10	11	12		15	16	17	18	19		22	23	24	25	26	29	30	31		
Sept.	19	2	0				1	2		5	6	7	8	9		12	13	14	15	16		19	20	21	22	23	26	27	28	29	30
Oct.	20	0	0	3	4	5	6	7		10	11	12	13	14		17	18	19	20	21		24	25	26	27	28	31				
Nov.	21	1	0		1	2	3	4		7	8	9	10	11		14	15	16	17	18		21	22	23	24	25	28	29	30		
Dec.	17	0	0				1	2		5	6	7	8	9		12	13	14	15	16		19	20	21	22	23	26	27	28	29	30
Jan.	16	1	0	2	3	4	5	6		9	10	11	12	13		16	17	18	19	20		23	24	25	26	27	30	31			
Feb.	19	0	0			1	2	3		6	7	8	9	10		13	14	15	16	17		20	21	22	23	24	27	28			
Mar.	17	1	0			1	2	3		6	7	8	9	10		13	14	15	16	17		20	21	22	23	24	27	28	29	30	31
Apr.	18	0	0	3	4	5	6	7		10	11	12	13	14		17	18	19	20	21		24	25	26	27	28					
May	22	0	0	1	2	3	4	5		8	9	10	11	12		15	16	17	18	19		22	23	24	25	26	29	30	31		
June	18	2	0				1	2		5	6	7	8	9		12	13	14	15	16		19	20	21	22	23	26	27	28	29	30
July	0	0	0	3	4	5	6	7		10	11	12	13	14		17	18	19	20	21		24	25	26	27	28	31				
<b>Total</b>	187	7	0																												

<b>FD</b>	FIRST DAY FOR STUDENTS	<b>PA</b>	SYSTEM-WIDE PROFESSIONAL ACTIVITY DAY	<b>B</b>	SCHOOL HOLIDAY
<b>LD</b>	LAST DAY FOR STUDENTS	<b>PA</b>	PROFESSIONAL ACTIVITY DAY	<b>H</b>	STATUTORY HOLIDAY

- As per the requirements of O. Reg 304, the school year shall commence on or after September 1 and will end on or before June 30.
- The minimum number of school days required in a school year calendar is 194. Any school days not designated as professional activity days are to be regarded as instructional days. As a result, the minimum number of instructional days per school year is 187.
- School boards may designate up to seven professional activity (PA) days per school year. Three of those PA days must be devoted to provincial education priorities identified by the Minister.

**DRAFT HWDSB 2022-2023 SCHOOL YEAR CALENDAR - SECONDARY**

Month	Instr. Days	PA Days	Exam Days																												
				M	T	W	T	F		M	T	W	T	F		M	T	W	T	F		M	T	W	T	F					
Aug.	0	0	0	1	2	3	4	5		8	9	10	11	12		15	16	17	18	19		22	23	24	25	26	29	30	31		
Sept.	19	2	0				1 PA	2 PA		5 H	6 FD	7	8	9		12	13	14	15	16		19	20	21	22	23	26	27	28	29	30
Oct.	20	0	0	3	4	5	6	7		10 H	11	12	13	14		17	18	19	20	21		24	25	26	27	28	31				
Nov.	21	1	0		1	2	3	4		7	8	9	10	11		14	15	16	17	18		21	22	23	24	25 PA	28	29	30		
Dec.	17	0	0				1	2		5	6	7	8	9		12	13	14	15	16		19	20	21	22	23	26 H	27 H	28 B	29 B	30 B
Jan.	17	0	5	2 H	3 B	4 B	5 B	6 B		9	10	11	12	13		16	17	18	19	20		23	24 LD	25 E	26 E	27 E	30 E	31 E			
Feb.	18	1	0			1 PA	2 FD	3		6	7	8	9	10		13	14	15	16	17		20 H	21	22	23	24	27	28			
Mar.	17	1	0			1	2	3 PA		6	7	8	9	10		13 B	14 B	15 B	16 B	17 B		20	21	22	23	24	27	28	29	30	31
Apr.	18	0	0	3	4	5	6	7 H		10 H	11	12	13	14		17	18	19	20	21		24	25	26	27	28					
May	22	0	0	1	2	3	4	5		8	9	10	11	12		15	16	17	18	19		22 H	23	24	25	26	29	30	31		
June	18	2	5				1	2		5	6	7	8	9		12	13	14	15	16		19 LD	20 E	21 E	22 E	23 E	26 E	27 PA	28 PA	29 B	30 B
July	0	0	0	3	4	5	6	7		10	11	12	13	14		17	18	19	20	21		24	25	26	27	28	31				
<b>Total</b>	187	7	10																												

<b>FD</b>	FIRST DAY FOR STUDENTS	<b>PA</b>	SYSTEM-WIDE PROFESSIONAL ACTIVITY DAY	<b>B</b>	SCHOOL HOLIDAY	<b>E</b>	EXAMINATION DAY
<b>LD</b>	LAST DAY FOR STUDENTS	<b>PA</b>	PROFESSIONAL ACTIVITY DAY	<b>H</b>	STATUTORY HOLIDAY		

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