



AGENDA

Board Education and Business Committee

Tuesday, November 28, 2023

4:00 p.m.

Boardroom - Public Participation via Zoom

Pages

1. CALL TO ORDER
We respectfully acknowledge that we are meeting on the traditional and ancestral lands of the Hul'q'umi'num' speaking people where we live, learn and play.
2. ADOPTION OF AGENDA
 - 2.1 Motion to Adopt Agenda
"That the Board Education and Business Committee adopts the agenda of the November 28, 2023 Board Education and Business Committee meeting."
3. MINUTES
 - 3.1 Minutes of the October 24, 2023 Board Education and Business Committee Meeting 3 - 7
"That the Board Education and Business Committee adopts the minutes of the October 24, 2023 Board Education and Business Committee Meeting."
4. ACTION LIST
5. PETITIONS AND DELEGATIONS
6. EDUCATION
 - 6.1 Drinkwater Elementary School Plan
Principal Brenda Stevenson, Vice-Principal Rhonda Rose, Students Lilly Rayner and Callie Busch
 - 6.2 Hannah Morales, District Coordinator of Indigenous Education
 - 6.3 New and Revised Administrative Procedures 8 - 20
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- 8. POLICY
- 9. COMMITTEES
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- 10. ADJOURNMENT
 - 10.1 Motion to Adjourn
 - "That there being no further business, the meeting be adjourned."*

MINUTES OF THE BOARD EDUCATION AND BUSINESS COMMITTEE

Tuesday, October 24, 2023, 4:00 p.m.
Boardroom - Public Participation via Zoom

PRESENT

Trustee Randy Doman, Chair
Trustee Elizabeth Croft
Trustee Cindy Lise
Trustee Cathy Schmidt
Trustee Eduardo Sousa
Trustee Jennifer Strachan
Jason Sandquist, Secretary-Treasurer
Robyn Gray, Superintendent
Sheryl Koers, Associate Superintendent
Mike Russell, Director of Communications
Margaret Olsen, Director of Human Resources
Jeff Rowan, Director of Inclusive Learning
Darlene Reynolds, Director of Inclusive Learning
Claudia McMahon, Associate Secretary-Treasurer
Claire Spencer, Recording Secretary

APOLOGIES Trustee Joe Thorne

1. CALL TO ORDER

Trustee Doman called the meeting to order at 4:00 p.m. and respectfully acknowledged that the meeting was taking place on the traditional and ancestral lands of the Hul'q'umi'num' speaking people where we live, learn and play.

2. ADOPTION OF AGENDA

2.1 Motion to Adopt Agenda

Moved by Trustee Schmidt
Seconded by Trustee Lise

"That the Board Education and Business Committee adopts the agenda of the October 24, 2023 Board Education and Business Committee meeting."

CARRIED

3. MINUTES

3.1 Minutes of the September 26, 2023 Board Education and Business Committee Meeting

Moved by Trustee Schmidt
Seconded by Trustee Sousa

"That the Board Education and Business Committee adopts the minutes of the September 26, 2023 Board Education and Business Committee Meeting."

CARRIED

4. **ACTION LIST**

5. **PETITIONS AND DELEGATIONS**

6. **EDUCATION**

6.1 **School Plan - Chemainus Elementary School**

Principal Fergus Horsburgh was assisted in his presentation by students Navea, Kathleen, Bella and Lily.

Chemainus Elementary is located on the traditional territory of the Penelakut, Lyackson, Halalt and Stz'uminus Nations, and is within easy walking distance to forests, trails and beaches. Outdoor learning is a focus at Chemainus Elementary. Thetis Island's one-room school is also part of Chemainus Elementary. Last year students from Penelakut and Thetis Islands came to Chemainus for a day of playing games day and sharing food. Askew Creek, Kin Beach and Malcom Beach are some of the students' favourite outdoor learning locations. After Christmas families are invited to share their trees which are used for fort building. A student shared how they learned numeracy outdoors when making mandalas (counting sticks and rocks to build the patterns). A short video of students discussing outdoor learning was shared. Trustees asked questions of the students and thanked them for sharing their voices.

6.2 **International Student Program Presentation**

The International Student Program doesn't have a school plan, as its students attend various schools and are encompassed in those schools' plans. International students bring perspective and a world view to our classes, and are provided opportunities for experiences that may not be available in their home countries. Revenue from tuition goes into District classrooms. Students come to Cowichan because of its strong education system, small, safe, recreation-centered community, Canadian culture, island lifestyle, and mild climate. This school year we have students from 20 countries. In addition to countries that we have welcomed in the past, like Japan, Italy, Germany and Spain, we are expanding into locations like South America. The Program also has a compliance function. Students that are not ordinarily resident (they could be from out of province, or even a Canadian citizen whose parents moved out of country) are vetted so the families can be invoiced. The program currently has three Indigenous students from Australia as part of a government grant in conjunction with an ice hockey team in Australia. These students had never left their community before, and came here specifically as we are a community with ice hockey and an Indigenous population. The students, who had never seen hockey played before, have joined the school hockey team. Increasing diversity and inclusion is a focus. Next semester they will welcome their first student in a wheelchair and their first transitioning student.

While the program will have roughly the same number of students this year, the number of full time equivalent (FTE) students has slightly decreased because most are short-term stays (3-4 months instead of a full semester or year). Many countries are doing shorter stays, likely because

of inflation. Recruiting in Europe is going well, but we haven't recovered numbers in places like China, where enrolment dropped due to COVID and political differences. The program is more profitable than in the past as they have found ways to be nimble and creative as enrolment number fluctuate. Students have field trips twice a month which may be elaborate (surfing at Tofino), sightseeing opportunities (trips to Vancouver or Christmas lights at Butchart Gardens), or simple (movies or Christmas baking).

Homestay families are key to the success of the program and are carefully selected. The better the experience the student has with a host family, the better their experience overall. In addition to taking students into their homes, preparing warm meals and being a second family, they provide cultural immersion and an introduction to the community. Many homestay families are teachers or coaches. Cowichan Valley is getting a reputation for having a great homestay program. Further information on the International Student Program can be found online at www.studyincowichan.com or on social media at #studyincowichan.

6.3 District Technology Plan

The Instructional Technology and Innovation Plan was reviewed. We are in the fourth year of the 2020-2024 plan. When today's students graduate, they will need problem-solving skills and resiliency as job skills will quickly evolve and become obsolete.

The Plan's Strategic Priorities include:

- Expansion of internet bandwidths at each school;
- Improving wired and wireless networks across schools through stronger security, traffic shaping, and 10G switch connections;
- Provision of ongoing staff training and professional development to support instructional practice in digitally rich learning environment;
- Expansion of strategic leasing to keep technology equipment on a 3-4 year refresh cycle;
- A continued system-wide focus on privacy and security;
- Ensuring actions are aligned to the broader District Strategic Plan focused on Learning, Indigenous Ways of Knowing, a Culture of Care, and Future-Focused Systems.

Pillars of the Plan include a base which provides the infrastructure and hardware/software standard on which to build web services and cloud data services, instructional practices and training, and ultimately to provide learning amplified by instructional technology.

Priorities of the Plan include networking, security, providing equitable access for students and teachers, and offering tools and learning opportunities that develop creative, entrepreneurial and technical competencies in students. The Plan connects to the broader District Strategic Plan by focusing on applied learning and authentic real-world learning experiences.

The next steps (plan regeneration) will look at artificial intelligence (AI), privacy and security, maximizing effective use of technology for learning and business systems.

6.4 New, Revised and Removed Administrative Procedures

Trustee Sousa left the meeting at 5:25 p.m.

The list of new, revised and deleted Administrative Procedures was reviewed by the Superintendent.

7. BUSINESS AND OPERATIONS

7.1 Classroom Enhancement Fund - Teacher Reconciliation

The Classroom Enhancement Fund, which was established as a result of the restored collective agreement language, is providing an additional 78 predominantly classroom-based teachers. The District will receive an additional \$9.3M to fund these positions, which will be reflected in the amended budget.

7.2 Updated Funding Estimate

A revised funding estimate based on enrolment at September 30 was presented. The initial enrolment projection was for an increase of 77 FTE, but the actual increase was 128 FTE (118 secondary and 10 elementary), which will result in an increase in funding of \$441,000. The smallest cohort is Kindergarten, which has 50 fewer students than every other grade in elementary. The trend of low numbers of elementary students will see enrolment stabilize or decline, depending on in-migration. An additional 56 students designated with Level 1, 2 or 3 special needs will result in an increase of \$1.3M. In order to support these students, a motion was presented to add 12 EA positions (9.43 FTE).

Moved by Trustee Schmidt

Seconded by Trustee Croft

"The Board Education and Business Committee recommends that the Board of Education of School District No. 79 (Cowichan Valley) provides approval to amend the 2023/2024 Annual Budget to include the addition of 12 Education Assistants."

CARRIED

8. POLICY

8.1 Policy 26 - Whistleblower Protection

The Public Interest Disclosure Act requires the Board to adopt a Whistleblower Policy by December 1, 2023. In addition, an Administrative Procedure will be written stating how we will meet the requirements of the policy.

Moved by Trustee Croft

Seconded by Trustee Schmidt

"That the Board Education and Business Committee recommends that the Board of Education of School District No. 79 (Cowichan Valley) adopts Policy 26 - Whistleblower Protection."

CARRIED

9. COMMITTEES

9.1 Highlights of the October 17, 2023 Advisory Committee Meeting

Trustee Croft provided highlights of the October 17, 2023 Advisory Committee Meeting.

10. **ADJOURNMENT**

10.1 Motion to Adjourn

The meeting adjourned 5:43 p.m.

Moved by Trustee Schmidt

Seconded by Trustee Lise

"That there being no further business, the meeting be adjourned."

CARRIED

Administrative Procedures

(update for November 28, 2023 BEBC Meeting)

AP 177 – Safe Disclosure of Complaints Related to Staff Including Management

Lead Person: Margaret Olsen

Status: New

- This administrative procedure was created in response to the Public Disclosure Act (Whistleblower) legislation that comes into effect on December 1st.

AP 172 - Workplace Bullying and Harassment

Lead Person: Jason Sandquist and Margaret Olsen

Status: Revised

- Revised to expand the description of Bullying and Harassment and incorporated a conflict resolution process.

AP 177 – SAFE DISCLOSURE OF COMPLAINTS RELATED TO STAFF INCLUDING MANAGEMENT

Purpose

The District is committed to supporting ethical conduct in its operations and seeks to foster a culture of which Employees are encouraged to disclose Wrongdoing, including by receiving, investigation and responding to Disclosures and by providing information and training about British Columbia *Public Interest Disclosure Act* (“PIDA”).

The School District will investigate Disclosures that it receives under this Administrative Procedure. Investigation under this Procedure will be carried out in accordance with the principles of procedural fairness and natural justice.

The School District will not commit or tolerate Reprisal against any Employee who, in good faith, makes a request for Advice, makes a Disclosure, participates in an Investigation, or makes a complaint under this procedure.

The School District is committed to protecting the privacy of Disclosures, persons accused of Wrongdoing, and those who participate in Investigations in a manner that is consistent with its obligations under PIDA and the *Freedom of Information and Protection of Privacy Act* (FIPPA).

This Administrative Procedure outlines a process, in compliance with PIDA, for individuals to report, in good faith, wrongful or unlawful conduct without fear of retaliation or reprisal.

Definitions

The following capitalized terms are defined as indicated:

Advice: Advice that may be requested in respect of making a Disclosure or a complaint about a Reprisal under this Procedure or PIDA;.

Discloser: The individual who has brought forward a report of Wrongdoing.

Disclosure: A report of Wrongdoing made under this Procedure which includes allegations of Wrongdoing received by the School District from the Ombudsperson or another government institution for investigation in accordance with PIDA.

Designate: The individual appointed by the Superintendent to:

- a) Provide information and advice to individuals making a report;
- b) Protect the confidentiality of individuals seeking advice or making reports under PIDA
- c) Manage and investigate reports of Wrongdoing in accordance with the policies and procedures of the District and the associated collective agreements where applicable; and
- d) Communicate the results of an investigation to the appropriate parties.

Disclosure: A report of Wrongdoing made under this Procedure.

Employee: A person employed by the School District.

FIPPA: *Freedom of Information and Protection of Privacy Act*.

Investigation: An investigation undertaken by the School District under this Procedure or by the Ombudsperson under PIDA.

Ombudsperson: The Ombudsperson of British Columbia.

Personal Information: This has the same meaning set out in FIPPA, namely "recorded information about an identifiable individual," and includes any information from which the identity of the Discloser or any person who is accused of Wrongdoing or participates in an investigation can be deduced or inferred.

PIDA: The *Public Interest Disclosure Act* of British Columbia.

Reprisal: The imposition of, and any threat to impose, discipline, demotion, termination, or any other act that adversely affects employment or working conditions of an Employee because they made a Disclosure, sought advice, made a complaint about a Reprisal or participated in an Investigation.

Respondent: The individual(s) who are named within the Disclosure as being responsible for the alleged misconduct.

Trustee: A past or present member of the School District's Board of Education.

Urgent Risk: This arises if there is a reasonable belief that a matter constitutes an imminent risk of a substantial and specific danger to the life, health or safety of persons or the environment.

Wrongdoing: refers to:

- a) A serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada;
- b) An act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of an Employee's duties or functions;
- c) A serious misuse of public funds or public assets;
- d) Gross or systematic mismanagement;
- e) Knowingly directing or counselling a person to commit any act or omission described in paragraphs (a) to (d) above.

Who May Make a Disclosure

Any Employee may report Wrongdoing under this Procedure if the alleged Wrongdoing occurred or was discovered while the Employee was employed or engaged by the School District.

Any Trustee may report Wrongdoing under this Procedure if the alleged Wrongdoing occurred or was discovered while the Trustee was holding office.

Reports received from members of the public or from Employees or Trustees who were not employed by or held office with the School District at the time that the alleged Wrongdoing occurred or was discovered are outside the scope of this Procedure.

How to Make a Disclosure

An Employee or Trustee who reasonably believes that a Wrongdoing has been committed or is about to be committed may make a Disclosure to any of the following:

- a) That person's supervisor;
- b) The Superintendent;
- c) A Designate other than the Superintendent; or
- d) The Ombudsperson.

A Disclosure should be submitted in writing using the Disclosure Form ([link](#)) or in other written form, and include the following information if known:

- a) A description of the Wrongdoing;
- b) The name of the person(s) alleged to be responsible for or to have participated in the Wrongdoing;
- c) The date or expected date of the Wrongdoing;
- d) If the Wrongdoing relates to an obligation under a statute or enactment, the name of that statute or enactment; and
- e) Whether the Wrongdoing has already been reported and, if so, to whom and a description of the response received.

A Disclosure may be submitted to the School District on an anonymous basis, but must contain sufficient information to permit the School District to conduct a full and fair investigation into the alleged Wrongdoing. If a Disclosure does not contain sufficient detail to permit investigation, the School District may take no action with respect to the Disclosure. Any notices required to be given to a Discloser under this Procedure or PIDA will not be provided to an anonymous Discloser except at the discretion of the Designate and where the Disclosure has provided contact information.

A Discloser who is considering making a Disclosure may request Advice from any of their union representative, or employee association representative, a lawyer, their supervisor, a Designate or the Ombudsperson.

A Discloser should not make a Disclosure to a person if the allegations relate, in whole or in part, to alleged Wrongdoing by that person, and any person who receives a Disclosure and reasonably believes that the allegations of Wrongdoing relate to their own acts or omissions must refer the allegations of Wrongdoing to another person under this Procedure with responsibility for receiving a Disclosure.

How to Make a Disclosure About Urgent Risk

1. PIDA permits Employees and Trustees to make public disclosures if the Employee or Trustee reasonably believes that a matter poses an Urgent Risk. An Urgent Risk only arises if

there is reasonable and credible evidence of an imminent risk of a substantial and specific danger to the life, health or safety of persons or to the environment.

2. Before making a public disclosure of an Urgent Risk the Employee or Trustee must:
 - a) Consult with the relevant Protection Official (public health officer, Emergency Management BC, or police);
 - b) Receive and follow the direction of that Protection Official, including if the Protection Official directs the Employee not to make the public disclosure;
 - c) Refrain from disclosing, publishing or otherwise sharing Personal Information except as necessary to address the Urgent Risk;
 - d) Refrain from disclosing any information that is privileged or subject to a restriction on disclosure under PIDA or any other enactment of British Columbia or Canada, including legal advice privilege, litigation privilege or another ground of common law privilege; and
 - e) Seek appropriate advice if uncertain about what Personal Information, privileged or other information may be disclosed as part of a public disclosure.
3. An Employee or Trustee who makes a public disclosure in relation to an Urgent Risk is expected to provide timely notification to their supervisor or the Superintendent about the public disclosure or submit a disclosure form.
4. If the Employee or Trustee decides not to make a public disclosure or is directed by a Protection Official not to do so, the Employee or Trustee is nevertheless expected to report Urgent Risks without delay to the Superintendent or a Designate.

Referral to Designate

1. Each Supervisor and any other Employee or Trustee who receives a Disclosure under this Procedure must promptly refer it, including all Disclosures Forms and other materials supplied, to the appropriate Designate as follows:
 - a) Unless the allegations concern alleged Wrongdoing by the Superintendent, the Disclosure shall first be referred to the Superintendent who may delegate their duties under the Procedure and this Procedure to any other Designate;
 - b) If the allegations concern alleged Wrongdoing by the Superintendent, then the Disclosure should be referred to the Office of the Ombudsperson.

Responsibilities of the Designate

The Designate is responsible to:

- a) Receive and respond to any Disclosure;
- b) Receive and respond to reports made about Urgent Risks;
- c) If the Designate reasonably believes that an Urgent Risk exists, the Designate may make a report to the relevant Protection Official;
- d) Review allegations of Wrongdoing in a Disclosure and determine if they fall within the scope of PIDA or the Procedure;
- e) Refer disclosures or allegations falling outside the scope of PIDA or this Procedure to the appropriate authority or dispute resolution process, as applicable;

- f) If a Disclosure relates to Wrongdoing at another government body that is subject to PIDA, refer the Disclosure to that institution;
- g) Seek clarification of the allegations of Wrongdoing from the Discloser or referring institution as needed;
- h) If appropriate, initiate an Investigation into allegations of Wrongdoing;
- i) Assess the risk of any Reprisal to the Discloser and take appropriate action, if any, to mitigate that risk;
- j) Manage communications with the Discloser and Respondent;
- k) Notify the Discloser and the Respondent of the outcome of the Investigation; and
- l) Ensure that all Personal Information received by the School District related to the Disclosure, request for Advice or any Investigation is appropriately protected against such risks as unauthorized access, collection, use, disclosure, theft or loss in accordance with FIPPA and PIDA.

Responsibilities of Employees and Trustees

All Employees and Trustees are responsible to:

- a) Make any Disclosures in good faith and on the basis of a reasonable belief that Wrongdoing has or is expected to occur;
- b) Refrain from engaging in Reprisals and report all Reprisals in accordance with this Procedure and PIDA;
- c) Maintain the confidentiality of Personal Information received in connection with a Disclosure, request for Advice, or Investigation in accordance with this Procedure and PIDA;
- d) Provide their reasonable cooperation with Investigations by the School District or the Ombudsperson;
- e) Seek appropriate advice if uncertain about whether to make a Disclosure or a public disclosure of an Urgent Risk; and
- f) Comply with the requirements of this Procedure and PIDA concerning Urgent Risks.

Investigations

1. Every person involved in receiving, reviewing and investigating Disclosures must carry out those function in an expeditious, fair and proportionate manner as appropriate in the circumstances and as required under PIDA.
2. The School District shall seek to complete all Investigations within 90 calendar days of receipt of a Disclosure, but the Designate may shorten or extend this time period depending on the nature and complexity of the allegations.
3. The Designate may expand the scope of any Investigation beyond the allegations set out in the Disclosure to ensure that any potential Wrongdoing discovered during an Investigation is investigated.
4. All Investigations shall be conducted by an internal or external investigator with sufficient qualifications and experience to carry out the Investigation, though overall responsibility and accountability for the Investigation remains with the Designate.

5. The Designate may consult with the Ombudsperson regarding a Disclosure or refer allegations of Wrongdoing in whole or in part to the Ombudsperson, provided that notice of the referral is provided to the applicable Discloser.
6. The Designate may refuse to investigate or postpone or stop an Investigation if they reasonably believe that:
 - a) The Disclosure does not provide adequate particulars of the Wrongdoing;
 - b) The Disclosure is frivolous or vexatious, has not been made in good faith, has not been made by a person entitled to make a Disclosure under the Procedure or PIDA, or does not deal with Wrongdoing;
 - c) The Investigation would serve no useful purpose or could not reasonably be conducted due to the passage or length of time between the date of the alleged Wrongdoing and the date of the Disclosure;
 - d) The investigation of the Disclosure would serve no useful purpose because the subject matter of the Disclosure is being or has been appropriately dealt with;
 - e) The Disclosure relates solely to a public procedure decision;
 - f) The allegations are already being or have been appropriately investigated by the Ombudsperson, the School District or other appropriate authority;
 - g) The Investigation may compromise another investigation; or
 - h) PIDA otherwise requires or permits the School District to suspend or stop the Investigation.
7. Subject to the School District's obligations under, the Discloser and the Respondent(s) will be provided with a summary of the School District's findings, including:
 - a) Notice of any finding of Wrongdoing;
 - b) A summary of the reasons supporting any finding of Wrongdoing;
 - c) Any recommendations to address findings of Wrongdoing.

Privacy and Confidentiality

1. All Personal Information that the School District collects, uses or shares in connection with a Disclosure, request for Advice, or an Investigation shall be treated as confidential and shall be used and disclosed by the School District only as described in the Procedure, the Procedures and PIDA unless otherwise permitted or required under FIPPA or other applicable laws.
2. Personal Information that is collected, used or shared by the School District in the course of receiving, responding to or investigating a Disclosure or a request for Advice Reprisal shall be limited to the Personal Information that is reasonably required for these purposes.
3. Any person who, in their capacity as an Employee or Trustee, receives information about the identity of a Discloser shall maintain the identity of the Discloser in confidence, and may only use or share that information for the purposes described in this Procedure or PIDA, except with the consent of the Discloser or as authorized or required by PIDA or other applicable laws.
4. The School District shall ensure there are reasonable security measures in place to protect all Personal Information that the School District collects or uses in the course of receiving or responding to a Disclosure, a request for Advice, or conducting an Investigation, including by

ensuring that such information is subject to appropriate controls to ensure that it is only shared by its Employees and trustees internally on a need to know basis.

Reprisals

1. The School District will not tolerate Reprisals against Employees or Trustees.
2. Any Employee or Trustee who believes that they have been the subject of a Reprisal may make a complaint to the Ombudsperson, who may investigate in accordance with the procedures set out in PIDA.
3. Any person who engages in any Reprisals shall be subject to disciplinary action up to and including, for an Employee, dismissal for cause.

Report of the Inquiry

The report of the inquiry shall be shared with the Respondent in a confidential manner. The only documented copy of the complaint to be retained by the District will remain in the Superintendent's or Designate's office.

Potential Outcomes of the Inquiry

The Superintendent may refer portions of the report to legal advisors or members of the Senior District Leadership Team, and may consult confidentially with others (e.g., officers of associations) to assist in the determination of the appropriate action to be taken in respect of the complaint.

In the event that the Superintendent determines that the Board will need to be informed, the Superintendent will abide by any required language contained within in the personal contract of the excluded Employee or collective agreement for unionized staff members.

Reporting Outcomes

Unless precluded by FIPPA, the Superintendent will advise the Complainant, in writing, of the general nature of its decision in regard to the complaint. The Complainant shall be informed of his or her right to make use of the services of the Ombudsman's Office, if desired.

Reference: Sections 17, 18, 20, 22, 23, 65, 85 of the *School Act*
Public Interest Disclosure Act
Employment Standards Act
Freedom of Information and Protection of Privacy Act
Labour Relations Code
Collective Agreements

Adopted: November 28, 2023

AP 172 – WORKPLACE DISCRIMINATION, BULLYING AND HARASSMENT

Background

The District recognizes the right of all employees to work in an environment free from discrimination, bullying and harassment. Discrimination, bullying and harassment are not acceptable or tolerated. All employees will be treated in a fair and respectful manner.

Definitions

Discrimination: Discrimination in employment based on a person's, race, colour, ancestry, place of origin, political belief, religion, gender expression, gender identity, sexual orientation, marital status, family status, physical or mental disability, physical appearance, health, age, or criminal conviction which is unrelated to the person's employment. Discrimination includes Sexual Harassment, as defined below.

Bullying and Harassment: WorkSafeBC explains that bullying and harassment includes any inappropriate conduct or comment by a person towards an employee that the person knew or reasonably ought to have known would cause that employee to be humiliated or intimidated.

Harassment is a serious matter and should be treated as such. Arbitrator Heather Laing explains:

"...Every act by which a person causes some form of anxiety to another could be labelled as harassment. But if this is so, there can be no safe interaction between human beings. Sadly, we are not perfect."

"...Not every employment bruise should be treated under this process. It would be unfortunate if the harassment process was used to vent feelings of minor discontent or general unhappiness with life in the workplace so as to trivialize those cases where substantial workplace abuses have occurred."

Personal Harassment: Personal harassment is defined as objectionable conduct or comment, directed towards a specific person or persons and has the effect of creating an intimidating, humiliating, hostile or offensive working environment. Personal harassment does not include conduct or comments made in good faith in the exercise of supervisory rights and responsibilities.

Discriminatory Harassment: Discriminatory harassment is defined as discrimination contrary to the *Human Rights Act* and includes discriminatory acts against an employee with respect to the work environment or any term or condition of employment because of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, or age of that staff member or because that employee has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.

Sexual Harassment: Sexual harassment is defined as unwelcome sexual advances, comments,

looks, suggestions, audio and visual material of a sexual nature, requests for sexual favours and other verbal or physical conduct emphasizing sexuality, gender expression, gender identity or sexual orientation when such conduct:

- Either explicitly or implicitly is a term or condition of an individual's education, employment, or any opportunity for training or promotion;
- Is used as a basis for scholastic, extra-curricular or employment decisions affecting another individual; or
- Interferes with an individual's school or work performance or creates an intimidating, hostile, offensive, or uncomfortable learning and working environment.

Complainant: An employee who believes they have been subjected to or observed Discrimination or Bullying and Harassment in the workplace.

Respondent: A person in the workplace against whom a complaint of Discrimination and/or Bullying and Harassment has been made. A respondent includes an individual, whether or not they are a workplace party. This means that a respondent could be a workplace party such as an employer, supervisor, or co-worker, or a non-workplace party such as a member of the public, a student, or anyone an employee comes into contact with at the workplace.

District Responsibilities: The District is responsible for promoting and maintaining a working/learning environment free from bullying and harassment. The District will take reasonable steps to prevent, where possible, or otherwise minimize workplace discrimination, bullying and harassment.

The District must ensure that staff have received the Discrimination, Bullying and Harassment training and are aware of the requirements to comply with these policies and procedures.

Employees with Supervisory Roles Responsibilities: Bullying and harassment excludes any reasonable action taken by an employer or supervisor relating to the management and direction of employees or the place of employment.

Employees with supervisory roles are required to exercise supervisory rights and responsibilities regarding the work of staff. Examples of reasonable management action include determining job duties or work to be performed; workloads and deadlines; layoffs, transfers, promotions, and re-organizations; work instructions, supervision or feedback; work evaluation; performance management; and discipline, suspensions, or terminations.

An employee in a supervisory role has a duty to take all reasonable steps to ensure the health and safety of employees under their supervision and as a result, a supervisor must take all reasonable steps to prevent, where possible, or otherwise minimize workplace discrimination, bullying and harassment. Workplace discrimination, bullying and harassment can lead to injury, illness, or death.

A supervisor's obligation to ensure health and safety of employees includes:

- Not engaging in discrimination, bullying and harassment of employees, other supervisors, the employer, or persons acting on behalf of the employer; and
- Applying and complying with the District policies and procedures on Discrimination, Bullying and Harassment;
- Liaising with Human Resources to undertake and participate in investigations.

Employee Responsibilities: An employee has a duty to take reasonable care to protect the health and safety of themselves and other persons, and as a result, an employee must take all reasonable steps to prevent, where possible, or otherwise minimize workplace discrimination, bullying and harassment. Workplace discrimination, bullying and harassment can lead to injury, illness, or death.

An employee's obligation to take reasonable care to protect the health and safety of themselves or others includes:

- Not engaging in discrimination, bullying and harassment of other employees, supervisors, the employer or persons acting on behalf of the employer;
- Reporting to their direct supervisor if discrimination, bullying and harassment is observed or experienced in the workplace; and
- Applying and complying with the District's policies and procedures on Discrimination, Bullying and Harassment.

This Administrative Procedure applies to interpersonal and electronic communications.

Examples of bullying and harassment might include:

- Verbal aggression, insults or calling someone derogatory names;
- Vandalizing a worker's personal belongings;
- Sabotaging another person's work;
- Carrying out harmful or offensive initiation practices or hazing;
- Making personal attacks based on a worker's private life or personal traits;
- Making aggressive or threatening gestures;
- Cyber-bullying, including sending harassing emails or text messages or posting humiliating or intimidating information on social media or websites.

Bullying and Harassment (including sexual harassment) is not:

- Expressing differences of opinions;
- Offering constructive feedback, guidance, or advice about work related behaviour or performance;
- Making a legitimate complaint about someone's conduct through established procedures;
- Supervision and managing employees.

Application

This Administrative Procedure applies to all employees except where a specific provision is contained in a Collective Agreement in which case the provision(s) of the Collective Agreement shall also apply to employees covered by that Agreement.

It is recommended that employees covered by a Collective Agreement seek the counsel of union representatives before proceeding with a complaint.

Complaint/Report and Investigation Procedure

"Bullying and Harassment is a serious matter and should be treated as such. While one individual may find certain behaviors harassing, discriminatory or bullying, others may not find the same behaviors offensive. Remarks, questions, jokes, or innuendo, even if

the outcome is embarrassment to the recipient, may not be considered harassment unless they are based on age, gender, religious beliefs, sexuality, or other grounds prohibited under the Human Rights Act."

Re: British Columbia and BCGEU (1995) 499 LAC. (4th) 193.

This Administrative Procedure contains two (2) steps:

1. Informal Complaint Process (Speak Up)
2. Formal Complaint Process

Step One: Informal Process

The informal process is the first step of a complaint process and is required to be completed with the exception being that the behaviour is extremely dangerous, or the respondent is your principal or direct supervisor. In these situations, proceed to Step 2, a Formal Complaint.

1. Inform the person perpetuating the bullying and harassing actions that their actions are not acceptable to you as soon as they start to occur. Describe the specific actions that they took that caused you to feel uncomfortable, bullied, or harassed.
2. If the alleged bully is a student, parent, or other member of the public, report it to your principal or direct supervisor.
3. It is important to keep a record of dates and times when you have spoken to the person and inform your principal or direct supervisor.
4. During the informal process the principal or direct supervisor will assist by providing support, advice, or mediation.

Step Two: Formal Complaint Process

Step Two is initiated when the bullying or harassment has continued to occur after an informal process, or the behaviour is extremely dangerous, or the respondent is your principal or direct supervisor.

1. Using Form (172-1) write out a statement detailing the incident(s), explaining how the complaint meets the definition of bullying and harassment, along with any supporting documentation and the names of any witnesses. Note: The report must include pertinent facts which detail alleged incidents. When? Where? Who? What? How?
2. All complaints shall be taken seriously. The Superintendent or designate will review your formal report and supporting documents to determine an appropriate response. A confidential investigation in accordance with due process may be undertaken, expeditiously, under the direction of the Superintendent or designate to substantiate and/or resolve the complaint.
3. Where it is determined that the alleged bullying or harassment is criminal in nature, the appropriate authorities will be contacted.
4. An employee accused of bullying/harassment will be notified in writing at the earliest opportunity by the Superintendent or designate.
5. CVTF/CUPE/USW employees shall be accompanied by their union representative during any proceedings relating to the investigation of the complaint, providing no costs are incurred by the Cowichan Valley School District. Excluded employees and Principals/Vice Principals may be accompanied by a person(s) of their choice for moral support during any proceedings relating to the investigation of the complaint.
6. Within one month of receiving the written, confidential investigation report, the

superintendent or designate will review with the complainant and respondent the outcome of the investigation and the appropriate action(s) to be taken. These may include counselling, courses that develop an awareness of bullying and harassment, a verbal warning, a written warning, suspension, and/or dismissal. In appropriate circumstances employees may be referred to the District EFAP program or be encouraged to seek medical advice.

Bullies/harassers who take retaliatory action against employees who have filed complaints will be subject to discipline. Complainants who are found to have made frivolous, vexatious, or malicious complaints of Bullying and Harassment and/or Discrimination may be subject to disciplinary or corrective action.

CVTF/CUPE/USW employees should also consult their collective agreement.

Other employees should follow the Informal and/or Formal Complaint Procedure as previously outlined.

Reference: Sections 20, 22, 65, 85, 177 School Act
Human Rights Code
Workers' Compensation Act
Occupational Health and Safety Regulation

Adopted: February 16, 2016

Amended: September 1, 2018, November 28, 2023



COWICHAN VALLEY

School District

FUNDING ANNOUNCEMENT ESTIMATE COMPARISON

	NOVEMBER ESTIMATE		MARCH ESTIMATE		FTE	DIFFERENCE
	FTE	2023/2024	FTE	2023/2024		
SEPTEMBER ENROLMENT COUNT:						
STANDARD	8,071.3521	69,615,412	8,045.2030	69,389,876	26.1491	225,536
CONTINUING EDUCATION	-	-	-	-	-	-
ALTERNATE SCHOOLS	330.0000	2,846,250	322.0000	2,777,250	8.0000	69,000
DISTRIBUTED LEARNING	160.5000	1,117,080	144.0000	1,002,240	16.5000	114,840
HOME SCHOOLING	18.0000	4,500	7.0000	1,750	11.0000	2,750
COURSE CHALLENGES	2.0000	492	2.0000	540	-	(48)
ENROLMENT-BASED FUNDING		73,583,734		73,171,656		412,078
ENROLMENT DECLINE		-		-		-
LEVEL 1 SPECIAL NEEDS	7.0000	343,490	8.0000	392,560	(1.0000)	(49,070)
LEVEL 2 SPECIAL NEEDS	529.0000	12,315,120	461.0000	10,732,080	68.0000	1,583,040
LEVEL 3 SPECIAL NEEDS	108.0000	1,270,080	117.0000	1,375,920	(9.0000)	(105,840)
ENGLISH LANGUAGE LEARNING	270.0000	468,450	308.0000	534,380	(38.0000)	(65,930)
INDIGENOUS EDUCATION	1,754.0000	2,999,340	1,752.0000	2,995,920	2.0000	3,420
ADULT EDUCATION	0.6250	3,144	-	-	0.6250	3,144
EQUITY OF OPPORTUNITY SUPPLEMENT		524,841		524,841		-
UNIQUE STUDENT NEEDS		17,924,465		16,555,701		1,368,764
SALARY DIFFERENTIAL		1,449,240		1,449,240		-
UNIQUE GEOGRAPHIC FACTORS		5,735,131		5,735,131		-
EDUCATION PLAN		75,908		75,908		-
TOTAL SEPTEMBER ENROLMENT		98,768,478		96,987,636		1,780,842
FEBRUARY ENROLMENT COUNT:						
ENROLMENT-BASED FUNDING		228,330		228,330		-
UNIQUE STUDENT NEEDS		58,200		58,200		-
TOTAL FEBRUARY ENROLMENT		286,530		286,530		-
MAY ENROLMENT COUNT:						
ENROLMENT-BASED FUNDING		185,055		185,055		-
TOTAL MAY ENROLMENT		185,055		185,055		-
FULL YEAR FUNDING		99,240,063		97,459,221		1,780,842

THE BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 79 (COWICHAN VALLEY)
RECONCILIATION OF CAPITAL BALANCES
AS AT JUNE 30, 2023

	MINISTRY RESTRICTED	LOCAL CAPITAL	TOTAL
OPENING	2,565,435	2,565,264	5,130,699
COMMITMENTS - CUSTODIAL EQUIPMENT		(20,000)	(20,000)
COMMITMENTS - FRANCES KELSEY PORTABLES		(636,000)	(636,000)
SUBTOTAL BEFORE CSS CONTRIBUTION	2,565,435	1,909,264	4,474,699
CSS CONTRIBUTION COMMITMENT	(1,600,000)	(600,000)	(2,200,000)
CSS SCOPE LADDER ADDITIONS		(480,621)	(480,621)
ESTIMATED CAPITAL BALANCE AVAILABLE	965,435	828,643	1,794,078

**HIGHLIGHTS OF THE ADVISORY COMMITTEE MEETING OF SCHOOL DISTRICT NO. 79
(COWICHAN VALLEY) HELD ON TUESDAY, NOVEMBER 21, 2023 AT 4:30 PM**

Trustee Elizabeth Croft, Chair
Trustees Randy Doman, Cindy Lise, Cathy Schmidt, Eduardo Sousa, and Jennifer Strachan
Robyn Gray, Superintendent
Jason Sandquist, Secretary-Treasurer
Margaret Olsen, Associate Superintendent
Mike Russell, Director of Communications
Darlene Reynolds, Director of Inclusive Learning
PRESENT: Jeff Rowan, Director of Inclusive Learning
Erin Harvie, CVTF
Penny Butler, CVPVPA
Vicki Miller, USW
Adam Clutchey, CUPE
Ena Fox-Povey, DSAC
Antonio Iannidinardo, DSAC
Carmen Sundstrom, DPAC
Claire Spencer, Recording Secretary

APOLOGIES: Trustee Joe Thorne
Sheryl Koers, Associate Superintendent
Louise Thomson, CVTF
Brent Ranger, CVPVPA

1. Call to Order

Trustee Croft called the meeting to order at 4:30 p.m. and respectfully acknowledged that the meeting was taking place on the traditional and ancestral lands of the Hul'q'umi'num' speaking people where we live, learn and play.

2. Check-In

Antonio: It has been a quiet month around the school. Winter sports season starts on November 27th.

Ena: There are some new members of DSAC and everyone is getting to know each other.

Penny: Indigenous Law Students from UVIC are doing an eight-week program at Ye'yumnuts. They have been working with students from Cowichan Secondary and gifted spears to the Environmental Stewardship students. She watched a presentation they did yesterday and it was inspiring for a lot of their students. The Environmental Stewardship class and Eco Club went to Brentwood and did a presentation at the Young Speakers Series on taking action on climate and democracy. Cowichan Tribes and Cowichan Secondary are collaborating on an opportunity for students from Cowichan Secondary and Quamichan to attend a grief and loss workshop with Earl Lambert on November 27. An Elder will be in attendance, and there will be an opportunity for brushing.

Vicki: Transportation is still struggling to find bus drivers. Drivers are doing their best to make things work as they don't want to have to cut routes. Custodial numbers are at a good place again.

Erin: Remembrance Day services were held, and there was a lot of focus on Indigenous Veterans' Day on November 8. A lot of students submitted posters, poems and essays for the Legion's Remembrance Day competition. Looking ahead, they are planning for the winter luncheon at Lake Cowichan School where all the students are served turkey dinner by the staff and community members.

Adam: CUPE Pro-D at the end of October featured a guest speaker and a variety of workshops, with good feedback from members on the day. The next CUPE Pro-D is in February. Members participated in Remembrance Day ceremonies. There are many EA jobs posted thanks to the Board's recent motion, but they are struggling to fill them. HR is working hard to hire more EAs. The new automatic dispatch system is being implemented for clerical employees (but not EAs yet).

Carmen: At the last DPAC meeting they talked about and gave a presentation on the closure and disposal of Cowichan Secondary School. Parents were overjoyed to hear about the Board's decision to purchase the SchoolMessenger/SafeArrival program. The next DPAC meeting is in January.

Cathy: The Board is heading to Vancouver for the Trustee Academy later this week. On December 7 Trustees are going for a tour of Nourish Cowichan and the woodworking shop at CVOLC, past Charles Hoey, and then on another walk through Quw'utsun Secondary School (QSS). On November 14 the Board held a community consultation meeting on the closure and disposal of Cowichan Secondary which was well attended. The Board is looking forward to reviewing all the feedback after the consultation period ends.

Robyn: She enjoyed the DSAC meeting as it is wonderful to hear from kids about what they are doing at the school sites and what their needs may be. The Board established a Policy on Identity, Belonging and Connections. A small group of Principals is working with her to draft an Administrative Procedure for the Policy. The Principals went back to their school sites to speak with children about what identify, belonging and connection means to them. November is a time when teachers are connecting with families to communicate student learning. Foundation Skills Assessments (FSAs) were completed by students in Grades 4 and 7 and were marked yesterday by a group of Principals and Vice-Principals. These will provide great feedback for parents and learners. Last week she, Margaret Olsen and Sheryl Koers attended a learning event for BC Superintendents which focused on intersectionality. There were great presenters who focused on how to address racism and identify your own biases. For her as a learner, what stood out is how the books that we read, the TV shows we watch, and our social media feeds may need some diversifying to illuminate the places where we might need more growth and learning.

Jason: This is the time of year when we start to narrow down the budget for the current year. There have been a number of changes already which will be brought to the Board. There was a blessing of logs for the new QSS last week. They are working on finalizing the details of the District's contribution and release of contingency reserves. He will be away at BC Association of School Board Officials (BCASBO) for the next few days.

3. Old Business

3.1 Truth and Reconciliation (Standing Item)

- The Board Chair, Superintendent and District Elder and Knowledge Keeper Dolly Sylvester will be meeting to discuss land acknowledgements. There was further discussion on land acknowledgements and our Nations' traditional territories.

- There was a good Metis presenter at Frances Kelsey Secondary November 20-21 who spoke on Indigenous veterans and Metis people.
- The recent BC Confederation of Parent Advisory Councils (BCCPAC) Summit included a session with Denise Augustine (who is on Secondment with the Ministry of Education and Child Care where she serves as Superintendent of Indigenous Education) who led a much longer version of Understanding the Village.

4. New Business

4.1 Feedback on the Future of Cowichan Secondary School:

Jason Sandquist shared the slides and presentation from the Cowichan Secondary School Closure and Disposal Community Consultation Meeting held on November 14, which was attended by approximately 30 community members.

Discussion and questions following the presentation included:

- The willow tree (a gift from the class of '57) is nearing the end of its lifespan and a cutting is being propagated for the new school site.
- The property could be subdivided by the Board.
- If the property is sold, the Board would not demolish the building prior to listing.
- The field at QSS is the same size as the field at the existing school, but without a track around it. There will be a track around the entire QSS property, which will be nearly a kilometer in length.
- The location of the new school is a similar distance to the unhoused population. The land for the new school was acquired by the Board at a time prior to the unhoused population and opioid crisis. The Board has been working with the Minister of Health and Addictions to try to protect both students and the unhoused population.

4.2 December Advisory Committee Meeting

The December 19 meeting has been cancelled. The next Advisory Committee Meeting will be held on January 16, 2024 at 4:30 p.m.

5. Adjournment

The meeting adjourned at 5:31 p.m.