

Educational Services



Policies, Code of Conduct and Procedures Manual

Revised March 2007



Educational Services

is a learning facility specializing in Adult Education and committed to providing the best possible opportunities for students to attain their personal, academic, and vocational goals.

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STUDENT CONDUCT POLICY AND PROCEDURE

NOTE: A working day shall be considered to be any day, Monday to Friday, other than a statutory or recognized holiday.

If a student or staff member is to be absent, they are expected to contact Educational Services as soon as possible, prior to scheduled classes.

In fulfilling its mission, Educational Services recognizes that students have both rights and responsibilities. The Student Conduct Policy clearly establishes students' rights, standards of conduct, and consequences of unsatisfactory behaviour and appeal procedures in case of dispute. The Student Conduct Policy is designed to safeguard rights and outline responsibilities to ensure that the Educational Services experience is productive, stimulating and meets the needs and expectations of students. Educational Services encourages student participation in the revision of the Policy and any rules and regulations that govern student life.

Students are protected by:

- Canadian Charter of Rights and Freedoms;
- The Human Rights Code of Ontario;
- The Municipal Freedom of Information and Protection of Privacy Act;
- Educational Services' Disruptive Behaviour of Students in the Learning Environment Policy;
- Educational Services' Threats, Acts of Violence, Weapons Possessions Policy

Any records, documents and other material containing information directly related to a student, which are maintained by Educational Services, will be treated as confidential.

Students are responsible for their actions at all times. Ignorance of the rules, regulations and standards of conduct will not be accepted as a defense against disciplinary action. In general, any conduct which interferes with the successful implementation of Educational Services' mission is subject to disciplinary action. The *Student Conduct Policy* governs students' behaviour toward other students, Educational Services employees, and visitors as per the following:

- Student conduct on Educational Services' property;
- Student conduct immediately before, during, and immediately after Educational Services sponsored events or related activities held off Educational Services' property

Examples of the type of conduct, which Educational Services will not tolerate and which will result in some form of disciplinary action, are listed below (not intended as a comprehensive description of the conduct which may be subject to disciplinary action):

General:

- Student conduct which violates any federal or provincial law, including but not limited to the Criminal Code of Canada, Narcotic Control Act, Food and Drugs Act and Controlled Drugs and Substances Act;
- Student conduct which interferes with or obstructs Educational Services activities, administrative functions, recreational, or social activities;
- Student conduct which interferes with disciplinary action related to this Policy or others

Specific:

- Vandalism;
- Possession, use or sale of illegal drugs (including non-prescription or non-approved drugs);
- Use of alcohol in unauthorized areas;
- Underage drinking;
- Theft;
- Verbal abuse (includes inappropriate jokes, derogatory comments, badgering, etc.);
- Smoking in restricted areas

The nature of the offense and the student's previous record of conduct will determine the penalty to be imposed in any particular situation. Without limiting the generality of the foregoing, the following penalties may be imposed individually or in various combinations:

- 1st Warning – no record;
- 2nd Warning – noted on student's record;
- Probation;
- Temporary suspension from one or more facilities or services of Educational Services;
- Permanent suspension from one or more facilities or services of Educational Services;
- Financial restitution;

- Referral to appropriate external authorities for action;
- Temporary suspension from Educational Services;
- Dismissal or withdrawal from Educational Services

Note: Referral and/or cross-reference to other policies and procedures such as *Disruptive Behaviour in the Learning Environment, Threats, Acts of Violence, Weapons Possession, Information Technology and Security, and Human Rights* may be appropriate.

Under this Policy the Director (or designate) shall have the sole and exclusive authority to temporarily suspend an individual whose conduct is being questioned at Educational Services where reasonable grounds exist pending completion of the disciplinary procedure. The Director may consider any circumstances deemed relevant including, but not limited to, any significant risk of danger to staff and students of Educational Services or intolerable interference with the mission of Educational Services. The written decision of the Director shall be delivered to the individual whose conduct is being questioned by personal delivery or by registered mail to the student's last address on file.

The student whose conduct is being questioned has the right to appeal a temporary suspension provided he/she files a written appeal with the Director, their Case Manager, and Representative, if applicable, within two working days of the temporary suspension. The written appeal shall include a copy of the decision of the Director and any documents relied on in support of the appeal. The appeal will be conducted by the Director, and will include the student's Case Manager, and their Representative. All parties will be given notice of the meeting at least three working days prior to the meeting. The decision of the Director is final and is not subject to further appeal.

Informal Complaint and Fact Finding

A written complaint must be filed with the Director within one month of the offending conduct or within two months of when the complainant knew, or ought reasonably to have known of the offending conduct.

The Director has the discretion to meet with the complainant and/or the individual whose conduct is being questioned to address the concerns of the complainant and receive a verbal response from the individual whose conduct is being questioned in an informal manner in an attempt to resolve the matter. In the event the Director is unable to resolve the matter, the complaint becomes formal. The Director will forward the complaint to the Case Manager(s) involved.

Formal Complaint and Investigation

The Director will forward the written complaint to the individual whose conduct is being questioned, and their Case Manager, within five working days from the date that the written complaint is received by the Director and request that the

individual respond to the complaint in writing within five working days from the date of the written request from the Director.

The Director will conduct an investigation including, but not limited to, conducting interviews with the complainant and the individual whose conduct is being questioned as well as any other individuals who may have information or documentation relevant to the matter in issue.

The Director will render a decision at a meeting with parties concerned no later than ten working days from the date of the original complaint.

DISRUPTIVE BEHAVIOUR IN THE LEARNING ENVIRONMENT

The purpose of this policy is to place the responsibility for establishing and maintaining an effective learning environment on both the staff members and students.

Educational Services fully supports the staff member's rights to facilitate learning and carry out evaluations in a number of settings, in an orderly, safe, and effective way without unnecessary disruption and inappropriate behaviour on the part of the students.

Educational Services also recognizes the student's need for an environment which is conducive to learning. Educational Services and its employees are responsible for providing academic leadership. Students are obliged to contribute positively to the learning environment and conduct themselves in a mature and responsible manner. When students' behaviour becomes disruptive, offensive, abusive, intimidating, and/or unwelcome by other students and/or by staff members, remedial or disciplinary action will be taken.

The terms "staff" and "staff member" in this document are used to describe any Educational Services employee or other person(s) who are responsible for the learning environment. The learning environment includes classrooms, laboratories, field trips, resource learning centers, field placements, and any other situation on or off Educational Services' premises, where staff-supervised learning activities are taking place.

There are a variety of learning environments within and outside Educational Services, and what might be construed as disruptive in one environment, might not be in another. Disruptive behaviour is inappropriate behaviour which interferes with the academic or administrative activities of Educational Services, and/or which inhibits the ability of other students to learn and of staff members to teach. Because of the subjectivity involved in defining disruptive behaviour, the following are provided as some examples of what is acceptable, and what is not acceptable behaviour in the adult learning environment.

Typical examples of disruptive behaviour include (but are not limited to):

- Loud and boisterous activity that interferes with the learning process, and makes it difficult for staff and students to concentrate on the task at hand;
- Repeated taunting and posing of questions not directly related to the topic being presented;
- Inappropriate jokes or derogatory comments about the staff member or other student(s) which can be construed to be a form of harassment;

- Tardy arrival to class accompanied by noisy rustling of chairs, jackets, paper, and books so as to interrupt the continuity of the lesson;
- The violation of safety and other learning environment rules established for laboratories and potentially dangerous and/or hazardous situations

Situations that would not be considered to be disruptive behaviour in a non-testing environment include (but are not limited to):

- Quiet whispering between students that does not impact on the effectiveness of the learning environment;
- The exchange of documents, lecture notes, and other course-related materials between students in a quiet and efficient manner;
- Group work that requires discussion and other activity

It is advisable for staff and students to discuss disruptive behaviour as it pertains to individual programs and subjects.

If and when disruptive behaviour escalates to violence or threats of violence, the Policy and Procedures on Threats, Acts of Violence, and Weapons Possession will come into effect.

Responsibilities

Educational Services staff members are responsible for providing academic leadership. The authority to determine what constitutes inappropriate and disruptive behaviour for a given learning environment rests with the staff member present at the time. Any student who disagrees with the staff member's decision must nevertheless abide by the decision, and discuss the matter at another time.

In addition to staff authority set out in this policy and procedure, Educational Services fully supports a staff member's rights to take appropriate measures in order to maintain a safe, orderly, and effective learning environment. These measures include, but are not restricted to the following:

- Establishing rules of behaviour;
- Designating seating arrangements;
- Establishing safety rules

When a staff member has reason to believe that a student's disruptive behaviour may be linked to physical, emotional, or health disorders, the staff member shall notify the Director who, in turn, will advise the student's Case Manager of the concern.

Students are also obligated to contribute positively to the adult learning environment and conduct themselves in a mature and responsible manner.

When student behaviour becomes disruptive, offensive, abusive, intimidating, and/or unwelcome by other students and/or staff members, remedial or disciplinary action will be taken.

A student may approach a staff member requesting that this procedure be implemented to deal with fellow classmate(s) who they perceive as being disruptive. A student representative, on behalf of the class, may also approach a staff member to discuss what behaviour is considered to be disruptive or inappropriate. If a resolution is not forthcoming, the student may approach the Director to discuss the matter further.

Responding To Disruptive Behaviour

Whenever disruptive behaviour occurs, staff is authorized to take any of the following measures – as and when judged appropriate – to establish and/or maintain the appropriate learning environment.

Referral and/or cross reference to other Educational Services policies and procedures such as Student Conduct Policy and Procedures; Threats, Acts of Violence and Weapons Possession Policy and Procedure; Human Rights Policy and Procedure may be appropriate.

An incident of a severe nature may result in immediate suspension of the student(s) involved.

OPTION 1: Verbal direction to the student(s) to cease their disruptive behaviour immediately and to behave in a mature, responsible, and appropriate manner;

OPTION 2: If a student does not comply with verbal direction and/or if the staff member judges the incident to be significant, the student will be directed to leave the learning environment immediately and report to the Director;

OPTION 3: If a student refuses to leave or is insubordinate, the staff member will inform the student directly or via the Director that they are temporarily suspended from future classes in that program until their actions have been reviewed and the appropriate discipline imposed under this policy,

AND EITHER,

- a) If safe to do so, advise the class to remain while the staff member informs the Director of this incident and arrangements made to remove the student(s) from the class; **OR**
- b) Advise the other students that the class is terminated, then leave the classroom and immediately contact the Director to report the incident verbally and in writing, and request an immediate review;

OPTION 4: If a student possesses or uses a weapon, takes or threatens to take, by word or action any physical force against the staff member and/or any student(s), the *Threats, Acts of Violence, and Weapons Possession Policy* and accompanying Procedure shall come into effect;

OPTION 5: When a staff member has reason to believe that the student's disruptive behaviour may be linked to physical, emotional, or health disorder, the staff member shall immediately notify the Director. The Director will, in turn, report this concern to the student's Case Manager.

Progressive Levels of Disciplinary Action

In addition to the above responses to disruptive behaviour, Educational Services and its staff members may impose one or more of the following disciplinary actions on the student(s).

LEVEL 1: Verbal warning in the learning environment.

There may be one or more verbal warnings at the discretion of the staff member.

LEVEL 2: Direction to leave the learning environment.

When a student has been asked to leave the learning environment the staff member and the student are required to meet with the Director to discuss the incident. Such a meeting must take place prior to the next scheduled class in which the incident occurred. The student must agree to cease their disruptive behaviour in the future. Both parties may be accompanied by one other person during this meeting, and must provide, in advance, the name of this person.

If the student fails to attend this meeting or if the results of the meeting are unsatisfactory to either party, the student will be suspended from attending that class until the incident has been reviewed by the Director and the student's Case Manager. A decision must be rendered within five school days after this review.

The staff member or the student may independently determine that a resolution is not possible and may request an immediate review by the Director and their Case Manager.

If the student refuses to leave the learning environment, the staff member will respond with **OPTION 3** in **RESPONDING TO DISRUPTIVE BEHAVIOUR** and **LEVEL 3** disciplinary action shall be taken.

LEVEL 3: Written Reprimand/Probation/Suspension

Once the incident has been reported to the Director and, after the Director has interviewed the student, the Director will consult with the staff member and the Case Manager where appropriate, and then decide on one of the following actions:

- a) No additional discipline, the student may return to class, but a written record will be maintained by the Director and a copy shall be sent to the Case Manager;
- b) Written warning to the student from the Director to be kept on file, a copy to the Case Manager, and the student may return to class;
- c) A letter from the Director either hand-delivered to the student, or sent by registered mail to the student's address of record, with a formal suspension from all classes for a specified period of not less than two days but not more than two weeks. A copy of the letter shall be sent to the Case Manager;
- d) Dependent on severity of the incident, the Director may issue a letter, hand delivered or sent by registered mail to the student's address of record, indicating compulsory withdrawal from Educational Services. A copy of this letter shall be sent to the student's Case Manager and W.S.I.B. Adjudicator

HUMAN RIGHTS – STAFF AND STUDENTS

Commitment

- Educational Services is committed to providing a working and learning environment in which all individuals are treated with respect and dignity. Every employee and student has the right to work and learn in an atmosphere of equal opportunity that is free from discrimination and harassment. Every effort must be made by all those affected by this policy to work toward the resolution of complaints of harassment and discrimination.
- Educational Services recognizes its obligation to ensure that this policy and procedures are fair and applied fairly. This means that complainants feel free to bring their complaints forward and those against whom allegations are made have a full and fair opportunity to address the allegations.
- Educational Services' policies provide procedures for staff, students, contractors, visitors, and guests to follow if they feel that they have been affected by harassment or discrimination.
- Substantiated complaints may result in disciplinary action up to and including dismissal or expulsion and referral to appropriate external authorities for legal action.

The Ontario Human Rights Code

Without limiting the generality of Educational Services' commitment to the principles of the *Human Rights Code*, the following statements of the Code have specific application to employees and students.

- Every person who is an employee has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, gender, sexual orientation, same-sex partnership status, age, marital status, family status, disability, or record of offences.
- Every person has a right to equal treatment with respect to services, goods, and facilities without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, gender, sexual orientation, same-sex partnership status, age, marital status, family status, disability.

Responsibility

Educational Services recognizes its responsibility to take action to prevent and discourage conduct which is contrary to this *Human Rights Policy*. Not only is such conduct an affront to personal dignity, but such conduct is prohibited by the

Ontario Human Rights Code and, in some cases, the *Canadian Criminal Code*. Assault may be the subject of criminal proceedings.

All employees and students of Educational Services are responsible for maintaining and promoting an environment that is free of discrimination and harassment.

It is expected that everyone with supervisory responsibilities will establish a problem-solving environment to support the resolution of complaints of harassment and discrimination.

- Under the *Ontario Human Rights Code* a person such as a manager, supervisor, or teacher, who has the authority to prevent or discourage harassment and discrimination, may be held responsible for failing to do so. All managers and supervisors therefore have a particular duty to act to deal with such incidents when they ought reasonably to have known that there was an issue to address. This duty includes the obligation to be familiar with and uphold this policy and its procedures and to inform staff about its existence.
- A person who has the authority to prevent or discourage discrimination and harassment and fails to do so will be considered in violation of the policy and may be subject to disciplinary procedures.
- When a person in authority becomes aware of circumstances, which could be in violation of this policy, the person will establish the facts of the circumstances and contact the Director to seek advice and/or further direction.

Coverage

Discrimination and harassment, whether by students, employees, contractors, visitors, or guests is unacceptable and will not be tolerated.

This Policy covers incidents related to Educational Services activities that occur on and off the premises. For example, harassment and discrimination that occurs at Educational Services related social functions, in the course of work or academic assignments or placement off Educational Services premises, during work or academic related travel is covered.

Off campus incidents which have little or no likelihood of an adverse impact on the work-study environment at Educational Services may be pursued through other processes such as the Human Rights Commission.

What does not constitute harassment?

Properly discharged supervisory responsibilities do not constitute harassment. This policy is not meant to interfere with mutually acceptable social interactions that are an important part of a comfortable working and learning environment for all employees and students.

Definitions

Prohibited Grounds

Every person has a right to freedom from discrimination in the areas of:

- Services, goods and facilities;
- The occupancy of accommodation;
- Contracts;
- Employment;
- Membership in vocational association and trade unions

On the grounds of:

- Race;
- Ancestry;
- Place of origin;
- Colour;
- Ethnic origin;
- Citizenship;
- Creed;
- Gender;
- Sexual orientation;
- Same-sex partnership status;
- Age (18-65 years in employment, 16 years and over in accommodation; 18 years and over in the other areas);
- Marital status (includes cohabitation, widowhood, separation);
- Family status (parent-child relationship);
- Disability;
- The receipt of public assistance (in accommodation only);
- Record of offences (provincial offences, pardoned federal offences – in employment only)

Discrimination

A person discriminates when the person makes a distinction, whether intentional or not, based on a characteristic, or a perceived characteristic that has the effect of imposing burdens, obligations, or disadvantages on an individual or class of individuals not imposed upon others or which withholds or limits access to opportunities, benefits, and advantages available to other individuals or classes of individuals in society.

Harassment

Harassment is a course of vexatious comment or conduct based on a prohibited ground as defined above that is known or ought reasonably to be known to be unwelcome. For the purpose of this policy, harassment may include comment or conduct linked to the prohibited grounds initiated by one person towards another, which causes humiliation, offence, or embarrassment. Single acts of sufficient severity may constitute harassment.

Harassment includes, but is not limited to:

- Inappropriate or insulting remarks, gestures, jokes, innuendoes, or taunting about a person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, gender, sexual orientation, same-sex partnership status, disability, age, marital status, family status, receipt of public assistance, or record of offences;
- Unwanted questions or comments about an employee's or a student's private life, that pertain to a prohibited ground;
- Posting or display of materials, articles, or graffiti, etc. which may cause humiliation, offence or embarrassment on grounds prohibited by the Code

Sexual Harassment

Sexual harassment is one or a series of comments or conduct of a gender-related or sexual nature that is known or ought reasonably to be known to be unwelcome or unwanted, offensive, intimidating, hostile, or inappropriate.

Employees and students of Educational Services have the right to be free from:

- Sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement;
- Reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made by a person in a position to grant, confer, or deny a benefit or advancement;

Sexual Harassment (includes but is not limited to):

- Unwelcome remarks, jokes, innuendoes, or taunting about a person's body, attire, gender, or sexual orientation;
- Unwanted and inappropriate physical contact such as touching, kissing, patting, hugging, or pinching;
- Unwelcome enquiries or comments about a person's sex life or sexual preference;
- Leering, whistling, or other suggestive or insulting sounds;
- Inappropriate comments about clothing, physical characteristics, or activities;

- Posting, keeping, or displaying materials, articles, or graffiti, etc. which is sexually oriented, including electronic publication of same;
- Requests or demands for sexual favors which include, or strongly imply, promises of rewards for complying (e.g. job advancement opportunities, improved academic grades) and/or threats of punishment for refusal (e.g. denial of job advancement or opportunities, diminished academic grades)

Conduct, which is harassing may create a negative environment for individuals or groups, and, as a result, may “poison” the work or study environment. This can occur even for individuals who are not the subject of the harassing conduct. Offensive, hostile, or intimidating conduct can create a poisoned climate for all that are subjected to the conduct whether they are directly targeted or are simply innocent bystanders.

Complaint Procedure – General Guidelines

It is expected that all staff and student will actively support the principles of the *Human Rights Code* and this policy. At the same time, Educational Services has a responsibility to receive and investigate allegations of infringements. The objective of such an investigation is to arrive at an early and just settlement of a complaint in a manner which advances future compliance with the Code and the policy. To this end, Educational Services provides the procedures described below for receiving, hearing, and resolving complaints.

- Any full-time or part-time employee, student, contractor, visitor, or guest who feels that his or her rights under this policy have been violated is encouraged to follow the complaint procedure outlined in this policy;
- Any individual with a complaint pertaining to harassment or discrimination is encouraged to discuss the matter confidentially, with the alleged offender prior to entering into the complaint process;
- If a complainant using this policy chooses to use an alternate procedure such as the *Ontario Human Rights Code*, the grievance process or the courts, Educational Services may decide to either terminate or suspend this procedure

Confidentiality

Confidentiality is to the benefit of all parties involved in the complaint process. Every effort will be taken to maintain confidentiality in respect to information provided in the course of a Human Rights complaint, subject to Educational Services' *Human Rights Policy*, the need to consult with necessary Educational Services staff and to any requirement imposed by law. It is anticipated that any person participating in the complaint process will maintain confidentiality with respect to information proved in the course of any Human Rights investigation.

Confidentiality does not mean anonymity. A fundamental principle is that the respondent must be informed of who has made the allegations in both informal and formal stages. In addition, proper investigation of a complaint may require the disclosure of the identity of the complainant to third parties.

Formal Mediation

At any point in the complaint process, the complainant or respondent may request the option of mediation. If the parties are agreeable, Educational Services will arrange for a mediator, who has not been involved in the complaint to date, to conduct the mediation.

Right to Withdraw Complaint

A complainant has the right to withdraw a complaint at any stage in the complaint process. Educational Services may be required to continue to act on the issue identified in the complaint in order to comply with its legal obligations.

Safety

When Educational Services determines that the safety of an individual or the community is at risk, it will act to the best of its ability to address this situation. This may mean that for the purposes of safety, the procedures outlined in this policy, including confidentiality, will be set aside.

Time Limitations

All complaints must be initiated within six months of the incident occurring. In extenuating circumstances, a complaint filed beyond the six-month limitation will be considered by Educational Services, provided that the respondent is not prejudiced unduly by the delay.

Note: Attempt to informally resolve any complaint at Stage Two – Informal Complaint Stage must be completed within three months of initiating the informal resolution process.

Extending Time Frames

Any of the time frames for the steps outline under “Stages of the Complaint Process” may be extended upon mutual agreement of the parties or by the Director. All parties must be advised of an extension prior to the original date of the conclusion of the step.

Resolution in Writing

Educational Services, through written correspondence to the parties, will note the resolution of all complaints. In instances where resolution is achieved through mediation, a *Memorandum of Understanding* will be drafted.

Trivial, Frivolous, or Vexatious Complaints

Trivial, frivolous, or vexatious complaints or complaints made in bad faith shall result in sanction against the complainant. The severity of the sanction will be determined based on the seriousness and impact of the complaint.

Policy Administration

Costs

All parties retaining legal or any other assistance shall be solely responsible for the cost incurred.

Document Retention

Subject to the provisions of the *Freedom of Information and Protection of Privacy* Act, records pertaining to a formal complaint will be held in strict confidence in files separate from any academic or personnel information. Only records of reprimand or discipline will be placed in an individual's personnel or student file. In the event of multiple or subsequent allegations, reference may be made to previous complaint files.

Reprisal

All employees or students have a right to be free from reprisal, or threat of reprisal, as a result of filing a complaint or being party to the investigation of a complaint. Any person who feels that they have been the subject of an act of reprisal may make a complaint under this complaint procedure. Anyone found guilty of reprisal shall be subject to disciplinary action as per the provision under *Trivial, Frivolous, or Vexatious Complaints*.

Stages of the Complaint Process

Any individual with a complaint pertaining to harassment or discrimination is encouraged to discuss the matter, confidentially, with the alleged offender prior to entering into the complaint process.

Stage 1 – Informal Inquiry/Referral

The complainant is encouraged to seek the advice and/or assistance from the Director if:

- They do not want to bring the concern directly to the attention of the respondent;
- They are unable to bring the concern directly to the attention of the respondent;
- Attempts at resolution have been unsuccessful

The Director will attempt an early and informal resolution of the complaint.

Stage 2 – Informal Complaint

The Director will meet with the complainant, hear the complaint and provide information on options for informal resolution of the complaint. The Director will provide information to the complainant regarding the procedure, including:

- The purpose of the policy and how the procedures work;
- The right to file a formal written complaint;
- The right to use other avenues of recourse;
- That there are time limits, which apply to this process as well as other;
- That if the complainant believes that their safety is at risk or threatened by the respondent, that this should be noted and the police should be contacted;
- The availability of counseling;
- The right to have their Case Manager/Adjudicator or Representative involved;
- The right to withdraw from any further action at any point;
- The option available to address a complaint;
- The sanctions and redress that are available under this policy, including the possibility of sanctions against a complainant if the complaint is found to be without merit, frivolous, vexatious, or made in bad faith;
- The confidentiality of the process to the extent possible under the circumstances and except as required by law;
- That the respondent has the right to be informed of the complaint in detail and who has made the complaint;
- The resolution-oriented focus of the process

The Director will obtain the following information from the complainant:

- The name of the complainant;
- The name of the respondent;
- The nature and details of the complaint;
- The sections of the policy that the complainant feels the respondent has contravened;
- Actions taken to resolve the complaint;
- The solution foreseen to resolve the complaint

The Director will provide advice to the complainant regarding whether it seems, on the face of the information provided, that the complaint falls within the

jurisdiction of the Policy. If the complaint does not seem to fall under the Policy, the Director will explore other options for resolution, including the option of moving to Stage Three – Formal Level of the *Human Rights Procedure*.

The Director will make every attempt to informally resolve complaints that fall with jurisdiction of the Policy at Stage Two, Informal Level. Informal resolution may include alternative dispute resolution processes such as mediation or conciliation. In the event that successful resolution is not achieved, the complainant may chose to move the complaint to Stage Three – Formal Level.

Stage 3 – Formal Written Complaint/Investigation

To initiate a complaint at Stage Three, the complainant is required to submit, to the Director, a written formal complaint including the following details:

- The name of the complainant;
- The name of the respondent;
- The time and date of the event(s) being complained about;
- A description of the nature of the complaint, detailing the circumstances surrounding the incident;
- The names of any witnesses to the events;
- The specific section of the Policy the complaint falls under;
- Desired solution(s);
- The complaint must be signed and dated by the complainant

On receiving a written complaint, the Director shall review the complaint to determine whether the complaint falls within the jurisdiction of the policy. Within five working days of receipt of the complaint, the Director shall:

- Acknowledge receipt of the complaint in writing, informing the complainant whether the complaint will be pursued under this policy and if not, the specific jurisdictional reasons for not pursuing the complaint or indicating a more appropriate channel for pursuing the complaint;
- If it has been determined, on the basis of Jurisdiction, that the complaint will be pursued under this policy, inform the respondent in writing of the complaint, providing a copy of the complaint and giving the respondent an opportunity to respond to the allegations within five working days. The Director will inform the respondent of their rights and responsibilities under the policy, including the right to have representation and the importance of confidentiality;

OR

- In the event that it is determined that the complaint will not be pursued because it does not fall under the jurisdiction of the policy, the Director will inform the respondent in writing that a complaint has been made but will not be pursued further under this policy. The information provided will include a copy of the complaint, the reasons for not pursuing it, and a statement that no response to the complaint is required;
- If the complaint is not dismissed, upon receipt of the respondent response to the complaint, the Director shall disclose such information back to the complainant with five working days of its receipt

Within five working days of the complainant receiving the response of the respondent, the Director shall meet separately with the complainant and the respondent to clarify the details of their submissions and to identify the steps that have been taken to attempt to resolve the matter. If appropriate, the Director may facilitate resolution of the complaint at this point.

If after the clarification of the submissions from the parties, the matter has not been resolved, the Director will proceed to Stage 4 – Decision Making.

Stage 4 – Decision Making

The Director will forward copies of all reports to the respective Case Managers.

If it is concluded the complaint does not fall within the jurisdiction of this policy, Educational Services will dismiss the complaint and relinquish responsibility of resolution to the Case Managers and their clients.

However, the Director maintains the right and authority to ensure that the Educational Services experience is productive, stimulating, and meets the expectations of all students.

INFORMATION TECHNOLOGY CODE OF CONDUCT – STAFF AND STUDENTS

Preamble:

Educational Services grants the privilege of using information technology resources and facilities (hereafter referred to as *IT Resources*) to students, clients, and employees strictly for the purposes of learning, teaching, research, and administration. While Educational Services makes every effort to ensure network security and data integrity, individuals also have certain responsibilities, and as such are responsible for making themselves aware of applicable laws, policies, and guidelines. All students, clients, and employees will abide by this *Information Technology Code of Conduct*, the *Information Technology Security Policy*, and the *Information Technology Acceptable Use Guidelines*.

Governing Statutes, Regulations, and Policies:

The use of Educational Services' *IT Resources* is subject to all federal and provincial laws, and to Educational Services' applicable policies and procedures. These include, but are not limited to the following:

Federal

1. Canadian Bill of Rights
2. Copyright Act
3. Criminal Code of Canada
4. And others that may be appropriate

Provincial

1. Freedom of Information & Protection of Privacy Act
2. Human Rights Code
3. Libel and Slander Act
4. And others that may be appropriate

Educational Services

1. Information Technology Security Policy
2. Information Technology Acceptable Use Guidelines
3. World Wide Web Page Policy
4. Copyright
5. Access to Information and Privacy Act
6. Cellular Telephones

7. Use of Educational Services Property
8. Disruptive Behaviour in the Learning Environment
9. Freedom of Information and Protection of Individual Privacy Act Policy
10. Threats, Acts of Violence, and Weapons Possession
11. Conflict of Interest
12. Human Rights Policy

Specific Activities:

Personal Use:

Users will **not** use Educational Services *IT Resources* for personal gain or profit, or for political or religious purposes. Resources and facilities must be specifically used for the sole purposes of teaching, learning, research, and administration of Educational Services. All equipment, files, or programs that reside on an Educational Services workstation, server, or network are the property of Educational Services.

Educational Services Access to Electronic Communications and Electronic Files

- Staff and students are expected to create and maintain their own personal email account;
- Educational Services endeavors to respect the right to privacy of all users; however, Educational Services cannot guarantee confidentiality of all electronic communications. In order to develop, maintain, or repair the network and its systems, key identified staff members have special access privileges that allow them to gain access to any resources residing on the network. You are therefore cautioned to use discretion when sending or saving electronic communications;
- In accordance with the **Freedom of Information and Protection of Privacy Act**, the public and authorized individuals may have access to a user's electronic records stored on Educational Services' computers, subject to applicable exemption under those Acts. These records include electronic communications and visited web sites that are tracked on a user's computer

Criminal Offenses:

Users will adhere to all applicable laws of Canada (federal), and Ontario (provincial). For example, the proliferation of pornographic, obscene, or abusive materials or that literature which is forbidden and is punishable by the appropriate authorities.

Copyright:

Users will observe copyright and software licensing agreements. For example, copying programs, data, images, audio files, etc. that are the property of another without the owner's expressed authorization, or installing or running unlicensed or illegal software, or allowing the copying, installation or running of unlicensed or illegal programs or files is forbidden and is punishable by the appropriate authorities.

Hacking:

- Users will not attempt unauthorized access to computer installations inside or outside of Educational Services using Educational Services *IT Resources*;
- Users will not forge or misrepresent their identity, or provide false or misleading information to gain access to *IT Resources* inside or outside of Educational Services;
- Users will not deliberately mask the identity of an account or machine;
- Users will not probe for loopholes or attempt to circumvent security protection schemes of hardware or software, nor engage in any activity that attempts to compromise the security of any system;
- Users will not install or use software or other tools that allow access to others' systems, accounts, or passwords

Human Rights:

Users will not use Educational Services' *IT Resources* to transmit, display, distribute, or make available materials that are harassing or discriminatory. Illegal, libelous, abusive, obscene, threatening, intimidating, or demeaning transmissions to any individual or group are also prohibited. This includes, but is not limited to, the use of electronic mail systems, and postings on electronic bulletin or message boards, and web pages.

Wasting Information Technology Resources:

Users will not waste IT resources by playing games, spamming of messages, flooding the network, running or installing programs intended to damage or to place excessive load on a computer or the network (for example, viruses, Trojan horses, worms, Denial of Service attacks, etc.), or otherwise interfering with the normal operation of the network, and thus depriving other users of *IT Resources*. If a user is the recipient of such activity, e.g. receiving email containing a virus, then the user must contact the IT Administrator immediately so as not to threaten or compromise the security of Educational Services' systems or network.

User Privacy:

Users will not view, destroy, or alter the integrity of any information belonging to another user without the owner's expressed authorization. All material stored on

a server or a computer or transmitted via the network is presumed to be confidential and private. This includes email messages and attached files that may have been sent in error either by the originator or a virus program. Users will not compromise the privacy of any other user by viewing or forwarding such messages or attachments when it is determined that the information was not intended to be distributed.

User Accounts and Passwords:

Users will not give their accounts or passwords to others, nor allow other to gain access to their accounts or passwords. All accounts and passwords are private and confidential.

Reporting Misuse:

Users must report the misuse of Educational Services *IT Resources* to the IT Administrator or the Director. Failure to do so may result in the assumption that the user who witnessed the misuse was party to the act.

Denial of Access:

Students having completed their programs, terminated, or retired employees do not have access to Educational Services' *IT Resources* except as specifically approved by the Director. Access to files, including any personal files, on workstations or network servers will cease on the last day of program/work.

Enforcement and Consequences of Violation:

- Violation of federal or provincial laws is enforced and punishable by the appropriate federal or provincial authorities.
- Violation of an Educational Services policy or this *Code of Conduct* will result in any one or a combination of the following:
 - i. Verbal warning(s);
 - ii. Written warning(s);
 - iii. Restriction or withdrawal of access to resources and facilities;
 - iv. Suspension;
 - v. Termination;
 - vi. Criminal or civil action

USE OF EDUCATIONAL SERVICES PROPERTY

Educational Services facilities, equipment, supplies, and other resources are intended for use by Educational Services for specific purposes, and the procurement, budgetary coverage, and disposal thereof are monitored with this intent.

This does not preclude any other use of the facilities, etc., by employees and students for approved purposes which further the achievement of Educational Services' goals. Such other uses must be regarded as secondary, and in order to control non-specific use, written authorization of the Director is required in each case.

Educational Services facilities, etc., will not be used for purposes unrelated to Educational Services duties and responsibilities.

THREATS, ACTS OF VIOLENCE, AND WEAPONS POSSESSION – POLICY AND PROCEDURE

Purpose:

This policy and accompanying procedure outline the roles and responsibilities of the various participants in the Educational Services community. The adoption of a policy to handle incidents of violence is intended to discourage such incidents from taking place, and to fairly warn any perpetrator of the consequences of their actions. Educational Services will continue to encourage employees, students, and visitors to settle disputes in a mature, responsible, and effective manner.

Employees, student, and visitors are urged to report all incidents of violence, and may do so without fear of reprisals from Educational Services. Depending on the severity of the incident, or by request of the victim, the police may be involved.

Educational Services is committed to establishing and maintaining a working and learning environment which is free of violence and intimidation, verbal abuse, threats, and acts of violence.

Educational Services defines violence as any action, by word or deed or possession of a weapon, which does or is perceived to threaten or violate the rights or safety of an individual. The possession or use of weapons by any individual, the uttering of threats, and acts of violence towards any visitor, employee, student, or other individual on Educational Services property or during a sponsored activity off premises will not be tolerated. Any person who commits any of these acts of violence will be subject to:

- Suspension from Educational Services property and services; the length and conditions of which will depend on the severity and circumstance of the incident, and the threat and concern for individuals and Educational Services;

AND/OR

- Other disciplinary action which may include dismissal (students and employees) or removal (visitor) from Educational Services and denial of access to Educational Services property and services

Responding to Threats, Acts of Violence, and Weapons Possession:

In this section, in an emergency situation or where applicable, reference to the Director may also include an instructor or staff member of Educational Services.

Not everyone is trained to respond to incidents of violence. Common sense and good judgment must always be used with one's personal safety of utmost concern. One of the most important tasks when faced with a situation is not to

antagonize the perpetrator. If verbal threats are made, immediately report the incident to the Director. If assault is threatened, imminent, or taking place and you feel it is in your best interest not to intervene either leave the area immediately, or allow the perpetrator to leave unimpeded, then report the incident to the Director. Where you personally are involved and can't leave, have someone else you trust make the call to the Director, giving them as much information as you can about the incident. Always make an effort to note the perpetrator's description, direction of travel, last known whereabouts, and name if possible. If property is being damaged, and you feel unable to assist in the prevention, do not intervene. Report the incident to the Director immediately.

Educational Services will then be responsible for the following immediate action:

- Ensure that the victim is safe;
- If necessary, or if requested, call the Police, logging the time of the call and details of their response;
- If necessary, or if requested, call 911 – Emergency Response;
- Complete an Incident Report as quickly, and as completely as possible, including the timing and details of the incident

The Director shall have the responsibility of carrying out the following tasks:

- Conducting the initial investigation and if necessary or requested, involve the police in that investigation; and making an initial finding regarding the incident; and reporting that finding as noted hereafter;
- Keeping the victim(s) and potential victim(s) informed at all times;
- Reporting the incident immediately to both the offender's and victim's Case Manager/employer. Under the circumstances leaving messages is not acceptable;
- Advising the victim(s) to report the incident to the police so that an Police Occurrence Report is generated for future reference;
- Issuing a *Trespass to Property Notice* if requested;
- Calling a debriefing meeting after all proceedings to evaluate the response and actions of all parties involved

If the offender is a student or employee, the Director must:

- Review the finding made by the initial investigation;
- Immediately implement the appropriate disciplinary action outlined in the section entitled **DISCIPLINARY LEVELS**, and notify any concerned individuals who may be affected by this action, including Case Manager(s);

- Deliver notice of disciplinary action in writing to the offender in person or by registered mail or courier to the offender's last known address that day

Disciplinary Level

Students will be suspended from classes for the time period stated, or dismissed from Educational Services depending on the severity of the incident. A written record of any or all disciplinary action shall be kept on record with copies to the appropriate Case Managers, etc.

Employees will be suspended with pay, pending the results of any investigation conducted, after which, suspension without pay or dismissal may be an option. A written record of any or all disciplinary action shall be kept on record.

Visitors and guests will be escorted off Educational Services property by the Director and/or the Police, and if necessary issued a *Trespass to Property Notice*. In all cases a written record of disciplinary action shall be kept on record.

The following disciplinary actions by Educational Services are recommended for the various incidents of violence which may take place.

Uttering threats and verbal abuse of another individual:

First Offence – Suspension from Educational Services for not less than one week and not more than three weeks, the conditions of which depend on the severity and circumstances of the incident;

Repeat Offenses will draw more severe penalties up to and including dismissal. In the case of dismissal, the reinstatement period shall be commensurate with the severity and frequency of the offence. The Police will be contacted at the request of the threatened individual

Assault and other acts of violence:

First Offence – Dismissal/Removal from Educational Services. The reinstatement period shall be commensurate with the severity of the offence. The Police will be contacted at the request of the victim;

Second Offence – Dismissal/Removal from Educational Services. No reinstatement possible

Possession and/or use of a weapon, or object used as a weapon:

First Offence – Dismissal/Removal from Educational Services. No reinstatement possible. The Police will be contacted.

Investigations and Reinstatement:

Where the results of an investigation show that disciplinary action is not justified or a lesser penalty is appropriate, the Director shall notify the offender(s) and the victim(s) of the decision in writing.

In the event that an individual is shown to have initiated proceedings under this policy and procedure in a frivolous or malicious manner, Educational Services may take formal disciplinary action in the form of a written/verbal reprimand and/or suspension and/or dismissal against that individual.

Student Complaint Procedure

The *Student Complaint Procedure* provides Educational Services students with a process to make a complaint against an Educational Services employee whom they feel have behaved in an inappropriate manner.

Level 1

Discuss the complaint informally with the Educational Services employee who is the source of the concern. If not satisfied after this step, discuss the concerns with the Director. The Director may be able to mediate a solution that is acceptable to both parties involved.

If the matter still has not been resolved after these informal discussions and/or mediation, submit a written statement of complaint to the Director. This must be done within 14 calendar days of the incident that has prompted the complaint. Carefully document the nature of the complaint and the informal steps taken to resolve the situation.

Level 2

A hearing will be scheduled with 10 calendar days of the filing of the complaint with the Director. Both the complainant and the employee may bring a representative and/or witnesses to the hearing with the prior knowledge of the Director.

The Director will render a decision and provide reasons for that decision within 10 days of the hearing. This decision will be communicated in writing to all parties involved in the complaint.

Note:

A complaint can be withdrawn at any time without prejudice or record. Time frames may be extended by Educational Services under exceptional circumstances.

When a complainant has filed a complaint against an employee, the Director will retain the documentation on the decision made in connection with that complaint for three years

CONFLICT OF INTEREST

Policy:

Conflict of interest may be said to exist where an employee, full-time or part-time,

1. Due to pressures of other involvements, cuts short or minimizes commitments to Educational Services detrimental to a competent performance of job responsibilities as judged by the Director. Should outside involvements of an employee be encouraged, approved, or undertaken on behalf of Educational Services and assuming that such involvements exist with the full knowledge of the Director, these may be regarded as a partial and/or temporary re-orientation of the employee's job responsibilities and would not constitute a conflict of interest;
2. Makes use of the employment position at Educational Services for personal advantage. However, assuming that the advantages are returns on personal contributions, expertise or experience, as contrasting to reward the use of the employee's authority deriving from the position with Educational Services, and providing the involvements do not constitute a conflict of interest as defined under point one, such outside engagements will not be regarded as a conflict of interest;
3. Due to other involvement, may influence Educational Services policy to the detriment of Educational Services and its reputation, whether or not for personal gain;
4. Due to other involvement, may damage, through association, the reputation of Educational Services. This is not intended to involve Educational Services in matters which relate to the application of the laws of the country, neither is it intended as a basis for Educational Services to prejudge or afterjudge an employee. It should also be emphasized that Educational Services has every intention to recognize the right to privacy of all of its employees. However, actions and behaviour outside these restrictions when committed or displayed in public could be damaging to the reputation of Educational Services by association and would therefore constitute a conflict of interest.
5. Takes advantage of Educational Services' facilities in a manner unrelated to employment responsibilities for personal gain. The unauthorized use of Educational Services' facilities, supplies, or equipment for personal gain is clearly a conflict of interest;
6. Where a conflict of interest is established the employee and the Director will discuss and attempt to resolve the situation in an amicable manner.

Employees of Educational Services, regardless of position or level of responsibility, are expected to discuss or submit in writing any potential conflict of interest they have, to the Director.

MEDIA RELATIONS PROCEDURES

Educational Services' relationship with the community is affected by its relationship with the news media. Educational Services' image reflects the relationship of all employees to the external community and the worthiness of their actions. In that sense, good media relations are everyone's responsibility.

Communication of Information

It is in everyone's interest that Educational Services' image be projected favorably. Any occurrence or situation which reflects well upon an employee or a student should be reported to the Director. It will rest with the Director to determine if the report will be interpreted for, and communicated to, the news media. In this regard the Director will function as an expediter of the flow of news.

When an employee is contacted by a news reporter, acting on their own initiative, with regard to a matter which can only enhance the image of Educational Services, the employee should be as helpful as possible and provide, within reason, all the information possible. It is desirable that employees inform the Director of such contacts for back-up purposes.

Media Visits to Educational Services

It is the policy of Educational Services to provide all reasonable cooperation to news reporters who visit Educational Services to cover a specific event. Such media activity is encouraged.

Employees contacted directly by the news media in relation to a specific event should respond positively and inform the Director of the proposed visit.

The Director is responsible for all media contacts and news releases. If you think something is newsworthy, let the Director know as soon as possible.

Although photography is usually permissible, the following qualifying points are adhered to:

- No one need be photographed if they do not wish;
- Entry of a news photographer into the classroom shall have the consent of the classroom instructor;
- Participants must sign a release form giving permission to publish their photograph

Advertising

All advertising shall be cleared and placed through the Director.

All printed material going outside Educational Services should go through the Director to maintain a consistent corporate image.

Letters to the Editor

Although free to send “letters to the editor” of a newspaper or magazine as a private citizen, an employee should not do so on Educational Services stationery nor express their Educational Services title or position without clearance of the Director.

Sensitive Issues – Negative Aspects

It is the responsibility of every employee to inform the Director immediately on any occurrence that could be interpreted by the news media to reflect negatively upon Educational Services. The Director’s treatment of such an occurrence will be based upon:

- Bad news cannot be concealed;
- Honesty prompts accurate reporting

“Bad news” may develop from any occurrence or situation which reflects adversely upon an employee, a student, a group, or Educational Services as a whole.

Official Statements

Authority to issue official statement on policy is vested solely in the Director or their delegate.

Emergencies

Any accident on Educational Services’ premises resulting in serious injury to personnel, or property damage of significance, is classified as an emergency. Such information should be immediately relayed by employees to the Director – day or night.

If such accidents or incidents call for the intervention of municipal police or fire departments, the Chiefs of those respective forces will assume directional control of the situation and may, depending on the circumstances and the degree of the accident assume authoritative control in regard to handling of news media, responding to new media queries and the issuance of formal statements. In such an event, the Director will maintain close liaison with those authorities in respect to dealing with news media and the release of information.

It is the job of news reporters to obtain eye-witness accounts of major accidents. In answering such questions, Educational Services employees and students should exercise judgment and be careful not to speculate on such matters as cause of accident, numbers of casualties, extent of injuries, assessment of financial loss, or reveal the names of people who may have been injured or killed. (See Next of Kin)

Next of Kin

In the event of an accident resulting in injury or loss of life to personnel or students of Educational Services while attending classes or functions pertaining to Educational Services, it is important that the names of casualties NOT be given to the media or other general public sources until the next of kin have been officially notified.

News representatives respect this embargo.

That is why it is important that the Director be informed as to the details of the accident including the full names of personnel, staff, and students who may have been injured or killed. The Director can then verify the accuracy of such information and withhold names until confirmation is received through official sources that next of kin have been notified. Then and only then would such names be released to the news media by Educational Services.

Snow, Storm, Closure Emergencies

The Director or her designate will determine the necessity for closure or cancellation of classes due to weather or other emergency. An attempt to contact all staff and students will be made by telephone. However, in circumstances involving weather, the Director will also contact local radio stations (900 CHML and 1150 CKOC) and have Educational Services included in their cancellation reports.

BEREAVEMENT – EMPLOYEES

When death occurs in an employee's immediate family (i.e. current spouse, child, brother, sister, grandchild, parent, spouse's parent, grandparent, spouse's grandparent), Educational Services will pay that employee's regular rate of pay for the day of the funeral.

DESIGNATED HOLIDAYS

The following is a list of the statutory and civic holidays recognized by Canadian Law and Educational Services:

- New Year's Day
- Good Friday & Easter
- Victoria Day
- Dominion Day
- Civic Holiday
- Labour Day
- Thanksgiving
- Christmas Day
- Boxing Day

CELLULAR TELEPHONES

Cellular telephones are to be set to the “*Etiquette Mode*” (ringer off or to vibrate) while attending Educational Services so as not to disturb others. Calls should be restricted to emergencies only.

When a call is received, quietly remove yourself from the classroom, attend to the call and then quietly return to class if the emergency permits. If the emergency requires your immediate, personal attention, advise the Director before leaving.