

7.0. Safe Schools

7.0. SAFE SCHOOLS – CODE OF CONDUCT

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Regulation and Procedure Reference: EL-1.1

Legislative Reference:

The students and staff of Lakeshore School Division have the right to learn and work in an environment that is free from harassment, bullying, abuse or discrimination. In addition, the following behaviours or remarks will not be tolerated:

- sabotaging a person's work, school efforts, assignments or reputation
- humiliating, belittling, or other demeaning behaviours that otherwise erode the dignity of another individual
- unfair application of discipline, rules or performance standards
- inappropriate sexual advances or sexually oriented behaviours
- hostile work environments

To ensure that a safe and caring environment is established and maintained, each school will develop a Code of Conduct that meets the "required items":

- Pupils and staff must behave in a respectful manner and comply with the code of conduct
- Bullying, or abusing physically, sexually or psychologically – orally, in writing or otherwise – any person is unacceptable
- Discriminating unreasonable on the bases of any characteristic set out in subsection 9(2) of The Human Rights Code is unacceptable
- Using, possessing or being under the influence of alcohol or illicit drugs at school is unacceptable
- Gang involvement will not be tolerated on school sites
- Possessing a weapon, as "weapon" is defined in section 2 of the Criminal Code (Canada), will not be tolerated on schools sites
- Pupils and Staff must adhere to school policies respecting appropriate use of electronic mail and the Internet, including the prohibition of material that the school has determined to be objectionable
- Disciplinary consequences of violating the code of conduct
- Process for appealing disciplinary decisions

The School and home communities will work collaboratively to promote and practice attitudes and behaviours that will enable caring, learning environments.

All staff, students and parents/guardians are expected to adhere to the Code of Conduct.

A) **STUDENT CONDUCT RESPONSIBILITY**

1. Student Responsibility

- Students shall be expected to practice appropriate conduct at school and while participating in school activities.
- Students shall be expected to support a positive and safe climate.
- Students shall expect the school to inform them of the expectations for their behaviour and of the consequences when they fail to meet these expectations.
- Students shall be expected to report safety concerns to a staff member.
- Students shall be expected to attend school regularly and be punctual.
- Students shall be expected to respect other persons and school property.
- Students shall be expected to follow the Code of Conduct.
- Students shall be responsible for their conduct on the school premises, on the way to and from school, on out of school activities that are part of the school program; and while traveling on a school bus or in a vehicle being used as part of a school program.

2. Parent/Guardian Responsibility

- Parents/Guardians are recognized as partners with schools in promoting appropriate student conduct. Parents/Guardians are expected to provide a good role model for their children. Parents/Guardians are expected to reinforce socially acceptable attitudes and good social habits by their children, encourage proper language, appropriate dress and regard for authority.
- Parents and guardians shall cause their children to attend school regularly and punctually.
- Parents and guardians are expected to support the school by participating in consultations/meetings with the school regarding the conduct of their child(ren).

3. Staff Responsibility

- Both teachers and support staff in partnership with principals and vice-principals, will assist in the design of activities to promote a positive atmosphere and pride in the school and school activities, including the development of strategies to improve individual self-esteem and the encouragement of student participation in co-curricular activities.
- Staff will encourage activities which promote a safe school environment.
- Staff members recognize their role as monitors of student behaviour and to this end accept their responsibility for being visible in the school and contributing to the safety of all present through the maintenance of order and discipline in the school.

- Staff will participate in professional development activities supportive of positive environments and teach safe practices as appropriate.
- Staff members accept their responsibility to maintain appropriate parent/teacher communication and to immediately enlist the support of parents when dealing with inappropriate student behaviour.
- Staff, will recognize themselves as role models, and will reinforce socially acceptable attitudes and good social habits among students by encouraging proper language, appropriate dress and regard for authority.
- Staff shall respect student safety and discipline concerns, and shall give students fair hearings on such matters.

4. Principal's Responsibility

- The Principal is charged with the management of the school and shall exercise authority over the conduct of his/her students of the school in accordance with this document and relevant legislation and regulations.
- The Principal of each school shall ensure that a Code of Student Conduct for dealing with student behaviour is in place in the school and that the code is modeled on this Regulation and Procedure and is publicized to staff, students, parents and the Superintendent/CEO on an annual basis.
- The Principal shall be responsible to enforce the school's Code of Student Conduct.
- The Principal shall, together with other division personnel, cooperate with community agencies when such agencies become involved with student behaviour subject to the best interests of the students.
- The Principal shall inform the staff of a receiving school, and the Superintendent/CEO, on "a need to know basis" of any special personal circumstances of a student which may be a consideration in the classroom and school.
- The Principal shall act in accordance with regulations in suspending or recommending for expulsion any student deemed to be in violation of this Regulation and Procedure.

B) PRO-ACTIVE MEASURES

1. Promoting and Ensuring a Positive School Environment

- a) Staff will promote a positive atmosphere and pride in the school.
- b) Staff will encourage participation in activities that will promote the image of their schools as having a safe environment.
- c) Schools will ensure that entry doors and foyers provide a welcoming atmosphere.
- d) Staff will be active and visible in the school.
- e) Students with a record of inappropriate behaviour who wish to transfer from one school to another will be identified to the receiving principal.

2. Student Programs

- a) Building positive school climate curricula (e.g. Virtues) shall be offered where appropriate.
- b) Schools, in cooperation with community partners, should promote training in safety awareness and in emergency response skills, including information about whom to contact in emergencies and/or where to go for help (reference school “Emergency Response Plan”).

3. Supervision of School-Sponsored Activities

- a) Guidelines for Supervision will be developed by individual schools to ensure the safety of staff and students at school-sponsored activities; these guidelines will be consistent with the school’s Code of Student Conduct.
- b) Principals shall have authority to deny entry to school-sponsored activities to students who have a record of inappropriate behaviour.

C) INTERVENTION PROCEDURES

This plan will include the following:

- a) a response team organized within each school to respond to violent incidents;
- b) a designated team member to communicate with the Superintendent/CEO;
- c) a reporting protocol when violence is involved;
- d) a program to support staff or students who may have been traumatized by the incident.

D) DISCIPLINARY CONSEQUENCES

Lakeshore School Division expects that in order to establish and maintain a safe and caring learning environment, specific attitudes and strategies must be taught. Therefore, schools in Lakeshore School Division will:

- Establish and maintain school-wide behaviour plans
- Expect staff and parents to model appropriate attitudes and behaviours
- Provide active and visible supervision
- Maintain strong, pro-active counseling programs

i) Intervention Strategies

In addition to the proactive measures, schools must establish a range of consequences to deal with behaviours that interfere with a safe and caring learning environment. These consequences may be as follows:

- Informal interview between the student, parent/guardians and school staff
- Formal interview that will include the conference setting but the outcome is to develop a behavioural plan. Support staff e.g. psychologist may be involved at this stage.
- Detention may occur.
- Classroom withdrawal may occur when the learning environment is negatively affected. The student is temporarily removed to a supervised location to complete the assignments.
- Privileges may be removed in certain instances.
- If property is damaged or destroyed, student and/or parent/guardians may be required to pay for the damages.

ii) Withdrawal of School Attendance Privileges

1. Suspensions

a) Principal's Authority to Suspend

The Principal may suspend a student for conduct injurious to the welfare of the school. "For purposes of this Regulation and Procedure, conduct injurious to the welfare of the school may include, but is not limited to, persistent truancy, violent activity, persistent opposition to authority, habitual neglected duty, the willful destruction of school property, the use of profane or improper language, theft, vandalism, racism and/or harassment."

The Principal of a school has the authority to suspend a student who persists in conduct injurious to the welfare of the school for a period not to exceed 5 school days. The Superintendent/CEO, in keeping with the provisions of this Regulation and Procedure, has the authority to suspend a student who persists in conduct injurious to the welfare of a school for a period not to exceed six weeks.

No suspension shall exceed 6 weeks or 30 school days in total.

All suspensions shall be communicated to the Superintendent/CEO in accordance with regulations.

b) Notification of Suspension

Notification of a suspension shall be made verbally (if the parent/guardian does not have a working phone, the Principal will contact the parent/guardian in the way (s)he determines most effective), and then by letter to both the student and to the parent/guardian. This letter shall contain the following information: duration, and beginning and ending dates of suspension; reason for the suspension; a statement indicating that

the student, if an adult, or the student and parent/guardian, must arrange a meeting with the Principal or designate prior to the student's re-entry to school if the suspension is for more than three days; the right of the student, if an adult, or the parent/guardian to appeal the suspension in writing within seven days; and, the names of the persons to whom copies of the letter are being furnished.

All suspensions shall be copied to the Superintendent/CEO and teachers of the student as necessary.

b) Appeal of Suspension

If an appeal is launched, the student shall be readmitted forthwith and shall remain in school until the appeal is heard. If, however, the Principal is of the opinion that the student's presence in class or school will be injurious to other students or staff, alternative arrangements may be made with the consent of the Superintendent/CEO of Schools. The student may be required to remain out of school until the appeal is satisfied, but throughout this period, will be provided with relevant assignments, the results of which shall be furnished to the school. An appeal against a suspension shall be directed by the Superintendent/CEO who will investigate the circumstances leading to the suspension and appeal. If the appeal is not resolved at the staff level and the parent/guardian, or the student if an adult, decides to request a formal hearing before the Board, the Superintendent/CEO will prepare a report on the case and arrange for its presentation at an in-camera session of the Board. The student, parent/guardian, and Principal of the school that the student attends shall be informed of the date and time of the in-camera board meeting and shall have the right to attend and address the Board. The appellant may require that the hearing be held in public. The notice will indicate that if the party notified does not attend, the Board may proceed and the party will not be entitled to any further notice of the proceedings. A request by a parent/guardian or a student where (s)he is an adult, to have the case presented by legal counsel shall be granted. The Board will hear the appeal within thirty days of receiving the formal written request.

2. Voluntary Exclusion of Students

The Principal shall have the authority to negotiate a voluntary exclusion with the parent/guardian if a student is under the age of 17 years or with the student if the student is 17 years or older. Supporting documentation must clarify the agreed upon arrangement.

Re-admission to the school of the voluntary excluded student shall commence immediately following the agreed upon exclusion.

3. Expulsion

Expulsion is a very serious matter. Since only the Board may expel, when such circumstances do prevail, the Principal may decide following consultation with the Superintendent/CEO to exercise the prerogative of suspending a student until such time as a recommendation for expulsion may be dealt with. The actual recommendation for expulsion shall be made through the Superintendent/CEO to the Board.

The Superintendent/CEO shall ensure that appropriate arrangements are made for the Board to hear the recommendation for expulsion in an in-camera session; shall communicate the date and time to members of the Board and to the parent/guardian and/or student in the event that the student is an adult. Notice of the Hearing for Expulsion shall advise of the right of the student, where he/she is an adult, and otherwise of his/her parent/guardian, to make representations when the recommendation is to be considered, and the right to be represented by legal counsel.

At the Hearing the Board sits as a decision-making group and, therefore, must be impartial. Parties to the hearing are the student and/or the parent/guardian on the one side and the officials (Principal and Superintendent/CEO) who made the recommendation on the other. Hearings will normally be scheduled in an in-camera session of the Board. However, the Hearing may be held in public in some circumstances at the discretion of either the Board or the parent/guardian or student when the student is an adult. In any event, the final decision shall be made in public.

The decision of the Board shall be achieved in the normal majority voting process and shall be circulated forthwith among the parties to the action, the principal and teachers involved in the case. Notwithstanding a motion for expulsion the Board may, at its discretion, re-admit a student who has been expelled.

iii) **E) DISCIPLINARY RESPONSES**

The following disciplinary responses are intended to apply to all students. In cases of Kindergarten to grade four students, similar actions may apply, or the principal, in consultation with the parent/guardian and the Superintendent/CEO, may select more suitable disciplinary action. Situations may occur in Grades 5 to Grade 12 where the Principal, in consultation with the Superintendent/CEO and parent/guardian, may take different disciplinary action.

1. Bullying, Threats, Harassment, Abuse and Assault

- a) Where the school administration deems that a student used bullying, threats, racial, physical or other forms of harassment, abuse or assault, the administration will:

- i) communicate with the student's parent/guardian, if the student is under 18 years of age.
 - ii) discipline the student, which may include a suspension of up to 5 school days.
- b) In addition to, and depending on the nature and severity of the situation, and in consultation with the Superintendent/CEO, the administration may:
- i) report the incident to the police.
 - ii) recommend the student participate in a counselling program.
 - iii) consider an alternative learning placement for the student with the approval of the Superintendent/CEO.
 - iv) recommend suspension of up to a maximum of 30 days.
 - v) recommend the student be expelled.

2. Possession and Use of Weapons

- a) When a student is found to be in possession of a weapon, threatens to use a weapon, or uses a weapon, the administration will:
- i) confiscate the weapon and release it to either the police or parent/guardian, as required by law; or in an appropriate manner as agreed to by the Superintendent/CEO.
 - ii) communicate with the student's parent/guardian.
 - iii) contact the police.
 - iv) contact the Superintendent/CEO.
 - v) suspend the student for up to 5 days.
- b) In addition to the above, and depending on the nature and severity of the situation, and in consultation with the Superintendent/CEO, the Administration may:
- i) recommend the student participates in a counseling program.
 - ii) determine an alternative learning placement for the student with the approval of the Superintendent/CEO of Schools.
 - iii) student may be suspended for a maximum of 30 school days, with the agreement of the Superintendent/CEO, depending on the severity of the situation and the student's previous record of behaviour.
 - iv) recommend that the student be expelled.

3. Trespassers

Visits to school property shall be limited to authorized persons only. Signs at the entrances to each building shall identify that entry is prohibited except for authorized persons. Schools should make students aware of the problems that unauthorized visitors pose.

Schools will not tolerate the presence of intruders defined as persons who cannot justify their presence on school property or in a school building, and will expect staff to take appropriate action including the possible laying of charges under the Petty Trespasses Act against those persons who refuse to cooperate. Suspended students are unauthorized persons.

4. Vandalism and Theft

Acts of vandalism or theft will not be tolerated and offenders will be prosecuted and/or provide restitution. Any person responsible for vandalism or theft may be suspended from school.

5. Smoking on Lakeshore School Division Properties

1st Infraction - The Principal shall counsel the student, advising the student of the regulations and of the assistance available. The Administration will send a letter to the parents/guardians of the student outlining the regulations and assistance available.

2nd Infraction - The Principal will arrange a meeting of parents/guardians, student, counselor and administration to review the regulations and assistance available.

6. Use of Drugs, Alcohol, and Intoxicating Substances

The Lakeshore School Division recognizes that the use of alcohol and/or illicit drugs results in negative effects on behaviour, on learning, and on the total development of each individual. The School Division stresses the need for the educational, physical and emotional development of every student. The School Division, through its administrators and teachers, will handle situations involving students' use of illicit drugs and/or alcohol with firmness as well as with counselling and appropriate support.

a) Possession or Use of Alcohol or Illicit Drugs:

- i) The use of, being under the influence of, in possession and/or sale of alcohol or illicit drugs on school property or at any school-sponsored activity is strictly prohibited.

ii) When a student is found to be in possession of, or under the influence and/or selling alcohol or illicit drugs, the school principal shall impose disciplinary measures.

b) **Disciplinary Measures:**

i) In all cases, the educational development of the student(s) who contravene(s) this Regulation and Procedure and the educational role and function of the school for all other students must be taken into consideration when exercising judgment regarding disciplinary action.

ii) The principal is authorized to invoke disciplinary measures as he/she deems appropriate to each transgression, selecting from, but not limited to, the following actions:

- contacting and informing the parent(s)/guardian(s).
- withdrawal of school privileges.
- suspension from school for up to five days duration.
- reporting the incident and known details to the Superintendent/CEO and/or the police.
- recommending to the Superintendent/CEO that the student be expelled from the school.

iii) Repeat offenders shall be suspended and will not be allowed to return to school until conditions satisfactory to the Superintendent/CEO or designate have been met.

F) RACISM

The Board endorses the concept of active and positive multiculturalism and condemns all expressions of racial/ethnic bias, in any form.

The writing of racial/ethnic graffiti will be classified as both vandalism and as a racist incident, and any person found responsible shall be suitably disciplined.

Any student committing an act of racist behaviour, including racist name calling or verbal abuse, may be suspended from school and/or be recommended for expulsion.

G) Harassment Prevention Administrative Procedure Workplace Safety & Health

Legal Reference: MB. Human Rights Commission, MB. W S & H Act Part 10

Lakeshore School Division affirms its commitment to maintaining a safe learning and working environment that is free from harassment and at all times supports the dignity and self-esteem of individuals. Harassment of any individual will not be tolerated. An employee who believes she/he is being harassed should report the incident following the procedures set forth.

Definitions:

1. What is Harassment?

For the purpose of this procedure, the Manitoba Human Rights Code defines harassment as:

- a) A course of abusive and unwelcome conduct (i.e. a written or verbal comment, a physical act or gesture or a display, or any combination of them) directly related to the following:
 - a) ancestry, including color and perceived race;
 - b) nationality or natural origin;
 - c) ethnic background or origin;
 - d) religion or creed, or religious beliefs, religious association or religious activity;
 - e) age;
 - f) sex, including pregnancy, the possibility of pregnancy, or circumstances related to pregnancy;
 - g) gender-determined characteristics or circumstances other than those included in clause;
 - h) sexual orientation;
 - i) marital or family status;
 - j) source of income;
 - k) political belief, political association or political activity;
 - l) physical or mental disability or related characteristics or circumstances, including reliance on a dog guide or other animal assistant, wheelchair, or remedial appliance or device
 - m) physical weight and size; or
- b) Objectionable conduct that creates a risk to the health of a worker; or
- c) Severe conduct that adversely affects a worker's psychological or physical well-being if it could reasonably cause a worker to be humiliated or intimidated and is repeated, or in case of a single occurrence, has a lasting, harmful effect on a worker; or
- d) A series of objectionable and unwelcome sexual solicitations or advances; or

- e) A sexual solicitation or advance made by a person who is in a position to confer any benefit on, or deny any benefit to, the recipient of the solicitation or advance , if the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or
- f) Sexually oriented behaviour or remarks which create a negative psychological environment for work or study. Such behaviour or remarks include, but are not restricted to:
 - i) demeaning remarks based on gender
 - ii) suggestive jokes about sex
 - iii) inappropriate comments about clothing, physical characteristics or activities
 - iv) inappropriate displays of sexual pictures or materials
 - v) derogatory terms, graffiti which degrades a person based on his/her sex or sexual orientation
 - vi) leering, ogling, and suggestive or insulting sounds
 - vii) unwanted questions or comments about one's private life
 - viii) unwanted physical contact, such as brushing up against one's body, patting or pinching
 - ix) sexual assault (an offense under the Criminal Code); or
- g) A reprisal or threat of reprisal for rejecting a sexual solicitation or advance; or
- h) In addition to the behaviours defined in the Manitoba Human Rights Code, the Division also recognizes:
 - i. a course of abusive and unwelcome conduct or comment undertaken or made on the basis of medical circumstances or illness as harassment; and
 - ii. retaliation against an individual who:
 - a.) invokes the procedure; or
 - b.) participates or cooperates in an investigation under the procedure; or
 - c.) associates with a person who invokes the procedure or participates in the complaint procedure under the procedure.

2. **What does not constitute harassment** (consistent with the Manitoba Human Rights Code)?

- 1) Consensual banter or romantic relationships where the people involved consent to what is happening, is not harassment.
- 2) Appropriate performance reviews, counseling or discipline by a supervisor or manager, is not harassment i.e.:
 - a) reasonable action taken in a reasonable manner by an employer or supervisor to:
 - i. assess, evaluate, transfer, demote, discipline or dismiss a worker, or
 - ii. manage and direct the employer's worker or workplace;
 - b) a decision by an employer or supervisor, based on reasonable grounds, not to award or provide a promotion, transfer or benefit to a worker;

- c) reasonable action taken in reasonable manner under an ACT or regulation affecting a worker.

Terms:

Complainant: refers to the person(s) who believes she/he is being harassed and has filed a complaint.

Respondent: refers to the person against whom the complaint has been made.

COMPLAINT PROCEDURES:

Any person who believes that she/he is being harassed (within the definitions as just outlined) should act promptly in order to resolve the situation; allowing the division to work in a proactive and timely manner to prevent further harassment.

Employees are encouraged to choose the informal approach to reach a mutually acceptable agreement respecting future conduct and interaction.

However, if the complainant is not able to communicate with the alleged harasser the complainant may choose to proceed directly to the Formal Procedure.

Informal Procedure:

A staff member who believes that she/he is being harassed may choose to resolve the issue by communicating (verbally or in writing e.g. email) directly with the person who is believed to be the alleged harasser (i.e. the respondent).

Formal Procedure:

The complainant shall file a complaint (verbally or in writing) with the Principal, Supervisor or designate and or the next higher authority (if the administrator is the alleged initiator of the harassment).

The complainant may also speak directly to their Workplace Safety and Health Representative and or their Union/Association Representative in accordance with their respective Collective Agreements.

INVESTIGATION:

Upon receipt of a formal complaint the Principal, Supervisor or designate shall contact the Superintendent/CEO to review the complaint process.

Within two (2) working days of the receipt of a complaint alleging harassment; the Principal, Supervisor or designate shall meet independently and in confidence with the complainant and the respondent to obtain such clarification as may be necessary.

At any time during the investigation, the Principal, Supervisor or designate shall be empowered to take interim action as may be deemed necessary with respect to the complainant and the alleged harasser, pending the outcome of the alleged complaint.

The Principal, Supervisor or designate will prepare a written summary of the complaint for signature by the complainant. A written summary will also be prepared for signature by the respondent.

Upon request from either the complainant or respondent, a copy of his or her own statement shall be provided.

Subsequent to the investigation of the facts the Principal, Supervisor or designate may:

- a) dismiss the complaint or
- b) endeavour to resolve the matter through a conflict resolution process or
- c) take disciplinary action as warranted; or
- d) recommend further action or
- e) take disciplinary action against the complainant, if in the course of the investigation, the Principal or Supervisor finds that the complaint was malicious and without grounds.

The appropriate parties involved will be advised in writing on the determination of the alleged harassment.

In the event that the action taken by the Principal, Supervisor or designate is unacceptable to either the complainant or the respondent, the matter shall be referred to the Superintendent/CEO or designate in writing for her/his consideration and action.

Within five (5) working days of receipt of a written complaint alleging harassment, the Superintendent/CEO or designate will endeavour to resolve the matter and in doing so shall:

- i) assume responsibility for investigating all such complaints in a confidential manner.
- ii) if necessary, take steps to ensure that there is no recurrence of the situation while the investigation is in progress.
- iii) take appropriate disciplinary action where such is found to be warranted.
- iv) inform the complainant and the person against whom the harassment complaint has been lodged in writing of the outcome of the investigation.
- v) take disciplinary action against the complainant, if in the course of the investigation, the Superintendent/CEO or designate finds that the complaint was malicious and without grounds.
- vi) if required, refer the matter to the Superintendent/CEO/CEO and or the Board of Trustees for its consideration and action.

Note: In addition to levying a complaint pursuant to the Division Procedure, the complainant has the right to pursue her/his complaint through the Manitoba Human Rights Commission or where appropriate to law enforcement agencies under the Criminal Code of Canada, or both.

CONSEQUENCES:

Where it is found that a violation of the procedure has occurred, the Principal, Supervisor, Superintendent/CEO or designate may take disciplinary action including, but not restricted to the following:

- a) verbal warning
- b) written warning included in the staff file
- c) suspension of staff with or without pay for a specified period of time
- d) transfer to another location
- e) dismissal
- f) police involvement
- g) requirement for clinical and or counseling services
- h) exclusion from Division facilities.

CONFIDENTIALITY:

All records, documents, notes and transcripts of an investigation shall remain confidential. Except where disclosure is:

- a) required by Law
- b) necessary to investigate the complaint or take corrective action (subject to the requirements of the Freedom of Information and the Right to Privacy Act).

Parties to a complaint are advised to refrain from discussing the complaint with anyone not included in the complaint investigation.

EDUCATION:

Lakeshore School Division is committed to continuing the education of all its employees and management about this procedure and harassment in general.

The Division will circulate the procedure to all employees through:

- a) the Lakeshore School Division Website (Admin Manual)
- b) an Orientation Training Package for new employees
- c) the Administration Procedure Review issued to the Leadership Team each September
- d) the use of Workplace, Safety & Health Bulletin Boards e.g. posting of procedure awareness posters and brochures.

MONITORING:

Lakeshore School Division, in conjunction with the Workplace Safety & Health Committee will review this procedure on a periodic basis to:

- a) review progress in implementing the procedure
- b) identify new strategies
- c) identify new training needs
- d) recommend changes to the procedure.