Northeastern Catholic District School Board

PROGRESSIVE DISCIPLINE OF EMPLOYEES

Administrative Procedure Number: APP008

POLICY STATEMENT

The Northeastern Catholic District School Board (NCDSB) is committed to providing the best possible Catholic education for all students within our system. The NCDSB expects that all employees will act in a manner which exemplifies Gospel values and our faith beliefs, project a professional behaviour that is consistent with individuals serving as role models for our students, and will perform their assigned responsibilities in a competent manner. Though the NCDSB believes that its employees are committed to acting professionally, with integrity, and in the best interests of the students we serve there may be instances where these expectations are not met, requiring that an employee be subject to fair, consistent and progressive discipline.

REFERENCES

Education Act
Regulation 437/97: Professional Misconduct
Ontario College of Teachers Act
NCDSB Policy
P-8 Progressive Discipline of Employees

DEFINITIONS

Progressive Discipline
A series of increasingly serious steps, ranging from a recorded verbal warning to termination of employment that the employer initiates in order to correct unacceptable behaviour or conduct.

Inappropriate Behaviour/Conduct
Behaviour for which the employee is responsible and which is deserving of corrective or disciplinary action. Inappropriate conduct includes, but is not limited to the following: improper release or disclosure of student information, breach of confidentiality, sexual misconduct, harassment, abuse of a student, inadequate supervision, and/or conduct that negatively affects the reputation of the Board.

Professional Misconduct
The failure of a licensed professional to meet the accepted standards of practice.

Culpable Behaviour
Behaviour that does not conform to expectations and includes, but is not limited to tardiness, unsubstantiated absenteeism, dishonesty, inappropriate communication/interactions with others, inappropriate use of technology, insubordination, breach of Board policy or procedures, and criminal offences such as theft, forgery, or assault.

Substandard Performance
Performance that does not meet the standards of the Board and is evaluated as part of the performance appraisal process. Substandard performance **is not** addressed in this procedure.

Principal/Supervisor
Refers to a principal, manager, supervisor, or supervisory officer (including the Director of Education).

PROCEDURES

1.0 INVESTIGATIONS

1.1 If an allegation concerning an employee has been made, an investigation into the allegations must first be completed before the provisions of this procedures can be used. Investigations will be exercised in such a way as to ensure the employee is entitled to:

i) An opportunity to know the allegation(s) and respond;
ii) The presumption of innocence; and
iii) Confidentiality in-so-far as it is within the power of the Board to effect.

1.2 Discussion as to how an investigation is to be done, who will do the investigation and what allegations are to be investigated will be determined through consultation between the Principal/Supervisor, the appropriate supervisory officer and the Manager of Human Resources or designate.

1.3 An investigation may be an informal process of discussion with the employee up to and including a third-party process, depending upon the circumstances and discretion of the Manager of Human Resources.

2.0 CLARIFICATION OF EXPECTATIONS

2.1 A letter of expectation may be issued by the Principal/Supervisor to remind the employee of the expectations of their role when the inappropriate or unacceptable behaviour/conduct giving rise to the concerns is relatively minor in nature (for example, infrequent lateness, incidental use of inappropriate language).

2.2 Such expectations can be delivered to an employee in a meeting where the Principal/Supervisor explains the expectations and then follows up the meeting with a non-disciplinary letter.

2.3 Subsequent to the meeting, the expectations should be documented in a letter to the employee with a copy forwarded to the Human Resources Department for inclusion in the employee's personnel file.

3.0 PROGRESSIVE DISCIPLINE OF EMPLOYEES

3.1 Where an employee's behaviour is inappropriate and/or there has been a breach of Board policy and/or there is a pattern of misconduct, it is expected that the Principal/Supervisor after consultation with the appropriate Supervisory Officer and/or

Manager of Human Resources, will use Progressive Discipline in an attempt to correct the behaviour/conduct or behaviour.

3.2 The successive disciplinary measures, in many cases but not all, will include the following steps:

i) Verbal warning (documented)
ii) Written warning
iii) Suspension
iv) Final written warning (usually accompanied by escalated suspension)
v) Dismissal

3.3 Each case of inappropriate behaviour/conduct must be assessed individually to determine the nature of the concern to be addressed and any mitigating or aggravating factors, which might include but are not limited to:

i) The severity and impact of the behaviour/conduct;
ii) The frequency of the behaviour/conduct;
iii) The employee's history or inappropriate behaviour/conduct, if any.

3.4 Depending on the factors noted in 3.3, the progressive discipline process will be entered at the step at which it is deemed appropriate for the purpose of correcting or eliminating the behaviour/conduct of the employee. Guidance as to the appropriate step at which the process should be entered is available to the Principal/Supervisor from the Manager of Human Resources or designate.

3.5 Note that nothing in this procedure precludes a Principal/Supervisor from issuing informal verbal reminders to employees as part of their normal supervisory duties.

3.6 Principals/Supervisors must also involve the appropriate Supervisory Officer for advice and support throughout the progressive discipline process.

4.0 VERBAL WARNING

4.1 Where an employee's behaviour/conduct requires correction, a Principal/Supervisor should deliver a verbal warning to the employee. This discussion should occur as soon as possible after the infraction and after any required investigation has been completed.

4.2 Unionized employees should be advised they have the right to union representation and the meeting should be arranged to allow the employee sufficient time to arrange such representation, if desired.

4.3 The discussion should allow for clarification and validation of the behaviour/conduct causing concern. The Principal/Supervisor should be clear regarding the nature of the concern, why the behaviour/conduct creates a concern and clearly state the expectations of the employee that will address the concern. This warning should be clearly noted in writing to the employee as to the date and time it was delivered.

4.4 The record of the delivery of the warning should be maintained in the employee's personnel file.

4.5 In the event the verbal warning leads to further action under the progressive discipline procedure as outlined below, copies of the records of delivery of the verbal warnings will be forwarded to the Human Resources Department for inclusion in the employee's personnel file.

5.0 WRITTEN WARNING

5.1 If the employee's behaviour does not improve or it is deemed appropriate to enter the progressive discipline process at this step as a result of an assessment of mitigating and aggravating factors, the Principal/Supervisor must meet with the employee and issue a formal written warning.

5.2 Where a written warning is to be issued, the Principal/Supervisor will draft the warning letter and forward it to both Human Resources and the appropriate Supervisory Officer for review and input.

5.3 It is recommended a second administrator or someone from the Human Resources Department be present at the meeting in which the letter is delivered.

5.4 Unionized employees should be advised they have the right to union representation and the meeting should be arranged to allow the employee sufficient time to arrange such representation, if desired.

5.5 At the meeting, the Principal/Supervisor should allow for discussion, clarification and validation of the concerns. If present, the union representative is there to support the employee and should not be engaging in debate with the Principal/Supervisor.

5.6 Immediately following the meeting, the Principal/Supervisor should ensure the contents of the letter are amended to include any clarification obtained in the meeting. The letter should clearly set out:

i) the nature of the concern;
ii) why the behaviour/conduct is a concern;
iii) identify any mitigating or aggravating factors;
iv) clearly state the expectations of the employee that will address the concern;
v) the timeline under which it is expected that the employee's behaviour/conduct will improve;
vi) any support that may have been put in place to assist the employee to improve;
vii) the warning that if the behaviour/conduct does not change in the expected timeline, the employee could be subject to further disciplinary action, up to and including dismissal.

5.7 The warning letter should clearly confirm the date and time it was delivered to the employee.

383 Birch Street North, Timmins ON P4N 6E8
[T] 705-268-7443 [F] 705-267-3590 [W] www.ncdsb.on.ca

5.8 The warning letter will be sent to the Human Resources Department for insertion into the employee's personnel file.

5.9 An employee may receive a second or even a third written warning for similar behaviour/conduct if it is deemed the employee is demonstrating some improvement, but has not fully realized the expectations of the Principal/Supervisory.

5.10 Prior to issuing such a warning, the Principal/Supervisor should contact the Manager of Human Resources to confirm such a warning is appropriate in those particular circumstances.

6.0 SUSPENSION

6.1 When an employee's behaviour/conduct does not improve after a written warning or a number of written warnings, or the employee's behaviour is significantly inappropriate and needs to be addressed immediately, a suspension is the next step in the progressive discipline process.

6.2 If a Principal/Supervisor believes the employee's behaviour/conduct warrants a suspension, then the Principal/Supervisor should consult the Manager of Human Resources and the appropriate Supervisory Officer prior to proceeding.

6.3 The Manager of Human Resources, in consultation with the appropriate supervisory officer and the Principal/Supervisor will determine the contents of the letter to be given to the employee, the length of the suspension and when the suspension will be served.

6.4 Letters of suspension will be prepared and signed by the Manager of Human Resources.

6.5 The letter of suspension will include the warning that if the behaviour/conduct does not change within the timeline identified, the employee could be subject to further disciplinary action, up to and including dismissal.

6.6 A meeting will be arranged with the employee and the Manager of Human Resources, the Principal/Supervisor, and the appropriate supervisory officer, as required.

6.7 Unionized employees should be advised they have the right to union representation and the meeting should be arranged to allow the employee sufficient time to arrange such representation, if desired.

6.8 At the meeting, the employee will be given the opportunity to clarify their version of events through discussion, clarification and validation of the concerns.

6.9 If present, the union representation is there to support the employee and should not be engaging in debate with the Principal/Supervisor.

383 Birch Street North, Timmins ON P4N 6E8
[T] 705-268-7443 [F] 705-267-3590 [W] www.ncdsb.on.ca

6.10 At the conclusion of the meeting, unless material facts are disclosed at the meeting that were unknown to the Manager of Human Resources that would mitigate the perception of the employee's behaviour, the letter of suspension will be delivered to the employee and the date(s) of suspension will be confirmed.

6.11 Should the letter require revision this may be done immediately or may require the employee to attend a subsequent meeting.

6.12 The suspension letter should clearly confirm the date and time it was delivered to the employee.

6.13 The suspension letter will form part of the employee's personnel file.

6.14 An employee may receive a second or even a third suspension for a similar behaviour/conduct if it is deemed necessary through consultation between the Principal/Supervisor, the appropriate supervisory officer, and the Manager of Human Resources.

7.0 FINAL WRITTEN WARNING

7.1 This step will only be taken after consultation between the Manager of Human Resources, the appropriate Supervisory Officer, and the Principal/Supervisor.

7.2 This letter will be prepared by the Manager of Human Resources and will list the steps that have been taken to assist the employee to correct the inappropriate behaviour/conduct. The letter will state an employee's failure to correct the behaviour/conduct by a particular date will result in immediate dismissal for cause.

7.3 The final written warning letter (usually coupled with an escalated suspension) will be delivered to the employee by the Manager of Human Resources at a meeting with the employee, the appropriate union representation, and the Principal/Supervisor. The appropriate supervisory officer should also be present.

8.0 TERMINATION

8.1 Just cause dismissal will be considered if the progressive discipline process thus far is unsuccessful, or if there is a significant issue or incident which is cause for dismissal.

8.2 Before the decision to terminate is made, all aspects of the situation will be reviewed in order to ensure that all necessary steps were taken. There should be the ability to demonstrate that:

i) The employee knew what was expected;
ii) The employee was informed verbally and in writing of the concerns/deficiencies;
iii) The employee did not sufficiently remedy the problem(s);
iv) The employee knew that employment was at risk;
v) The employee ignored or failed to meet the expectations.

8.3 A formal disciplinary meeting must be convened, which includes appropriate representation for the employee.

8.4 The employee must be informed, in advance of the meeting, that their employment status with the Board will be discussed at the meeting.

8.5 At the meeting, the employee will be told of the decision to terminate and the reasons for that decision.

8.6 The Director of Education will make the final decision regarding termination of employment for "just cause".

8.7 The Director of Education's decision will be brought to the Board of Trustees at its next regular meeting.

8.8 The Director of Education shall inform the employee of the decision to terminate their employment and the reasons for this decision, in writing.

8.9 The Director of Education shall ensure that the employee receives a Record of Employment, relevant information regarding salary, benefits and vacation pay, and any outstanding monies owed to them by the Board.

8.10 A copy of the letter will form a part of the employee's personnel file.

9.0 RELATED FORMS AND DOCUMENTS

Samples are available from the Manager of Human Resources or a Supervisory Officer.

Director of Education: *Tricia Stefanic Weltz*
Date: August 2021

383 Birch Street North, Timmins ON P4N 6E8
[T] 705-268-7443 [F] 705-267-3590 [W] www.ncdsb.on.ca