

<b>Procedure Title</b>	<b>Progressive Discipline - Employees</b>		
<b>Date of Issue</b>	May 17, 2011	<b>Related Policy</b>	BP 7530-D
<b>Revision Dates</b>	June 15, 2016; December 13, 2021 (housekeeping)	<b>Related Forms</b>	
<b>Review Date</b>		<b>Originator</b>	Administrative Council
<b>References</b>			
Education Act RSO 1990 (Ontario Regulation 298, s.20(g)); Waterloo Region District School Board Administrative Procedure 3760 "Progressive Discipline"; Grand Erie District School Board Administrative Procedure HR 119 "Progressive Discipline"			

## **1.0 RATIONALE**

- 1.1** Bluewater District School Board is committed to providing the best possible education for the students in its care, and also to protecting the intellectual, physical, mental and emotional well-being of all students and employees.
- 1.2** The board is responsible for employing staff who conduct themselves in a professional manner. Employees who engage in professional misconduct, inappropriate conduct or whose behaviour conflicts with board policy will be subject to appropriate discipline. The board will employ progressive discipline where appropriate.
- 1.3** This procedure sets out the progressive discipline – employee guidelines to be used when dealing with inappropriate behaviour.

## **2.0 DEFINITION OF PROGRESSIVE DISCIPLINE**

**Progressive Discipline** is a series of increasingly serious steps, ranging from a verbal clarification to termination of employment, that a school administrator, supervisor, or member of senior management initiates in order to correct unacceptable behaviour or conduct. In general, there are five potential steps within the progressive discipline process. However, it is recognized that each situation is unique and that responses will have to be considered in the light of all of the circumstances. There are no rigid or arbitrary rules of application. Serious situations may result in immediate and significant disciplinary consequences.

In general, the five potential stages in the process are:

- 1.** Verbal Clarification
- 2.** Letter of Professional Expectation
- 3.** Letter(s) of Discipline
- 4.** Letter(s) of Discipline with suspension
- 5.** Dismissal

It is recognized that a verbal clarification and a letter of professional expectation are non-disciplinary. These are the progressive steps taken before formal discipline occurs. It is further recognized that an employee may receive more than one letter of discipline in the progressive discipline process.

**3.0 SYSTEM EXPECTATIONS**

- 3.1** The board strives to facilitate good working relationships between, and among its staff, as well as to foster excellence and job satisfaction.
- 3.2** The board believes that its employees are responsible, trustworthy, and capable of making decisions appropriate to their sphere of responsibility.
- 3.3** Respect and trust in a working environment is achieved by fair, objective, and consistently implemented disciplinary procedures, including fair investigation techniques.
- 3.4** Disciplinary action taken must be consistent with the concept of “just cause.”
- 3.5** It is the general approach of the board to correct inappropriate behaviour, not punish it. The emphasis should be on identification and isolation of problem situations in a supportive and non-intrusive manner before formal corrective action is undertaken.
- 3.6** It is the belief of the board that clear guidelines and procedures will ensure fair and consistent treatment of all employees.
- 3.7** As part of the progressive discipline process, employees must be made aware of the expectations of the employer, the reasons for the corrective action, and possible future consequences of any repetition of the proscribed behaviour.
- 3.8** Most incidents of culpable behaviour are unique; therefore, responses to behaviour will be considered on an individual basis. There are no rigid or arbitrary rules of application.
- 3.9** Employees must be treated with dignity and respect throughout the progressive discipline process.

**4.0 CULPABLE BEHAVIOUR DISTINGUISHED FROM PERFORMANCE**

**Culpable Behaviour** refers to behaviour that does not conform to expectations. Examples are:

- i.** Dishonesty
  - ii.** Inappropriate communication with others
  - iii.** Inappropriate use of computer technology
  - iv.** Insubordination
  - v.** Plagiarism
  - vi.** Criminal offenses such as theft, forgery, assault
  - vii.** Breach of board policy or procedure
  - viii.** Not ensuring that all reasonable safety procedures are carried out in courses and activities for which the employee is responsible.
- 4.1** Administrators and supervisors are responsible for evaluating the performance of their staff. Performance appraisals speak to the issues of competence and capability.
  - 4.2** When performance is appraised and standards are not being met, the employee is informed, resources to assist are provided, and the employee is given time to demonstrate improvement.
  - 4.3** The performance appraisal process is not considered to be disciplinary.
  - 4.4** The administrator or supervisor must advise the employee that the conduct is unacceptable, and that repetition of such behaviour will have consequences for the employee. Serious incidents may result in immediate disciplinary action that does not necessarily follow the progressive sequence outlined above.
  - 4.5** It is expected that there will be immediate correction of the behaviour and that no time for improvement will be necessary.
  - 4.6** Imposing consequences for culpable behaviour is part of the progressive discipline process.

## **5.0 STEPS IN THE PROCESS**

### **5.1 Verbal Clarification**

In the case of a relatively minor behaviour, the employee should be included in a discussion regarding the issue. This non-disciplinary professional discussion should occur between the principal/supervisor and the employee as soon as possible after the behaviour occurred. The principal/supervisor should use the discussion as a basis for clarification and validation of concerns and/or expectations. The principal/supervisor must be very clear regarding the nature of the concern, why the behaviour is a concern, and what the expectations are for improvement with regard to the behaviour. This meeting is non-disciplinary and is considered to be an opportunity to coach and support improvement.

**Note:** It is understood that at any time the principal/supervisor or employee may ask that the meeting be recessed and reconvened to provide an opportunity for consultation from the appropriate management or union advocate.

### **5.2 Letter of Professional Expectation**

If the behaviour does not improve, or if an employee commits another, or more serious infraction, the principal/supervisor must meet with the employee and issue a letter of professional expectation.

The principal/supervisor should proceed as follows:

- 5.2.1** Contact the superintendent of education responsible for human resource services or designate, prior to the meeting, in order to maintain consistency in the process.
- 5.2.2** Provide the employee with the opportunity to have union representation and provide at least 24 hours notice of any meeting. The timing of the meeting must be mutually agreed upon.
- 5.2.3** Provide the employee with a brief outline of the nature of the meeting.
- 5.2.4** The principal/supervisor may have another administrator, area superintendent of education, and/or the superintendent of education responsible for human resource services or designate to accompany them to the meeting.
- 5.2.5** The meeting serves as a basis for discussion, clarification, and validation of the concerns and/or expectations.
- 5.2.6** At the meeting the principal/supervisor must be very clear regarding:
  - i. The nature of the concerns
  - ii. Reference to any previous discussion(s) regarding the same behaviour and that adequate improvement has not occurred
  - iii. Why the behaviour is a concern
  - iv. Improvement is required
  - v. The contents of the letter of professional expectation
- 5.2.7** A letter of professional expectation is non-disciplinary and is a continued method to coach and support improved behaviour.
- 5.2.8** The letter of professional expectation is NOT placed in the employee's personnel file.

### **5.3 Letter(s) of Discipline/Letter(s) of Discipline with Suspension**

- 5.3.1** With the exception of significant inappropriate behaviour infractions, letters of discipline are normally only given after the verbal clarification and letter of professional expectation have failed to produce the necessary change in behaviour within a reasonable period of time. A letter of discipline may include a suspension without pay. If a principal/supervisor believes a letter of discipline, with or without suspension is required, the superintendent of education responsible for human resource services or designate must be contacted before proceeding.

**5.3.2** The principal/supervisor should proceed as follows:

- i. Contact the superintendent of education responsible for human resource services or designate, prior to the meeting, in order to ensure that consistency can be maintained.
- ii. Provide the employee with the opportunity to have union representation and provide at least 24 hours notice of any meeting. The timing of the meeting must be mutually agreed upon.
- iii. Provide the employee with a brief outline of the nature of the meeting.
- iv. The principal/supervisor must have the superintendent of education responsible for human resource services or designate or the area superintendent of education to accompany them to the meeting.
- v. The letter of discipline must include:
  - a. Identification of the event or behaviour
  - b. Reference to all prior recorded disciplinary action
  - c. Reference to the legislations etc that sets the expectations for behaviour
  - d. Reference to the expected change in behaviour
  - e. Date(s) of the suspension; date of return to work, if required
  - f. Warning that indicates that future incidents of this nature may lead to further discipline, up to and including dismissal

**5.3.3** A copy of the letter is to be placed in the employee personnel file. Drafts of all letters must be approved by the superintendent of education responsible for human resource services or designate prior to release to the employee.

**5.3.4** Depending on the nature of the infraction, an employee may receive more than one letter of discipline for the same type of behaviour. This determination is made in consultation with the superintendent of education responsible for human resource services or designate and the area superintendent of education.

**5.4 Dismissal**

**5.4.1** If the progressive discipline process has not been successful in correcting the behaviour of an employee, the principal/supervisor may recommend to their area superintendent of education and the superintendent of education responsible for human resource services or designate that the employee be terminated. The termination of the employee must be considered very carefully. If the termination is with cause, a review must occur to ensure that all the necessary steps were taken, and the employee was given time to improve. Board legal counsel may be consulted to assist with this review. The employee must be advised to consult with union representation, if applicable.

**5.4.2** It is important that the process reflects that:

- i. The employee knew what was expected
- ii. The employee was informed verbally and in writing of the issues/concerns
- iii. Specific examples, guidelines and supports were provided to assist the employee in meeting the expectations
- iv. The employee did not sufficiently remedy the problem(s)
- v. The employee ignored or continued to fail to meet job requirements
- vi. The termination is justified