

JAMES BAY LOWLANDS SECONDARY SCHOOL BOARD
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ADMINISTRATIVE PROCEDURE HUMAN RESOURCES: NO. 480	
Effective	August 21, 2019
Last Revised	August 15, 2023

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PROGRESSIVE DISCIPLINE: EMPLOYEES

PURPOSE

The James Bay Lowlands Secondary School Board is committed to protecting the mental, physical, and emotional well-being of all students and staff members. 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 policies or administrative procedures will be subject to appropriate discipline.

The Board recognizes the need to deal with staff members in a fair and just manner whenever misconduct occurs. Administrators and supervisors will employ progressive discipline where appropriate. This administrative procedure sets out the guidelines to be used when dealing with unacceptable staff behaviour.

DEFINITIONS

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.

In general, there are five potential steps within the progressive discipline process. It is recognized, however, that each situation is unique and that responses must 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.

PROCEDURES

1. Guiding Principles

For effective administration of a progressive discipline system, administrators and supervisors shall adhere to the following guiding principles:

- a) Action shall be prompt: There must be as little delay as possible between identifying an offence and taking the necessary action.
- b) Action shall be appropriate: The measures taken must relate to the offence and the previous record of the offender, and not be influenced by any subjective considerations.
- c) Action shall be consistent: While disciplinary procedures may vary between departments, within any one department there will be a uniform standard applying to all employees.
- d) Action shall be defensible: Disciplinary action must be consistent with the concept of "just cause". It is essential to present valid reasons for the discipline, and to be able to produce a complete record of all circumstances leading up to the disciplinary action. An employee has the right to lodge a grievance over disciplinary action. Where any financial penalty is involved, a grievance can be taken to independent adjudication.

2. Board Expectations

- 2.1 The James Bay Lowlands Secondary School Board strives to facilitate good working relationships between and among its staff members, and also seeks to foster a high level of performance and job satisfaction.
- 2.2 The Board believes that its employees are responsible, trustworthy, and capable. The Board also believes that respect and trust in a working environment is achieved by fair, objective, and consistently implemented disciplinary procedures. Clear guidelines and procedures ensure fair and consistent treatment of all employees.
- 2.3 It is the general approach of the Board to correct inappropriate behaviour, not punish it. The emphasis will be on identification and isolation of problem situations in a supportive and non-intrusive manner before formal corrective action is undertaken.
- 2.4 As part of the progressive discipline process, employees must be made aware of the expectations of the Board, the reasons for the corrective action, and possible future consequences of any repetition of the prohibited behaviour.
- 2.5 Most incidents of unacceptable behaviour are unique, so responses to that behaviour will be considered on an individual basis. There are no rigid or arbitrary rules of application.

3. Disciplinary Procedures

- 3.1 The authority to discipline an employee is entrusted to immediate supervisors. Discipline is intended to be constructive in correcting an employee's unacceptable conduct or work habits.
- 3.2 It is important to distinguish between unacceptable behaviour in terms of this administrative procedure and unsatisfactory performance appraisal (for example, as set out in the *Education Act, Part X.2 Teacher Performance Appraisal*) which is an entirely different process. Examples of unacceptable behaviour include but are not limited to: dishonesty; poor work habits; inappropriate communication with others; inappropriate use of computer technology; failure to ensure that reasonable safety procedures are followed; insubordination; breach of Board policies and administrative procedures; and criminal offences such as theft, forgery, or assault.
- 3.3 In conjunction with undertaking the progressive discipline procedure, the supervisor may provide help to the employee, or the employee may request help in correcting a personal situation giving rise to the unacceptable conduct or work habits.
- 3.4 Under normal circumstances, discipline will be in the form of verbal warnings, then a letter setting out professional expectations, followed by written warnings that could lead to suspension and ultimate dismissal if the employee fails to respond favourably to the discipline. [See Appendix A for steps in the process.] All incidents of disciplinary action must be properly documented by the immediate supervisor taking the action.
- 3.5 The extent to which various steps in the disciplinary process are followed will depend upon the nature of the problem. On occasions where a supervisor may have doubt about the proper course of disciplinary action, he or she should first discuss the matter with the supervisory officer.
- 3.6 All incidents involving first offences of a minor nature and where the employee has been given a verbal warning shall be documented only in the supervisor's record of the meeting. Subsequent offences shall be handled in accordance with the collective agreement. If the collective agreement is silent, then steps in subsections 3.7 to 3.12 below shall be followed.
- 3.7 If verbal warning(s) and the letter(s) of professional expectations do not bring about correction, subsequent offences shall be documented in a letter of discipline and given to the employee, with a copy filed in the employee's official personnel file. Such written warning will describe in detail the Board's expectations of the employee. The supervisor must advise the employee in writing that the conduct is unacceptable and that repetition of such behaviour will have consequences for the employee up to and including suspension or dismissal. It is important to impress upon the employee the seriousness of the matter in question.
- 3.8 If further disciplinary measures are found to be necessary, the next action on the part of the Board may lead to the employee being suspended from work without pay.

- 3.9 Suspension of an employee from work may occur as a result of a number of incidents and may not necessarily be based on a repeat of the same misconduct. Suspension without pay may be imposed for a first offence if the employee's misconduct or non-observance of the Board's policies and administrative procedures and/or other employee actions are of a serious nature.
- 3.10 Where repeated efforts to correct an employee's conduct or work habits fail, dismissal/termination of employment may follow. Culminating incidents of a first offence of a grossly serious nature may result in the dismissal of an employee for just cause.
- 3.11 Conduct on the job considered sufficiently serious for dismissal for just cause shall be based on consultation with the supervisory officer and legal counsel.
- 3.12 The discharge process shall observe the doctrine of procedural fairness and, in the case of educators, may only be executed by the Board of Trustees.

REFERENCE DOCUMENTS

Legal:

Education Act, Section 169.1 (1) (a) Duties of Boards: Promote Student Achievement and Well-being

Education Act, Paragraph 277.15 (5) Right of Board to Discipline Employees

Education Act, Section 264 Duties of Teacher: Cooperation and Coordination of Effort

Education Act, Section 265 Duties of Principal: Care of Pupils

Education Act, Section 283 Chief Executive Officer: Maintain an Effective Organization

Ontario Regulation 437/97 Professional Misconduct under the Ontario College of Teachers Act

Child and Family Services Act, 2001, Section 72

Criminal Code of Canada

Municipal Freedom of Information and Protection of Privacy Act

Board:

Board Policy GOV-02 Role of the Corporate Board

Board Policy GOV-03 Role of the Supervisory Officer

Board Policy GOV-20 Safe School Environment

Board Policy GOV-22 Ontario North East Region Police/School Board Protocol

Board Policy GOV-28 Hearings on Termination of Principal/Vice-Principal Employment

Board Policy GOV-29 Hearings on Termination of Teacher Employment

Board Policy GOV-33 Legal Services

Administrative Procedure 110 Alcohol and Illegal Drugs on Board Property

Administrative Procedure 185 Staff and Student Use of the Internet

Administrative Procedure 360 Sexual Harassment of Students

Administrative Procedure 385 Violence-Free School

APPENDIX A**Steps in the Progressive Disciplinary Process****1) Verbal Clarification**

In the case of a relatively minor behaviour, the employee will be included in a discussion regarding the issue. This non-disciplinary professional discussion will occur between the principal/supervisor and the employee as soon as possible after the behaviour occurred. The principal/supervisor will 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. The principal/supervisor will record only that he or she met with the employee on that date and the topic of discussion.

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 federation/union advocate.

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 will proceed as follows:

- Contact the supervisory officer or designate, prior to the meeting, in order to maintain consistency in the process.
- 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.
- Provide the employee with a brief outline of the nature of the meeting.
- The principal/supervisor may have another administrator accompany him/her to the meeting.
- The meeting serves as a basis for discussion, clarification, and validation of the concerns and/or expectations.

At the meeting the principal/supervisor must be very clear regarding:

- the nature of the concerns;
- any previous discussion(s) regarding the same behaviour and that adequate improvement has not occurred;
- why the behaviour is a concern;
- what improvement is required; and
- the contents of the letter of professional expectation.

Note: A letter of professional expectation is non-disciplinary, and is a continued method to coach and support improved behaviour. The letter of professional expectation is NOT placed in the employee's personnel file.

3) **Letter(s) of Discipline**

4) **Letter(s) of Discipline with Suspension**

With the exception of significant unacceptable 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 supervisory officer or designate must be contacted before proceeding.

The principal/supervisor shall proceed as follows:

- Contact the supervisory officer or designate, prior to the meeting, in order that consistency can be maintained.
- 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.
- Provide the employee with a brief outline of the nature of the meeting.
- The principal/supervisor must have another administrator accompany him/her to the meeting.

The letter of discipline must include:

- identification of the event or behaviour;
- reference to all prior recorded disciplinary action;
- reference to the legislation, policy, procedure, etc. that sets the expectations for appropriate behaviour;
- reference to the expected change in behaviour;
- date(s) of the suspension, date of return to work, if required; and
- warning that indicates that future incidents of this nature may lead to further discipline, up to and including dismissal.

A copy of the letter is to be placed in the employee personnel file. Drafts of all letters must be approved by the supervisory officer or designate prior to release to the employee.

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 supervisory officer or designate.

5) Dismissal

If the progressive discipline process has not been successful in correcting the behaviour of an employee, the principal/supervisor may recommend to the supervisory officer that the staff member's employment 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.

It is important that the process reflects that:

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

Note: The procedural steps in Appendix A are from the Bluewater District School Board Administrative Procedure 7530-D Progressive Discipline: Employees