

Topic:	Progressive Discipline
Effective:	May 2012
Cross Reference:	Respectful Workplaces Free of Harassment & Discrimination; Workplace Investigations Process; Collective Agreements & Employment Terms & Conditions Ontario College of Teachers Act
Revision Date:	September 2017, October 2019, April 2021, November 2022
Review Date:	November 2026
Responsibility:	Superintendent, Human Resources

INTENDED PURPOSE

The Halton District School Board recognizes that employees normally act in a manner that is appropriate, professional and in accordance with their role in the organization.

However, where an employee does not act in accordance with the expectations for their role, the Halton District School Board is responsible for ensuring that employees conduct themselves in a manner that is appropriate and professional. It is the responsibility of all employees to consistently carry out their responsibilities in a co-operative and professional manner in compliance with Board policies and procedures, collective agreements, terms and conditions of employment and any applicable legislation.

This Administrative Procedure identifies some, but not all, corrective measures that might be implemented to ensure employees maintain appropriate behaviour and carry out their duties responsibly, effectively and diligently.

DEFINITIONS:

Progressive Discipline:

Progressive discipline is a series of successive measures implemented by a Principal, Supervisor, or the Human Resources Department to correct inappropriate and/or unacceptable behaviour/conduct by an employee.

Job Performance:

Job Performance is determined by the assessment and evaluation of how an employee is performing their role. When an employee is not performing adequately in their role, it is expected the appropriate performance tool will be used to identify those areas in which an employee's competence is inadequate and must be improved. In general, teaching staff is evaluated using the Teacher Performance Appraisal process and non-teaching staff is evaluated using the Growth & Appraisal process. Information and forms for these processes are available online in the HR section of *myHDSB*. Questions regarding these processes should be directed to Human Resources.

PROCEDURES:

1. Investigations

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

1. an opportunity to know the allegation(s) and respond;
2. the presumption of innocence; and
3. confidentiality in-so-far as it is within the power of the Board to effect.

Discussions 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, their Superintendent of Human Resources or designate.

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 Superintendent of Human Resources or designate.

2. Clarification of Expectations

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 concerns is relatively minor in nature (i.e. infrequent lateness, incidental use of inappropriate language). 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. Subsequent to the meeting, the expectations should be documented in a letter to the employee with a copy forwarded to Human Resources for inclusion in the employee's personnel file. In some circumstances, the letter of expectation may be delivered by Human Resources directly.

3. Progressive Discipline of Employees

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

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

1. verbal warning (documented)
2. written warning
3. suspension
4. final written warning (usually accompanied by escalated suspension)
5. dismissal

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:

- the severity and impact of the behaviour/conduct;
- the frequency of the behaviour/conduct;
- the employee's history of inappropriate behaviour/conduct, if any.

Depending on these factors, 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 Human Resources. This advice can be obtained by contacting the appropriate Human Resources Manager or the Superintendent of Human Resources. Please note that, nothing in this document precludes a Principal/Supervisor from issuing informal verbal reminders to employees as part of their normal supervisory duties.

Supervisors/Principals should also be involving their Superintendent for advice and support throughout the Progressive Discipline process.

4. Verbal Warning

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. 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.

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 documented in writing to the employee as to the date and time it was delivered. The record of the verbal warning should be maintained in the employee's school/department personnel file and a copy of the verbal warning will be forwarded to the Human Resources Department for inclusion in the employee's Board personnel file. In some circumstances, the verbal warning may be delivered by Human Resources directly.

5. Written Warning

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. Where a written warning is to be issued, the Principal/Supervisor will draft the warning letter and forward it to Human Resources for review and input. A Principal/Supervisor may also request input from their Superintendent. It is recommended a second administrator or someone from the Human Resources department be present at the meeting in which the letter is delivered. 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.

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.

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 the nature of the concern, why the behaviour/conduct is a concern, identify any mitigating or aggravating factors, clearly state the expectations of the employee that will address the concern, the timeline under which it is expected that the employee's behaviour/conduct will improve and any supports that may have been put in place to assist the employee to improve. The letter should also include 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. The warning letter should clearly confirm the date and time it was delivered to the employee. The warning letter will form part of the employee's personnel file and a copy of the letter must be forwarded to Human Resources. In some cases the written warning letter will also include a statement that further similar conduct will result in a referral to the Superintendent of Human Resources. The Human Resources Department will advise the Principal/Supervisor of this at the time the letter is reviewed.

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/Supervisor. Prior to issuing such a warning, the Principal/Supervisor should contact Human Resources to confirm such a warning is appropriate in those particular circumstances. In some circumstances, the written warning may be delivered by Human Resources directly.

6. Suspension

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. If a Principal/Supervisor believes the employee's behaviour/conduct warrants a suspension, then the Principal/Supervisor should consult with Human Resources and their Superintendent prior to proceeding.

Human Resources, in consultation with the Superintendent and/or 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. Letters of suspension will be prepared by Human Resources and will be signed by the Superintendent of Human Resources or designate. The letter 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.

A meeting will be arranged with the employee and the Superintendent of Human Resources, or designate, Principal/Supervisor, if appropriate, and Superintendent, if appropriate. 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. .

At the meeting, the employee will be given the opportunity to clarify their version of events through 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. At the

conclusion of the meeting, unless material facts are disclosed at the meeting that were unknown to the Superintendent 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. Should the letter require revision this may be done immediately or may require the employee to attend a subsequent meeting. The suspension letter should clearly confirm the date and time it was delivered to the employee. The suspension letter will form part of the employee's personnel file maintained by Human Resources.

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

7. Final Written Warning

This step in the progressive discipline process will only be taken after consultation between the Superintendent of Human Resources, the Supervisory Officer for the school/department and the Principal/Supervisor.

This letter will be prepared by 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.

The final written warning letter (usually coupled with an escalated suspension) will be delivered to the employee by the Superintendent of Human Resources or designate at a meeting with the employee, their union representative (if the employee is unionized) and the Principal/Supervisor. The Supervisory Officer for the school/department may be invited if deemed necessary.

8. Termination

If an employee has not been successful through the various steps of the Progressive Discipline process, a recommendation for termination will be made. This step will only be taken after consultation between the Superintendent of Human Resources, the Supervisory Officer for the school/department and the Principal/Supervisor. If required, Human Resources may seek legal advice before termination is recommended.

The termination process will be managed by Human Resources and all documentation for the termination, including any required report to the Board or professional body will be completed by Human Resources.

Nothing in this procedure prevents the Board from taking action to terminate an employee for cause where that employee has not been subject to Progressive Discipline.

These documents are to be used as samples for Principals/Supervisors in drafting their documentation for

Sample Letter of Expectation

Date

Name

Location

Dear [Name]:

This letter will confirm that you have failed to (description of event, date and time)

We have discussed this incident and you recognize as a teacher, you are a role model for both staff and students in your actions. Your actions did not demonstrate appropriate modelling for the staff and students at our school. This letter is to confirm our agreement that you will act in a professional manner at all times. In order to assist you in meeting these expectations the following supports have been provided to you. (optional)

I am available to you if you need support and guidance in your efforts.

Sincerely,

Principal/Supervisor

Cc: Personnel file

Sample Confirmation of Verbal Warning

To:

From: , Principal/Supervisor

Date:

Re : VERBAL WARNING

On [date] [year], you reported for work one hour late. You did not have permission to be away from work at that time, and you did not phone me to seek such permission. When asked for an explanation, you advised me that you "had a bit of a rough one last night." As you are aware, employees are required to report for work on time, unless advance permission has been received.

As a result, you are receiving a verbal warning for your conduct.
Any such further conduct will result in further progressive discipline. [Where appropriate: I remind you of the availability of the Employee and Family Assistance Program (1-800-387-4765, www.workhealthlife.com) and would encourage you to avail yourself of those services if they may assist in preventing further conduct of this nature.]

I hope that this was an isolated incident, which will not be repeated nor necessitate further discipline.

Sample Letter for a Written Warning

Date

Employee
Location

Dear [Name];

On [date] [year], you were observed by a number of students and a member of staff engaged in what appeared to be a confrontation using inappropriate language with another staff member on school premises. Following an investigation, the Board accepts your explanation that you and the other employee were engaged in horseplay, as opposed to a serious confrontation.

Your conduct was inappropriate and will not be tolerated.

As a result, you are being given a written warning for your conduct in engaging in horseplay on school board premises.

Any further such conduct will result in further progressive discipline, which could lead to your dismissal. [Where appropriate: I remind you of the availability of the Employee and Family Assistance Program (1-800-387-4765, www.workhealthlife.com), and would encourage you to avail yourself of those services if they may assist in preventing further conduct of this nature.] In order to assist you the following supports have been put in place (details) <optional>

We hope that this was an isolated incident, which will not be repeated nor necessitate further discipline.

Sincerely,

Principal/Supervisor

Cc: Union if employee has contacted them and involved them.
Superintendent
Personnel File