



# Policy: Employee Progressive Discipline

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# 1.0 Purpose

- 1.1 The Superior North Catholic District School Board believes that its first priority is to provide the best possible educational environment that supports student achievement for all students in its charge. The board is responsible for employing quality staff who conduct themselves appropriately and in a professional manner in its workplaces. Employees who engage in inappropriate conduct or whose behaviour conflicts with Board policy will be subject to appropriate discipline. The key objective of progressive discipline is to assist employees in understanding that a conduct or behavioural problem exists and that there is opportunity for improvement.

# 2.0 Policy Statement

- 2.1 It is the policy of the Superior North Catholic District School Board to apply progressive discipline in order to provide guidance in correcting unacceptable behaviour and to discourage its recurrence. Employees who behave inappropriately due to a physical or mental disability, such as substance abuse, will not be subject to progressive discipline. It is the policy of the Superior North Catholic District School Board to address such matters through disability management in accordance with the Ontario Human Rights Code and/or the Ontario College of Teachers' Act, in the case of a certified member of the Ontario College of Teacher's who is found unfit to practice.

# 3.0 Parameters

## 3.1 General

- 3.1.1 Disciplinary action taken must be consistent with the concept of "just cause". If an employee has been guilty of serious and/or professional misconduct, habitual neglect of duty, incompetence, or conduct incompatible with his duties, or prejudicial to the employer's business, or if he has been guilty of wilful disobedience to the employer's orders in a matter of substance, the law recognizes the employer's right summarily to dismiss the delinquent employee.

- 3.1.2 It is the general approach of the board to address and correct inappropriate conduct, not punish it. Formal corrective action will be initiated by the identification and isolation of problem situations in a supportive and non-intrusive manner.
- 3.1.3 The board will establish administrative procedures for the progressive discipline process to ensure fair and consistent treatment of all employees.
- 3.1.4 Progressive discipline allows an employee the opportunity to correct his or her behaviour or conduct. Disciplinary action is based on the severity, frequency or other circumstances of the incident and is as warranted by the situation. Progressive discipline may start with a verbal reprimand and may culminate in termination. Any stage or stages of the disciplinary process may be repeated or omitted at the discretion of the Board. Progressive discipline applies to all employees.
- 3.1.5 Employees must be treated with dignity and respect throughout the progressive discipline process.
- 3.1.6 Employees employed by the Superior North Catholic District School Board are expected to respect and uphold Roman Catholic values and teachings.
- 3.1.7 For situations involving unsatisfactory “teaching performance” for either a “New Teacher” or “Experienced Teacher”, please refer to the Education Act and regulations as well as applicable Board policies and procedures as outlined in Cross References.

## **3.2 Employee/Student Relationships**

- 3.2.1 All employees are expected to maintain professional and appropriate relationships with students.
- 3.2.2 This responsibility extends to students in the employee’s class, school, throughout the school system, and to other students for whom an employee is considered to hold a position of trust.
- 3.2.3 The responsibility to maintain an appropriate relationship lies with the employee, and does not rest with a student, even if a student attempts to initiate an inappropriate relationship.
- 3.2.4 It is expected that this professional and appropriate boundary be respected for a minimum of eighteen months after the student graduates from high school,at

which time the former student must have attained a minimum age of eighteen (18).

## 4.0 Responsibilities

### 4.1 Board of Trustees

- 4.1.1 To establish guidelines and expectations as outlined in all applicable legislation, professional association requirements, Board policies and procedures, Collective Agreements and any other document that defines appropriate employee behaviour.
- 4.1.2 To consider and make decisions on recommendations from senior administration to terminate the employment of Board employees; and
- 4.1.3 To authorize the Director of Education to report the termination of a teaching contract to the Ontario College of Teachers in accordance with the Ontario College of Teachers' Act and the Education Act.

### 4.2 Director of Education

- 4.2.1 Implement the Progressive Discipline policy; and
- 4.2.2 Report to the Ontario College of Teachers, in writing, as required pursuant to the Ontario College of Teachers' Act.

### 4.3 Human Resources Manager or Designate

- 4.3.1 To support and provide direction in the application of the Progressive Discipline policy;
- 4.3.2 To formulate work requirements and behavioural expectations;
- 4.3.3 To manage disciplinary situations and administer/conduct the investigations into any allegations of professional misconduct;
- 4.3.4 To administer corrective disciplinary action; and
- 4.3.5 To conduct the fact finding/counselling meeting as directed by the Human Resources Manager or Designate.

## **4.4 Superintendents/School Administrators/Department Managers/Supervisors**

- 4.4.1 To communicate work requirements and behavioural expectations;
- 4.4.2 To make employees aware of the Board policies and expectations regarding appropriate employee behaviour;
- 4.4.3 To refer any discipline matters or personnel issues to Human Resources Manager or designate;
- 4.4.4 To inform the appropriate unions of any disciplinary matters.

## **4.5 Employees**

- 4.5.1 To demonstrate professional behaviour consistent with individuals who are responsible for the safety, learning and well being of students;
- 4.5.2 To ensure that employee/student and employee/employee relationships are professional and appropriate at all times;
- 4.5.3 To ensure that no grooming or sexual relationship is established with a student of any age.

## **5.0 Definitions**

### **5.1 Inappropriate Conduct**

- 5.1.1 Inappropriate conduct refers to behaviour for which the employee is responsible and which is deserving of corrective or disciplinary action.
- 5.1.2 Inappropriate conduct includes, but is not limited to, the following; culpable tardiness and/or absenteeism, unsatisfactory work performance, professional misconduct, subordination, unacceptable use of technology, and/or any conduct that reflects negatively on the school board.

## 5.2 Professional Misconduct

5.2.1 Professional misconduct refers to the failure of a licensed professional (for example a member of the Ontario College of Teachers) to meet the accepted standards of practice.

5.2.2 Professional misconduct includes but is not limited to the following:

- Failure to maintain the standards of the profession (Ontario College of Teachers), verbal, physical, cyber, or sexual abuse, inadequate supervision and/or conduct unbecoming of the profession.
- The only body that can determine whether or not a teacher has engaged in professional misconduct is the Ontario College of Teachers.

## 5.3 Grooming

5.3.1 The act of luring a student with the intent of gaining sexual favours.

## 5.4 Sexual Misconduct

5.4.1 Refers to any behaviour of a sexual nature.

## 5.5 Sexual Abuse

5.5.1 Is any form of sexual misconduct as per the Student Protection Act.

## References

- Education Act, R.S.O. 1990,
- Ontario College of Teachers' Act
- Ontario Labour Relations Act
- Child and Family Services Act
- The School Boards Collective Bargaining Act
- The Ontario Human Rights Code
- Policy ES 303 Code of Conduct
- Policy GL - 104 Trustees Code of Conduct
- Policy T 702 Information Technology – Acceptable Employees
- Policy HR 514 Principal/Vice Principal Performance Appraisal
- Policy HR 516 Teacher Performance Appraisal
- Policy HR - 535 Conflict of Interest for Employees
- Policy HR 511 Expectations of Teachers

- Policy ES 315 Workplace Harassment
- York Catholic District School Board Progressive Discipline Policy
- Student Protection Act.

## Approval and Review Dates

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