



YORK REGION DISTRICT SCHOOL BOARD

Policy and Procedure #577, Staff Progressive Discipline

The Staff Progressive Discipline policy and procedure outline how inappropriate staff conduct will be addressed.

Who has responsibilities?

- Chair and Board of Trustees
- Director of Education
- Human Resource Services
- Superintendents, Administrators and Managers
- Staff

How is this policy and/or procedure related to Board priorities?

The Staff Progressive Discipline policy and procedure address the management of employees who engage in inappropriate conduct and supports the promotion of well-being through safe, caring and supportive schools and workplaces.

Department

Human Resource Services

Legislative Context

[Ontario College of Teachers' Act](#)

[Education Act](#)

[Teaching Profession Act](#)

[Collective Agreements](#)

[Municipal Freedom of Information and Protection of Personal Privacy Act](#)

Related Documents

[Standards of Conduct](#)

[Supporting Community Concerns](#)

[Human Rights: Code-Related Harassment and Discrimination](#)

[Violence Prevention and Intervention and Non-Code Workplace Related Harassment – Employees](#)

[All Board Policies, Procedures and Supporting Documents](#)

It is the expectation of the York Region District School Board that all employees, students and persons invited to or visiting Board property; or partaking/volunteering in Board or school-sponsored events and activities will respect the policies and procedures of the Board. The term "parents" refers to both biological/adoptive parents and guardians in all Board policies and procedures.



Board Policy #577.0 Staff Progressive Discipline

Policy Statement

The first priority for the York Region District School Board is to provide the best possible educational and working environment that supports the well-being of all students and staff.

All staff members are expected to be aware of and follow Board policies, guiding principles and rules for the well-being of students, staff and the operation of the Board.

The Board will employ progressive discipline where appropriate. Confidentiality will be maintained in accordance with all applicable legislation including, but not limited to, the [Municipal Freedom of Information and Protection of Privacy Act](#). Specific details of any investigation involving Board employees including, but not limited to, the outcome will only be disclosed in accordance with the applicable legislation.

Application

This policy and its related procedure address conduct that affects schools or workplace climate regardless of whether it occurs on or off Board property. It applies to all staff members employed by the York Region District School Board.

Responsibilities

The Board of Trustees is responsible for:

- creating and maintaining a learning and working environment that operates within the expectations of the Staff Progressive Discipline policy;
- where applicable, communicating the Staff Progressive Discipline policy to members of the community;
- understanding and reviewing the Staff Progressive Discipline policy in accordance with the priorities in the [Multi-Year Plan](#) and the approved policy review cycle;
- considering and making decisions on recommendations from senior staff to terminate the employment of Ontario College of Teachers qualified;
- authorizing 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](#); and
- when considering progressive discipline for the Director of Education;
 - take into consideration the evidence as determined under the Standards of Conduct policy and procedure; and
 - seek external counsel, as required.

The Chair of the Board, or Vice-Chair of the Board, is responsible for:

- working with Corporate Secretariat and Trustee Services and Human Resource Service to ensure any records associated with disciplinary action associated with the Director of Education are retained and stored appropriately.

The Director of Education is responsible for:

- implementing and operationalizing the Staff Progressive Discipline policy; and
- ensuring compliance with all appropriate legislation with regard to reporting to the applicable professional association, College or regulatory body when inappropriate conduct of an employee has occurred and has been addressed under the Staff Progressive Discipline policy.

Definitions

Inappropriate Conduct

Behaviour that is:

- a) in breach of Board policy, procedure or guidelines;
- b) in violation of Provincial or Federal Codes, laws or legislation;
- c) contrary to the well-being and safety of students; that does not meet Board expectations or that may be unprofessional; and/or
- d) conduct that does not meet accepted standards or constitutes professional misconduct.

Progressive Discipline

A graduated range of responses to employee matters including but not limited to conduct issues.

Professional Misconduct

An act or omission inconsistent with or contravening the regulations that govern a professional body to which the individual belongs

Unprofessional Conduct

Behaviour that is not appropriate for the work environment or that negatively affects the work environment.

History

Replacing elements of Policy and Procedure #578.0, Professional Misconduct and Progressive Discipline

Working document: December 2017

Revised: July 2018, November 2018



Board Procedure #577.0

Staff Progressive Discipline

This procedure outlines the staff disciplinary process.

Application

The procedure applies to all employees including occasional employees, and those on a temporary or term assignment. The procedure is aligned with information contained within collective agreements but does not reiterate specific clauses within agreements.

The disciplinary action taken is based on the nature, severity, impact, frequency or other circumstances of the incident. Non-disciplinary actions provide the employee with counselling and clarification of expectations and provided with an opportunity to correct their behaviour or conduct. Disciplinary actions are progressive in nature and are a continuum that 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.

Progression through the disciplinary process may vary based on the employment relationship, such as whether the employment is permanent, term, temporary or occasional in nature.

Non-Disciplinary Actions

Counselling and Letter of Expectations

Where an incident or behavior does not comply with Board expectations, and where there has been no prior discipline, it may be appropriate and sufficient to provide clarification in a non-disciplinary format.

This clarification can take two forms.

A counseling interview is a discussion which, where appropriate:

- describes the undesirable behaviour or action;
- explains why the behaviour or action was unacceptable;
- allows the employee to provide an explanation;
- outlines expectations for desirable and/or acceptable behaviour or actions;
- cautions that disciplinary action may follow if unacceptable behaviour continues; and
- clarifies that the discussion is not disciplinary but that it will be taken note of in order to follow up on possible further disciplinary incidents.

A [letter of expectation](#) contains the same information as does the counseling interview, but is in the form of a letter to the employee.

Typically, these interviews or letters are appropriate for procedural or operational irregularities which, on an isolated basis, are not deserving of discipline but do require direction or clarification of expectations.

Counseling interviews and letters of expectation are not disciplinary as neither is maintained in the official individual employee file housed in Human Resource Services. Counselling interviews should be noted in the supervisor's diary. Letters of expectation should be maintained in the school or department file for a minimum period of one year. While neither form of communication is disciplinary, the employee may have union representation in attendance.

Disciplinary Actions

Stages of Progressive Discipline

Stage 1: Verbal Reprimand

A verbal reprimand requires the documentation of inappropriate conduct. A verbal reprimand is a statement to the employee by an appropriate supervisor identifying a need for change in behaviour related to their employment. The nature of the problem, what is required to correct the problem and the potential consequences of failure to make such a correction are clarified with the employee. A verbal reprimand is disciplinary and is documented on the employee's file through a [Record of Employee Verbal Reprimand](#) form.

Stage 2: Written Reprimand

A written reprimand is the documentation of inappropriate conduct of a more serious nature or where there has been a prior verbal reprimand(s). A written reprimand is documented on the employee's file through a [letter](#) outlining specific details of an incident(s) and/or referring to a previous reprimand(s) may be appended to the form.

Stage 3: Written Reprimand with Sanctions

A written reprimand with sanctions is the documentation of inappropriate conduct of a more serious nature or where there has been a prior reprimand(s) that is deserving of disciplinary action. A written reprimand with sanctions is documented on the employee's file, and provides the rationale for additional disciplinary action which may include, but is not limited to, non-voluntary transfer, demotion or unpaid suspension.

Stage 4: Termination

Termination is dismissal of an employee from employment with the Board. Depending on the conduct at issue, termination may be the final stage in progressive discipline or, where misconduct is of such magnitude, termination may be the immediate consequence.

Retention Guidelines for Progressive Discipline

Documentation related to employee discipline will be retained in the employee's file(s) for a minimum period of three years from the date of issue. Following this period of time it will be removed provided there has been no discipline issued in the interim, and in line with the [Staff Progressive Discipline Retention Guidelines](#).

Responsibilities

The Director of Education shall:

- allocate staff and resources to support the Staff Progressive Discipline policy and procedure.

The Associate Director responsible for Human Resources shall:

- support and provide direction in the application of the Staff Progressive Discipline procedure.

The Director of Education, Associate Director(s), Coordinating Superintendent(s) and Superintendent(s) of Education shall:

- support and provide direction to staff in the application of the Staff Progressive Discipline policy and related procedure.

The Superintendent responsible for Human Resources, or designate, shall:

- review any recommendations for termination of employees before a decision is made;
- submit recommendations for the termination of permanent teachers to the Board of Trustees;
- review and authorize recommendations for termination of non-teaching staff;
- provide advice and direction regarding disciplinary incidents which may require parallel investigation by a Children's Aid Society, governing professional body and/or the Police; and
- provide advice and guidance as requested in the administration of progressive discipline.

Superintendents, Principals and Managers shall:

- ensure that appropriate consultation occurs with the appropriate superintendent and with Human Resource Services when administering disciplinary action;
- comply with any applicable clause(s) of the relevant collective agreements;
- in matters involving a non-disciplinary actions;
 - record the counselling interview conducted with the employee in their daybook, and
 - retain the letters of expectation in the employee school/work file for one year;
- where disciplinary action is relevant clarify;
 - rules/expectations to the employee,
 - the nature of the problem,
 - what is required to correct the problem,
 - potential consequences of failure to make such a correction, and
 - retain records of disciplinary action in the employee's file(s) in accordance with the discipline retention guidelines;
- in matters involving a verbal reprimand, written reprimand, or written reprimand with sanctions;
 1. schedule a meeting for delivery and discussion of the reprimand documentation,
 2. inform the employee of his/her right to have union, federation or other counsel (if an employee is not covered by a collective agreement) in attendance at any disciplinary meeting the employee is requested to attend,
 3. provide a copy of the reprimand documentation to the employee, and provide file copies of the reprimand documentation for the school/work locations as appropriate,
 4. obtain the employee and union representative (where applicable) signatures acknowledging receipt of the reprimand documentation, and
 5. consult with the superintendent responsible for Human Resource Services or designate and Human Resource Services in respect of a termination matter as appropriate.

Human Resources shall:

- provide advice and consultative support to superintendents, principals and managers in the disciplinary processes related to staff;
- work with Corporate Secretariat and Trustee Services to provide advice to the Board Chair and/or Vice-Chair on records retention associated with disciplinary action related to the Director of Education; and
- maintain disciplinary records.

Staff members shall:

- ensure the attendance of their union, federation or other counsel (if not covered by a collective agreement), if desired, at disciplinary meetings and at the meeting scheduled for delivery and discussion of disciplinary documentation; and
- sign indicating receipt of any disciplinary documentation.

History

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