



## YORK CATHOLIC DISTRICT SCHOOL BOARD

BOARD POLICY	
<i>Policy Section</i> <b>Human Resources</b>	<i>Policy Number</i> <b>412</b>
<i>Former Policy #</i>	<i>Page</i> <b>1 of 6</b>
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<b>June 19<sup>th</sup>, 2012</b>	<b>November 28, 2017 January 30, 2018 December 17, 2021</b>

**POLICY TITLE: PROGRESSIVE DISCIPLINE OF EMPLOYEES**

### SECTION A

#### 1. PURPOSE

The York Catholic District School Board believes that its first priority is to provide the best possible educational environment that supports achievement for all students. The Board is responsible for employing staff who conduct themselves appropriately and in a professional manner in its workplaces and in accordance with all policies and procedures of the Board. 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 an inappropriate conduct or behavioural problem exists and that there is opportunity for improvement.

#### 2. OBJECTIVE

It is the policy of York Catholic District School Board to apply progressive discipline in order to provide guidance in correcting inappropriate conduct 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 York Catholic District School Board's policy 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. PARAMETERS

##### General

- 3.1 The Progressive Discipline policy applies to all employees of the Board.
- 3.2 The Board retains the authority to impose discipline, including termination, for a single act or action in circumstances where the behaviour is serious willful misconduct and/or a breach of the employee's duties to the Board and/or to their

- profession and/or which places the Board in a position of liability/risk. Taking into consideration the nature of the misconduct and any aggravating factors, the Board retains the discretion and management rights to omit levels of progressive discipline listed in the Procedure.
- 3.3 Conduct by a Board employee that is found to be contrary to the teachings of the Roman Catholic faith may be considered denominational cause and subject to progressive discipline and/or termination from employment.
  - 3.4 Progressive discipline affords an employee the opportunity to correct inappropriate conduct. Disciplinary action(s) shall be based on the severity, frequency, recurrence or other circumstance of the inappropriate conduct and as warranted by the situation. The level of progressive discipline may be imposed, ranging from a verbal reprimand to termination, subject to the nature of the wrongdoing.
  - 3.5 The Board will maintain administrative procedures for the progressive discipline process to ensure that:
    - 3.5.1 Fair and consistent treatment is applied for all employees.
    - 3.5.2 Corrective action is initiated by the identification of problem situations in a supportive manner.
    - 3.5.3 Employees are treated with dignity and respect throughout the process.
  - 3.6 Two distinct administrative procedures related to progressive discipline shall be implemented as follows:
    - 3.6.1 Administrative Procedure “A” relates to CUPE, OECTA, OSSTF and exempt employees.
    - 3.6.2 Administrative Procedure “B” relates to Vice Principals, Principals and Senior Administration.

### **Employee/Student Relationships**

- 3.7 All employees are expected to maintain professional and appropriate relationships with students.
  - 3.7.1 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.
  - 3.7.2 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.
  - 3.7.3 It is expected that this professional and appropriate boundary be respected for a minimum of twenty-four (24) months after the student graduates from or leaves the system.

## **4. RESPONSIBILITIES**

### **4.1 Board of Trustees**

- 4.1.1 To review and approve the Progressive Discipline of Employees Policy.
- 4.1.2 To review the Procedures to ensure that they are in alignment with the Policy.
- 4.1.3 To consider and make decisions on recommendations from Senior Administration to terminate the employment of Board employee(s).
- 4.1.4 To authorize the Director of Education to report the termination of a teacher 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 To oversee the implementation of and compliance with the Progressive Discipline policy and procedures.
- 4.2.2 To report to the Ontario College of Teachers, in writing as required, pursuant to the *Ontario College of Teachers' Act*, as well as other applicable governing colleges.

## **4.3 Superintendent of Human Resources and International Education**

- 4.3.1 To ensure the implementation of the Progressive Discipline policy and procedures.
- 4.3.2 To support and provide direction in the application of the Progressive Discipline policy.
- 4.3.3 To provide annual training to all employees.
- 4.3.4 To formulate work requirements and conduct expectations.
- 4.3.5 To manage disciplinary situations and oversee the investigations into any allegations of misconduct.
- 4.3.6 To ensure that corrective disciplinary action is implemented in accordance with Policy 412.
- 4.3.7 To be aware of Board policies and expectations regarding appropriate and inappropriate employee conduct and communicate same to all direct reports by way of system memos, brochures and annual training.
- 4.3.8 To maintain data in order to identify trends and issues and take proactive measures to address systemic issues. The data would be used to inform and substantiate any recommended changes.

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

- 4.4.1 To communicate work requirements and conduct expectations to all direct reports.
- 4.4.2 To conduct the fact finding/counselling meeting as directed by the Superintendent of Human Resources.
- 4.4.3 To be aware of Board policies and expectations regarding appropriate employee conduct and communicate same to all direct reports.
- 4.4.4 To ensure that corrective disciplinary action is implemented in accordance with Policy 412 and subsequent to consultation with the Superintendent of Human Resources.

## **4.5 Employees**

- 4.5.1 To adhere to and comply with Board policies and expectations regarding appropriate employee conduct and work performance.
- 4.5.2 To demonstrate professional conduct consistent with individuals who are responsible for the safety, learning and wellbeing of students.
- 4.5.3 To ensure that employee/student relationships are professional and appropriate at all times.

## **5. DEFINITIONS**

### **5.1 Denominational Cause**

Roman Catholic minorities were granted constitutional protection with respect to denominational schools at the time of Confederation, (s. 93 *Constitution Act, 1867*). This historical protection continues today with the Board's right to impose terms and conditions of employment relating to the practice of the Roman Catholic religion. Employees are therefore required to observe and comply with the teachings of the Roman Catholic Church and to be good examples in their manner of conduct.

## 5.2 Employee

An employee is an individual employed by the Board in a casual, temporary or permanent position including but not limited to school administrators, middle management/supervisors, all school and Catholic Education Centre staff.

## 5.3 Inappropriate Conduct

Inappropriate conduct refers to behaviour for which the employee is responsible and which is deserving of corrective or disciplinary action.

Inappropriate conduct includes, but is not limited to, the following:

- i) Culpable tardiness;
- ii) Culpable absenteeism;
- iii) Unsatisfactory work performance;
- iv) Professional misconduct;
- v) Insubordination;
- vi) Unacceptable use of technology;
- vii) Failure to follow Board directives, policies and procedures;
- viii) Any conduct that reflects negatively on the Board;
- ix) Conduct contrary to the Board's denominational rights; as stated in the Human Rights Code Section 19 (1) This Act shall not be construed to adversely affect any right or privilege respecting separate schools enjoyed by separate school boards or their supporters under the Constitution Act, 1867 and the Education Act. R.S.O. 1990, c. H.19, s. 19 (1) and the teachings of the Catholic faith;
- x) Inappropriate use of Board resources (i.e.: time, benefits (medical, dental) collections from school fund-raised proceeds).
- xi) Fraudulent reporting of time (i.e.: overtime hours)

## 5.4 Professional Misconduct

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.

Professional misconduct includes but is not limited to the following:

- i) Failure to maintain the standards of the profession (Ontario College of Teachers);
- ii) Verbal, physical or sexual abuse;
- iii) Inadequate supervision;
- iv) Conduct unbecoming of the profession.

## 6. CROSS REFERENCES

[Child and Family Services Act](#)

[Education Act](#)

[Ontario College of Teachers' Act](#)

[Ontario Labour Relations Act](#)

YCDSB Policy 204 [Child Protection and Abuse](#)

YCDSB Policy 218 [Code of Conduct](#)

YCDSB Policy 407 [Police Record Checks – Board Employees](#)

YCDSB Policy 408 [Digital Discipleship: Acceptable Use of Technology](#)

YCDSB Policy 423 [Conflict of Interest for Employees](#)

YCDSB Policy 425 [Workplace Harassment](#)

YCDSB Policy 427 [Workplace Violence](#)

YCDSB Procedure Progressive Discipline for Employees  
(CUPE, OECTA, OSSTF & EXEMPT)

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## **POLICY TITLE:    PROGRESSIVE DISCIPLINE POLICY**

### **SECTION B: GUIDELINES**

Progressive discipline, also known as corrective or constructive discipline, is a process for dealing with job-related behaviour or conduct, including work performance that does not meet expected and communicated performance, conduct standards or Board policies and procedures.

The primary purpose of progressive discipline is to assist the employee to understand that a conduct or performance problem exists and give the opportunity for improvement. Before performance or disciplinary issues are discussed, the supervisor should have given reasonable expectations (oral/written) to the employee.

The process of progressive discipline is intended to assist the employee to overcome conduct or performance problems and to satisfy job expectations. Progressive discipline is most successful when it assists an individual to become an effective performing member of the organization.

Progressive discipline, properly applied, is not harassment or workplace harassment.

The Board's procedures, an addendum to this policy contains information related to the following components:

#### **1. PRIOR TO UNDERTAKING THE PROGRESSIVE DISCIPLINE PROCESS**

Where an incident or conduct 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.

#### **2. PROGRESSIVE DISCIPLINE PROCESS**

- 2.1 Basic Principles
- 2.2 The Investigation

#### **3. PROGRESSIVE DISCIPLINE**

Four progressive levels of progressive discipline.

- 3.1 Verbal Warning
- 3.2 Written Warning
- 3.3 Written Warning with Sanctions
- 3.4 Termination

#### **4. RECORDS**

All records to be kept in accordance with the Board's Records Management and Retention Schedule.