

# DISCIPLINARY PROCEDURES (DUE PROCESS)

## Background

Any disciplinary action taken against an employee is done to improve a situation or resolve a problem. The primary purpose of a disciplinary action is to be aimed at personal improvement and development of an employee and not as punishment. In order that these beliefs are manifest in disciplinary action, any disciplinary procedure must follow due process.

## Procedures

"Due Process" must include the following steps:

1. An observation by a supervisor of any serious infraction such as:
  - 1.1 Breach of rules/policies/procedures;
  - 1.2 Failure to perform duties;
  - 1.3 Patterns of inappropriate behaviour (i.e. abuse of sick leaves, tardiness, etc.);
  - 1.4 Breach of ethical/moral behaviour;
  - 1.5 Lack of respect to other employees, students, supervisors, elected members, public served, etc.;
  - 1.6 Lack of loyalty (i.e. Does not follow ethical procedures in dealing with negative situations or do not act as positive ambassadors for the Division);
  - 1.7 Any behaviour reasonably deemed to be unprofessional, ineffective or counterproductive.
2. An interview conducted by the supervisor with the employee, which would include a discussion of:
  - 2.1 The nature of the concerns;
  - 2.2 The process to be employed in the investigation of the situation concerned;
  - 2.3 Who will be involved in an investigation of the matter if a decision is made to carry one out;
  - 2.4 Any recourse the employee may have in the process (i.e. opportunity to present information, explain, apologize, defend, etc.).
3. An investigation of the matter by the supervisor which would include:
  - 3.1 An opportunity to meet with all parties concerned;
  - 3.2 Analysis of seriousness of allegations;
  - 3.3 Provision of an opportunity for employee to present, see 2.4 above;

- 3.4 Documentation of investigation.
- 4. Resolution of the matter which would include:
  - 4.1 A complete report (written or verbal depending on seriousness of allegations) to the Director;
  - 4.2 A written recommendation for disciplinary action which would also include:
    - 4.2.1 Provision of time frame for corrective actions.
    - 4.2.2 The preparation, by the supervisor, in consultation with the employee, a plan for improvement, (either in oral or written form, as deemed appropriate by the supervisor, considering factors such as repetition, seriousness, etc.) The plan for improvement will include at least the following elements:
      - 4.2.2.1 Clear identification of the problem or concern;
      - 4.2.2.2 Clear agreed-upon strategies for correction/improvement;
      - 4.2.2.3 Support resources to be provided by supervisor;
      - 4.2.2.4 Monitoring schedule;
      - 4.2.2.5 Criteria and indicators that will indicate that the plan is/or is not precipitating the desired results;
      - 4.2.2.6 A timeline for the plan;
      - 4.2.2.7 Consequences resulting success or failure of the plan.
  - 4.3 Details of the plan for improvement shall be reported to the Director, as per 4.1 above. If the report is oral, the total situation is to be diarized, by the supervisor, in general terms, and a copy is to be given to the employee.
  - 4.4 Copies of all documentation are to be placed in the employee's personnel file, and copies are to be given to the employee.

Reference: Section 85, 87, 108, 109, 175, 210, 213, 215, 216 Education Act