



Procedure Section: **Personnel and Employee Matters**

700

Procedure Name: **Employee Code of Conduct**

706

PROCEDURE

Employee Code of Conduct

Rationale

Keewatin Patricia District School Board is committed to providing the best possible education for the students in its care, and protecting the intellectual, physical, mental, and emotional well-being of all students and employees.

It is KPDSB's expectation that its employees act in a professional manner, consistent with their role in the organization. It is the responsibility of all employees to consistently carry out their responsibilities in a co-operative and professional manner in compliance with KPDSB policies and procedures, collective agreements, terms and conditions of employment and any applicable professional standards and legislation.

Employees who engage in professional misconduct, inappropriate conduct, or whose behaviour conflicts with KPDSB policy and procedures will be subject to appropriate discipline. KPDSB will employ progressive discipline where appropriate. This 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.

Cross Reference

Policies

207, Trustee Code of Conduct
 306, Use of Volunteers
 318, Privacy and Information Management
 321, Safe and Supportive Schools
 330, Character Development
 322, Code of Conduct
 401, School-Student Activities Outside the Classroom
 503, Equity and Inclusive Education
 617, Honorariums to Support Students
 701, Criminal Background Checks for Employees, Volunteers, Service Providers, and Others
 708, Respectful Working and Learning Environment: Conflict Prevention and Resolution
 709, Workplace Harassment
 712, Employee Hiring and Promotion
 715, Substance Use by Employees and Volunteers (Drug and Alcohol)
 716, Use of Medical Cannabis

Procedures

401, School-Student Activities outside the Classroom
 706, Employee Code of Conduct : Progressive Discipline
 717, Accountability

Legal References

Education Act
 Ontario Human Rights Code
 Employment Standards Act
 Occupational Health and Safety Act
 Broader Public Sector Accountability Act s. 12
 Broader Public Sector Procurement Directive
 Other KPDSB Standards
 Professional Standards at KPDSB (Appendix A)

Date Adopted: 13/11/2001

Dates Reviewed: 11/02/2003; 09/05/2006;
 10/02/2009

Dates Revised: 12/02/2013; 12/04/2016;
 10/11/2020; 11/04/2023, 11/05/2023

Review By: 2027

Definitions

Progressive Discipline is a series of increasingly serious steps, ranging from a verbal clarification to termination of employment, that a Principal, Supervisor, Human Resources department, or member of senior management initiates in order to correct unacceptable behaviour or conduct. In general, there are five potential steps within the progressive discipline process. However, it is recognized that each situation is unique and that responses will have to be considered in light of all of the circumstances. There are no fixed or arbitrary rules of application, and the process shall adhere to collective agreements in the matter of Union representation. Serious situations may result in immediate and significant disciplinary consequences.

In general, the five potential stages in the process are:

- 1) Verbal Clarification (with File Note);
- 2) Letter of Professional Expectation;
- 3) Letter(s) of Discipline
 - a) Verbal Warning (documented)
 - b) Written Warning (no-suspension);
- 4) Suspension without pay (with Letter of Discipline); and
- 5) Dismissal

It is recognized that a verbal clarification and a letter of professional expectation are non-disciplinary. These are the progressive steps taken before formal discipline occurs. However, it is recognized that serious situations may result in immediate and significant disciplinary issues. It is further recognized that an employee may receive more than one letter of discipline in the progressive discipline process. A KPDSB File Note should accompany each stage as documentation. Each case of inappropriate behaviour/conduct must be assessed individually to determine the nature of the concern to be addressed and any additional 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 to address the behaviour/conduct of the employee. Guidance as to the appropriate step is available to the Principal/Supervisor from Human Resources. Principals/Supervisors should also communicate with their Superintendent of Education for advice and support throughout the Progressive Discipline Process.

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 that the appropriate performance tool/assessment will be used to identify those areas in which an employee's competence is inadequate and must be improved.

Investigations

If an allegation concerning an employee has been made, an investigation into the allegations must first be completed before discipline is imposed. Investigations will be exercised in such a way that the employee has:

- a) An opportunity to know the allegation(s) and respond;
- b) The presumption of innocence; and
- c) Confidentiality in-so-far as it may be appropriately maintained in the circumstances.

Investigations will be conducted by the Principal/Supervisor of the employee in consultation with the Human Resources department and/or the Superintendent of Human Resources or their designate. Employees may be placed on administrative paid leave during an investigation. An investigation may involve formal and informal discussions with the employee and other staff, up to and including a third-party process, depending upon the circumstances and discretion of the Human Resources Manager and Superintendent of Human Resources.

Procedures:

1) Verbal Clarification

In the case of relatively minor behaviour, the employee will be involved in a discussion regarding the issue. This non-disciplinary professional discussion should occur between the Principal/Supervisor and the employee as soon as possible after the behaviour occurred. The Principal/Supervisor should use the discussion as a basis for clarification and validation of concerns and/or expectations. The Principal/Supervisor must be very clear regarding the nature of the concern, why the behaviour is a concern, and what the expectations are for improvement regarding the behaviour. This meeting is non-disciplinary and is an opportunity to coach and support improvement.

2) Letter of Professional Expectation

If the behaviour does not improve, or if an employee commits another, or more serious infraction, the Principal/Supervisor is expected to, as a minimum, meet with the employee and issue a letter of professional expectation.

The Principal/Supervisor should proceed as follow:

- a) Contact the Human Resources Manager or Superintendent of Human Resources prior to the meeting in order to support the process.
- b) Provide the employee with the opportunity to have union representation or a support person and provide at least 24 hours notice of any meeting, if possible.
- c) The Principal/Supervisor may have another administrator, the school's Superintendent of Education, and/or the Superintendent of Human Resources or their designate accompany them to the meeting.
- d) The meeting serves as a basis for discussion, clarification, and validation of the concerns and/or expectations.
- e) At the meeting the Principal/Supervisor will clarify:
 - i) The nature of the concerns;
 - ii) Reference to any previous discussion(s) regarding the same behaviour and that adequate improvement has not occurred;
 - iii) Why the behaviour is a concern;
 - iv) Expectations and appropriate supports that can be provided;
 - v) The contents of the letter of professional expectation.
- f) A letter of professional expectation is non-disciplinary and is a continued method to coach and support improved behaviour.

3) Letter(s) of Discipline / Letters of Discipline with Suspension

With the exception of significant inappropriate behaviour infractions, letters of discipline are normally only given after the verbal clarification and letter of professional expectation have failed to produce the necessary change in behaviour within a reasonable period of time. A letter of discipline may include a suspension without pay. If a Principal/Supervisor believes a letter of discipline or suspension is required, the Human Resources Manager and/or the Superintendent of Human Resources or their designate must be contacted before proceeding.

The Principal/Supervisor should proceed as follows:

- a) Contact the Human Resources Manager or Superintendent of Human Resources or their designate prior to the meeting to support the process.
- b) Provide the employee with the opportunity to have union representation or a support person and provide at least 24 hours notice of any meeting.

- c) The Principal/Supervisor may have the Human Resources Manager or the Superintendent of Human Resources or their Superintendent of Education/Business accompany them to the meeting.
- d) The letter of discipline must include:
 - i) Identification of the event or behaviour
 - ii) Reference to prior relevant recorded disciplinary action
 - iii) Reference to the legislations, bulletins, policies, procedures, or professional expectations or standards etc. that sets the expectations for behaviour
 - iv) Reference to the expected change in behaviour
 - v) Date(s) of the suspension; date of return to work, if required
 - vi) Warning that indicates that future incidents of this nature may lead to further discipline, up to and including dismissal.
- e) A copy of the letter is to be placed in the employee personnel file. Drafts of all letters will be reviewed by human resources.
- f) Depending on the nature of the infraction, an employee may receive more than one letter of discipline for the same type of behaviour. This determination is made in consultation with human resources and the appropriate Superintendent or Manager.

4) Dismissal

If an employee continues with inappropriate behaviour despite the progressive discipline process, or the behaviour or misconduct is significant and serious, the Principal/Supervisor may recommend to the appropriate Superintendent of Education, Human Resources, and Superintendent of Human Resources that the employee be terminated. The termination of the employee must be fully considered in accordance with Board policy and procedures and procedural fairness. The employee may be advised to consult with union representation, if applicable.