



## KAWARTHA PINE RIDGE DISTRICT SCHOOL BOARD

### ADMINISTRATIVE REGULATIONS

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<b>Section:</b>	<b>Human Resources</b>	<b>Regulation Code: HR-5.3.3</b>
	<b>• Professional Activities</b>	<b>Policy Code Reference: HR-5.3</b>
<b>Regulation:</b>	<b>CODE OF CONDUCT FOR EMPLOYEES: EMPLOYEE PROGRESSIVE DISCIPLINE</b>	<b>Page 1</b>

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This administrative regulation is written in accordance with the guiding principles in Board Policy No. [HR.-5.3, Code of Conduct for Employees](#), [B-3.2, Equity, Diversity and Inclusion](#), *the Accessibility for Ontarians with Disabilities Act*, and the *Ontario Human Rights Code*.

The Kawartha Pine Ridge District School Board believes that all employees are committed to acting professionally in their duties. This administrative regulation will clarify the Board's response to employees who engage in professional misconduct or whose behaviour does not meet the Board's established and accepted standards. The Board will utilize progressive discipline in a manner that is consistent and equitable, where required.

This administrative regulation applies to all unionized and non-unionized employees of the Kawartha Pine Ridge District School Board. Where a conflict exists between a provision in this administrative regulation and a collective agreement, the collective agreement will prevail.

#### **Purpose:**

The goal of progressive discipline is to favourably change employee behaviour, where necessary. The process of progressive discipline is not intended to be punitive to an employee, but to correct and improve employee conduct or performance concerns and satisfy employment expectations. In general, the process of progressive discipline provides employees with timely opportunities to correct or improve behaviour, including performance, prior to reaching the point of termination for just cause.

Workplace harassment does not include a reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace. Additionally, progressive discipline is not a letter of direction or expectation from a supervisor to an employee that is routine communication from a supervisor.<sup>1</sup>

#### **1. Stages of Progressive Discipline:**

Generally, the application of progressive discipline occurs in the following levels:

- i. **Verbal Warning:** is the general response to an initial occurrence of a minor incident and the response provides direction on how to correct the behaviour observed. A verbal warning is confirmed in writing and placed in the employee's personnel file.
- ii. **Written Warning:** is the general response to a minor incident where a verbal warning has already been provided for the same or similar offence. A written warning can

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<sup>1</sup> Supervisor refers to an employee who has direct supervisory responsibility of an employee in a subordinate position. This includes, but is not limited to, Director of Education, Superintendent, Principal, Executive Officer, Vice-Principal, Senior Manager, Manager, Supervisor.

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also be provided to an employee without any previous disciplinary warning if the offence is considered more than a minor incident.

- iii. **Suspension Without Pay:** is a response to a minor incident where a written warning or suspension without pay has been previously provided to an employee for a same or similar offence; however, suspensions may also be provided to an employee without any previous disciplinary warning if the offence is considered serious. Suspensions without pay are normally provided in one, three, or five-day increments; however, suspensions without pay may be longer in severe circumstances. The length of suspension will depend on the seriousness of the misconduct, prior disciplinary offenses, and other aggravating and/or mitigating factors.
- iv. **Demotion:** is a potential response in situations where the employee is not able to meet the established job requirements. This option may be used by the Board in its sole discretion where it believes the employee may be successful in another role and the employment relationship has not been irreparably damaged. In cases where this is utilized, it may place the employee in a position that is lower paying because of the change in job duties.
- v. **Termination:** is a response to situations where the employee has received a suspension without pay for a same or similar offence. However, termination may be a response to serious misconduct that has irreparably undermined the employment relationship where previous warning has not been provided. Termination may also be a response for incidents involving poor performance where the employee has been provided reasonable time to improve but is unable to meet job performance standards.

A repeat of the same or similar behaviour will result in a higher level of discipline; however, the level of misconduct may justify the Board in omitting one or more stage of progressive discipline. Conversely, the Board may exercise its discretion and repeat steps of this process for less serious misconduct.

### **2. Responsibility for Progressive Discipline:**

Supervisors are responsible for establishing and maintaining performance standards and expectations. Supervisors are expected to review all forms of discipline with Human Resource Services; however, the supervisor is responsible for delivering verbal and written warnings. Suspensions and terminations must be reviewed by the Superintendent responsible for Human Resource Services or designate. Termination decisions will be communicated to the employee by the Director of Education or designate.

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### **3. Administrative Leave or Reassignment During Investigation:**

In addressing allegations of serious misconduct, including but not limited to allegations of sexual misconduct, criminal charges, harassment, sexual harassment, discrimination, or any situation where the Board deems student or staff safety to be at risk, the Board may place an employee on a paid or unpaid administrative leave, subject to the circumstances. The Board may also reassign an employee to another location at its sole discretion during an investigation.

### **4. Non-Culpable Conduct or Performance:**

The Board recognizes that there may be situations where an employee is unable to fulfill the requirements of the employment relationship due to circumstances over which the employee has no control. Where possible, employees are expected to clearly communicate these situations with their supervisor and seek appropriate support. This support may include requests for accommodations under Board Policy [HR-4.5, Health and Medical - Employees](#) and Administrative Regulation [HR-4.5.1, Health and Medical - Employees](#). Non-culpable situations will be reviewed on an individual basis and while the non-culpable situation may be a mitigating or contributing factor, it may not absolve the employee of responsibility in the situation.

### **5. Retention:**

Unless otherwise negotiated by a collective agreement, disciplinary materials will remain in an employee's personnel file for a period of three years. Such materials can be requested to be removed from a personnel file, provided there has been no additional discipline issued in the interim, at the written request of the employee. Disciplinary material related to physical and sexual misconduct affecting the safety of students and/or staff is not subject to the removal from an employee's personnel file.