

Employee Accountability and Progressive Discipline

BACKGROUND

Fusion Education Association is committed to a professional, respectful and accountable workplace in which employees understand their responsibilities and are supported in meeting established expectations. Concerns should be addressed promptly, fairly and as close to their source as reasonably possible. Whenever appropriate, the first response will focus on clarifying expectations, providing guidance and supporting improvement. Progressive discipline provides a fair and proportionate means of responding when an employee does not meet established standards of conduct or other employment obligations. Its primary purposes are to correct inappropriate conduct, support sustained improvement and maintain safe and effective learning and working environments. This administrative procedure applies to all employees. It complements, but does not replace, procedures governing professional growth, supervision, evaluation, workplace investigations, respectful workplaces, accommodation or other employment matters. The Superintendent is responsible for implementing this administrative procedure.

GUIDING PRINCIPLES

Employee concerns will be addressed in a manner that:

- is timely, respectful, confidential and procedurally fair;
- clearly identifies the concern and the expectation that has not been met;
- provides the employee with a reasonable opportunity to understand and respond to the concern;
- distinguishes between:
 - misconduct or failure to meet an employment obligation;
 - concerns relating to competence or performance;
 - matters that may require coaching, professional learning or additional supervision;
 - disability or medical circumstances that may require accommodation; and
 - allegations requiring a formal workplace investigation;
- considers the seriousness and circumstances of the matter, its impact and the employee's employment history; and
- uses corrective or disciplinary action that is reasonable and proportionate.

PROCEDURES

1. Early and Non-Disciplinary Responses
 - a. Where appropriate, a supervisor may address a concern through:
 - i. clarification of expectations;
 - ii. informal discussion, guidance or coaching
 - iii. additional training, supervision or support;
 - iv. a documented direction or plan for improvement; or
 - v. another reasonable non-disciplinary response.
 - b. Coaching, feedback, supervision, evaluation, accommodation and reasonable management direction are not, by themselves, disciplinary action.
2. Progressive Discipline
 - a. Where disciplinary action is warranted, the response may include:
 - i. a documented verbal warning;
 - ii. a written warning or letter of reprimand;
 - iii. suspension, with or without pay where legally permitted;
 - iv. termination of employment; or

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- v. another action permitted by legislation, an employment agreement or the terms and conditions of employment.
 - b. Progressive discipline does not require every step to be used or used in a fixed order. The appropriate response will depend on the circumstances, and serious misconduct may result in immediate suspension, termination or other action.
 - 4. Determining an Appropriate Response - Relevant considerations may include:
 - a. the nature and seriousness of the conduct;
 - b. actual or potential harm to students, employees, the public or Fusion Education Association;
 - c. whether safety, trust, privacy or professional boundaries were affected;
 - d. whether the conduct was intentional, repeated, dishonest or premeditated;
 - e. whether expectations were clear and reasonably understood;
 - f. the employee's explanation, acceptance of responsibility and efforts to correct the concern;
 - g. previous related direction, support or discipline;
 - h. consistency with responses to reasonably comparable circumstances;
 - i. mitigating or aggravating factors;
 - j. the employee's length of service and overall employment record;
 - k. any applicable human rights or accommodation obligations; and
 - l. any applicable legislation, professional requirements or employment agreement.
 - 5. Procedural Fairness - Before disciplinary action is imposed, the employee will normally:
 - a. be informed of the substance of the concern;
 - b. be provided with a reasonable opportunity to respond;
 - c. be advised of the outcome and the expectations for future conduct; and
 - d. be informed when formal disciplinary documentation will be placed in the employee's personnel file.
 - e. An employee may provide a written response to formal disciplinary documentation for inclusion in the personnel file.
 - f. Nothing in this section prevents Fusion Education Association from taking reasonable interim action where necessary to protect students, employees, records, organizational operations or the integrity of an investigation.
 - 6. Documentation and Confidentiality - Supervisors shall maintain appropriate documentation of concerns, discussions, directions and outcomes.
 - a. Formal disciplinary documentation shall be provided to the employee and retained in the employee's personnel file in accordance with applicable privacy and records-management requirements.
 - b. Information relating to employee discipline shall be shared only with individuals who require it to carry out their responsibilities or as otherwise required or permitted by law.
 - 7. Relationship to Other Procedures
 - a. Concerns regarding a teacher's professional practice or competence shall be addressed in accordance with the applicable teacher growth, supervision and evaluation procedure.
 - b. Concerns regarding the performance of other employees may be addressed through the applicable supervision or performance-management process.
 - c. Allegations requiring fact-finding shall be addressed through an appropriate workplace investigation process.

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- d. Matters involving disability, illness or another protected ground shall be considered in accordance with applicable human rights and accommodation obligations.
- e. Discipline shall not be imposed against an employee for exercising a protected legal right or making a report in good faith.
- f. Nothing in this administrative procedure limits the authority of Fusion Education Association to act under applicable legislation, employment agreements or the terms and conditions of employment.

LEGAL REFERENCES: *Education Act, Employment Standards Code, Alberta Human Rights Act, Occupational Health and Safety Act, Labour Relations Code*, applicable professional conduct and practice requirements.