

Administrative Procedure 405 - Progressive Staff Accountability

Background

Most employees want to do what is expected of them and want to perform their duties well. The Division periodically needs to deal with problems caused by the conduct or performance of an employee. To address these issues, the Division subscribes to the philosophy of progressive accountability, except in cases where the employee's actions warrant summary dismissal for cause.

Progressive accountability is premised on the hope that the employee will correct any conduct or performance problems that may arise so as to avert having disciplinary measures escalate to subsequent steps. Progressive accountability provides an opportunity to uphold the Division's mission and belief statements, alleviate any feelings of unjust treatment, and offer guidance and support to employees. The goal of progressive discipline is to provide clear communications on opportunities for improvement, a plan to improve their abilities to meet their responsibilities, and accountability in meeting expectations.

The Division has established the following set of reasonable procedures for supervisors to follow in cases where it is determined that progressive accountability is appropriate. These procedures are put in place in consideration of the overall proper and optimal functioning of the Division.

Procedures

1. These procedures apply to all employees that work for the Division.
2. All concerns will be investigated by the appropriate Division personnel before determining if discipline will result.
 - 2.1 Where the Superintendent (teaching staff) or Assistant Superintendent of Human Services so determines, a formal investigation may be started on a staff member at any stage of this process, in accordance with applicable best practices for an investigation.
3. Where a unionized employee is facing an accountability consequence they have the right to union representation before discipline is issued, and the staff member will be made aware of this opportunity should they wish representation unless the collective agreement provides a different process.
4. In the event that an employee violates Division policy or procedures or exhibits problematic behaviour, in most circumstances the Division will consider implementing progressive accountability.
 - 4.1 This Administrative Procedure in no way fetters the Supervisor, Assistant Superintendent of Human Services, or Superintendent from taking any action, disciplinary or administrative measure, or exercising any right or power under the *Education Act* where employment related action is warranted.

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- 4.2 Generally, the steps in progressive accountability will be a verbal conversation, a Letter of Concern, a Letter of Direction, and a Letter of Reprimand.
- 4.3 It is not necessary for the Division to complete all steps in the progressive accountability procedure if the Division decides a departure from the general order of the procedure is warranted.
- 4.4 The reference herein to “a letter” refers to the letter relating to any one of the accountability steps and may be in an E-mail format where reasonable.
5. Generally, first opportunities for improvement should be provided verbally and between the staff member and their supervisor.
 - 5.1 Resolving concerns in many cases can be done verbally and in an effort to ensure both the staff member and supervisor seek common ground and understanding.
 - 5.2 An E-mail summarizing the conversation(s) by the supervisor to the staff member may be done to ensure both the staff member and supervisor have the same understanding on the conversation(s) and expectations on a going-forward basis, and should be done if a second conversation is needed.
 - 5.3 Where the verbal conversation(s) does not produce a successful performance improvement (typically after two verbal conversations have occurred) and/or the situation would need to be addressed formally, the Supervisor would proceed with formal letter communications such as a letter of Concern, Direction, or Reprimand. Formal letters may also be issued by Central Office Leadership.
6. A letter of Concern, Direction or Reprimand issued to the employee will:
 - 6.1 State the type of letter being issued;
 - 6.2 Alert the employee to the problem and specify the problem behaviour;
 - 6.3 Remind the employee of any previous verbal or written admonitions provided relating to the issue;
 - 6.4 Reiterate the Division’s expectations;
 - 6.5 Advise the employee of the consequences associated with not meeting the expectations and further accountability infractions;
 - 6.6 Contain other information the Division deems pertinent.
7. Supervisors must obtain advice from the Assistant Superintendent of Human Services relative to the contents and wording of any Letter of Concern, Direction, or Reprimand prior to the letter being issued.
8. Where the collective agreement so outlines, the Letter of Reprimand will be copied to the respective union.

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9. Any letter issued shall be discussed with the employee by the Supervisor upon issuance.
10. A copy of the letter will normally be provided to the Assistant Superintendent of Human Services for inclusion in the employee's personnel file.
 - 10.1 The letter shall indicate a copy has been so forwarded.
 - 10.2 The letter, and any response provided under Article 9 below, shall be retained in the employee's personnel file.
 - 10.3 The Supervisor may discuss with the Assistant Superintendent of Human Services allowance to not include a letter of concern and/or direction in the employment file in special circumstances, which must be agreed to by the Assistant Superintendent of Human Services.
11. Employees who have a letter placed on their personnel file have the right to provide a written response within seven (7) days to the letter and that response shall be attached to the letter and kept in the personnel file.
12. The Supervisor is to document in their own working file the date and description of any conversations with, or verbal warnings given to, the employee relative to behaviour or concern.
 - 12.1 Copies of such documents must be provided to the Assistant Superintendent of Human Services on request.
13. Where a school principal so determines that, in consultation with the Assistant Superintendent of Human Services, a teacher may not be meeting the Teacher Quality Standard a formal performance evaluation may be started on a certificated teacher at any stage of this process based on [Administrative Procedure 422 -Teacher Growth and Supervision](#).
14. Where a supervisor for a support staff member so determines a performance evaluation is needed, the supervisor shall use the approved process for a support staff performance review (see [Administrative Procedures 405-1 Appendix A - Performance Review Support Staff](#)) and in consultation with the Assistant Superintendent of Human Services.
15. Suspensions and terminations of teachers shall be carried out by the Superintendent, in accordance with applicable legislation following legal consultation.
16. Suspensions and terminations of non-teaching staff shall be carried out by the Assistant Superintendent of Human Services, in accordance with applicable legislation following legal consultation.
17. No decision made under this Administrative Procedure is appealable to the Board, unless appealable if a grievance procedure is outlined and applicable for unionized staff.

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Reference: Education Act Section 33, 52, 53, 68, 197, 204, 213, 214, 214.1, 215, 222, 225
Employment Standards Code

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