

422 EMPLOYEE DISCIPLINE

BELIEF

The MESCC believes that fair and constructive disciplinary procedures need to be followed to protect the rights of the employee and their accountability to the MESCC.

Procedures

1. The disciplinary process will utilize letters of concern and letters of reprimand.
2. The authority to issue letters of concern and/or letters of reprimand is entrusted to supervisors: principals, directors, associate superintendents, the superintendent, and other individuals who have supervisory responsibilities.
3. Disciplinary letters may be issued in the following types of situations:
 - 3.1. Acute offenses that are serious, clearly identifiable, and call for immediate reaction.
 - 3.2. Chronic offenses, which involve a continuing pattern of less acute, but still significant infractions.
4. Letters of concern contain written notice to the employee of the problem, and may document previous verbal warnings and/or attempts to address the concern. Employees may attach a written response to a letter of concern.
5. Letters of concern become part of the employee's personnel file.
6. An acute or chronic problem shall be documented in a letter of reprimand. Letters of reprimand contain written notice to the employee of the offense, and may summarize previous letter(s) of concern.
7. Letters of reprimand become part of the employee's personnel file. Employees may attach a written response to any letter of reprimand.
8. In the event that a complaint is received, or concern emerges regarding employee behavior or performance, the following steps shall be taken:
 - 8.1. Establish the facts. The supervisor shall immediately gather all pertinent facts and verify the accuracy.
 - 8.2. Where appropriate, the employee will be given the opportunity to provide his/her side of the story and to provide reasons for his/her alleged behaviour or practice.
 - 8.3. This conversation shall be documented.

9. In the event that the complaint or concern raises the issue as to whether the employee is meeting performance standards, an evaluation may be undertaken.
10. Supervisors shall seek advice from the Associate Superintendent: People Services prior to seeking any advice from non-MESC personnel, organization or agency. Prior to the issuance of a letter of concern or reprimand, the matter shall be discussed with the Associate Superintendent: People Services.
11. Employee terms of employment and contracts should be referred to where appropriate, as well as applicable performance standards, role descriptions, administrative procedures, policies, and/or relevant legislation.
12. If the decision is to issue a letter of concern or reprimand, the supervisor shall meet with the employee to review the contents of the letter.
 - 12.1. The discussion shall be in private.
 - 12.2. The employee shall be informed of his/her right to attach a written response to the letter.
13. Factors regarding the offense must be examined in order to determine whether the letter being considered will be one of concern or one of reprimand.
14. If the effect or potential effect of an employee's actions is great, then the letter written will tend to be more severe, therefore a letter of reprimand will be written rather than a letter of concern. Factors to consider include safety implications;
 - 14.1. nature of the breach,
 - 14.2. impact of the trust the supervisor has in the employee,
 - 14.3. amount and value of damage caused,
 - 14.4. impact on the school's or Authority's image to the public,
 - 14.5. impact on the workplace,
 - 14.6. harm or potential harm to a student,
 - 14.7. and the level of employee's responsibility and severity of the transgression.
15. Where an employee has previously received correction for an offense, more severe action should result for a future occurrence of a similar nature.
16. In addition to considering all other factors, a premeditated act will generally result in the issuance of a letter of reprimand.
17. The determination of whether or not an employee was provoked into action may affect the type of letter issued. Provocation does not absolve the employee of responsibility for his/her actions; however, the existence of provocation may be included in the content of any letter.
18. Where an employee is involved in a breach of policy, administrative procedure, or gives poor performance, the supervisor should make a reasonable effort to ensure that the employee is aware of and understands what is expected of him/her. Lack of knowledge and/or

understanding of what is expected in certain situations may indicate that a letter of concern is more appropriate than a letter of reprimand.

19. Mitigating or aggravating circumstances will be taken into consideration in determining appropriate discipline.
20. The following information will be included in any letter of concern or reprimand:
 - 20.1. Full name of employee.
 - 20.2. Date and location of occurrence.
 - 20.3. A clear description of the offense and any mitigating or aggravating circumstances.
 - 20.4. A reference to the administrative procedure, policy, or performance standard and/or job description breached.
 - 20.5. Other pertinent information.
21. The file copy of the letter of concern or reprimand shall be sent to the Associate Superintendent: People Services and placed in the employee's file.
22. The existence of this administrative procedures does not in any way restrict the Superintendent from taking any action or exercising any right or power including the power of the Superintendent to suspend an employee for administrative or disciplinary reasons, where such employment related action is warranted, nor the power to terminate the contract of employment of a support employees member or a teacher/instructor on a probationary, temporary or interim contract of employment during the term of the contract for just cause.
23. The suspension of an employee for disciplinary reasons may be with or without pay, dependent upon the nature of the offence and its relationship to the employee's duties.
24. The Superintendent will report to the Alberta Teacher Certification Registrar any teacher whose contract has been terminated as a result of a disciplinary action

Reference:

Policy 2.1.5: Teacher/instructor Growth, Supervision and Evaluation
Sec 18, Certification of Teachers Regulation
Sec 9, 10, Practice Review of Teacher's Regulation