POLICY:	PROGRESSIVE DISCIPLINE	#	831
SECTION:	800 : Personnel and Employee Matters	Page	1 of 9
APPROVAL/REVISION DATE:	February 9, 2026	EFFECTIVE DATE:	February 10, 2026
REVIEW DATE:	February 2031		
CROSS REFERENCE:	Policy 728: Child In Need Of Protection/Child Abuse Reporting Requirements Health & Safety Act Ontario Human Rights Code		

A: POLICY

1. The Thunder Bay Catholic District School Board (TBCDSB) strives to provide the best possible education for the students in its care. The TBCDSB is responsible for employing staff who conduct themselves appropriately and professionally. It is the responsibility of all employees to carry out their responsibilities in a co-operative and professional manner, working in compliance with TBCDSB policies and procedures, collective agreements, the Education Act, and other related legislation such as the Employment Standards Act, the Occupational Health and Safety Act, and the Human Rights Code.

   The intention of the Progressive Discipline Procedure is to provide, when necessary, corrective measures in order to ensure that all staff maintain appropriate behavior and carry out their duties responsibly, effectively and diligently. This Progressive Discipline Procedure provides an outline of disciplinary actions that may result from an Employee's conduct or work performance, up to and including dismissal.

B: DEFINITION

2. Progressive Discipline is a series of increasingly serious steps, ranging from a recorded verbal warning to termination of employment, that a member of the Management Team, Principal, Manager, Supervisor, or member of Senior Team initiates in order to correct unacceptable behavior or conduct. In general, there are four 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 the light of all of the circumstances. Rules will not be applied in a rigid or arbitrary fashion. In severe circumstances, the TBCDSB reserves the right to escalate discipline beyond the step-by-step approach outlined herein, at its discretion and in accordance with applicable law.

   In general, the four (4) potential stages in the process are:

   - Recorded Verbal Warning
   - Formal Written Warning / Letter of Reprimand
   - Suspension and/or Transfer
   - Dismissal

   It is recognized that there may be non-disciplinary steps taken before formal discipline occurs. This could include but is not exclusive to:

   - Verbal, written or email reminder, caution or clarification
   - "Letter of expectation": which clearly states what is expected of the individual (rule, policy, procedure, practice) in non-disciplinary language

3. To ensure consistency and oversight, all progressive discipline actions stated in section B.2. require review and approval by a higher authority (e.g.,Superintendent or Manager of Employee Services) before implementation, as is good practice and implicitly stated in Sections H and I for later stages. This ensures consistency and oversight.

C: GUIDELINES

3.1 The TBCDSB strives to facilitate good working relationships between and among its staff as well as to foster work excellence and job satisfaction.

3.2 The TBCDSB believes that its employees are responsible, trustworthy, and capable of making decisions appropriate to their sphere of responsibility.

3.3 Respect and trust in a working environment can be maintained by fair, objective and consistently implemented disciplinary procedures, including fair investigation techniques.

3.4 The TBCDSB will provide training for all members of the Management Team on how to effectively apply this policy, conduct investigations fairly and implement progressive discipline consistently.

3.5 It is the general approach of the TBCDSB to correct inappropriate behavior, not punish it. The emphasis should be on identification and isolation of problem situations in a supportive and non-intrusive manner before formal corrective action is undertaken.

3.6 It is the belief of the TBCDSB that clear guidelines and procedures will ensure fair and consistent treatment of all employees.

3.7 Employees must be aware of the expectations of the employer, the reasons for the corrective action, and possible future consequences of a repetition of the prescribed behavior. Efforts should be made to ensure that the employee understands that discipline is the result of his/her actions.

3.8 Most incidents of culpable behavior are unique; therefore, responses to such behavior will have to be considered in light of all of the circumstances. Rules will not be applied in a rigid or arbitrary fashion.

3.9 Inappropriate or unacceptable behaviour that is not addressed effectively by the appropriate member of the Management Team lowers the standards in the workplace, acts as a disincentive for other employees, and is potentially a poor model for students.

D: CULPABLE BEHAVIOUR DISTINGUISHED FROM SUBSTANDARD PERFORMANCE

4. 4.1 Substandard Performance:

4.1.1 The Management Team is responsible for evaluating the performance of their assigned staff. Performance appraisals speak to the issues of competency and capability.

4.1.2 When performance is appraised and standards are not being met, the employee is informed, resources to assist are provided, and the employee is given time to improve.

4.1.3 The performance appraisal process is not considered to be disciplinary.

4.1.4 Substandard performance is not addressed in this procedure.

4.2 Culpable Behavior:

4.2.1 Refers to behavior that does not conform to expectation.

4.2.2

Examples include:

- Lateness
- Unsubstantiated absenteeism
- Dishonesty
- Inappropriate communication/interaction with others
- Inappropriate use of computer technology
- Insubordination
- Breach of TBCDSB policy or procedure
- Criminal offences such as theft, forgery, assault
- Harassment (including workplace harassment)
- Workplace Violence

4.2.3 Imposing consequences for culpable behaviour is discipline. In the TBCDSB's sole discretion, discipline will be issued in accordance with this procedure. Steps may be taken in sequence, steps may be repeated; and steps may be skipped, as appropriate in the circumstances.

E: STAGES OF PROGRESSIVE DISCIPLINE

Each case must be considered separately to determine the seriousness of the issue and to identify the stage at which discipline will be initiated.

5. 5.1 Recorded Verbal Warning: If the seriousness of the issue warrants this step, a meeting will be held at which a verbal warning will be issued. A written record of the warning will be made and forwarded to the Employee Services Department for inclusion in the personnel file.

5.1.1 The employee must be invited to have a union or other appropriate representative at the meeting.

5.1.2 Discussion at the meeting must include:

- An explanation of the steps in progressive discipline
- A recap of the initial cautions or reminders, if applicable
- A clear outline of the issue with specific dates, times and examples of the problem
- Specific expectation for correction/improvement
- Consequences and next steps should correction/improvement not take place

5.1.3 Documentation of the meeting will include:

- Specific material facts such as date, time, place and actions of the individual involved
- The reason for the verbal warning with reference to specific documents, if applicable (e.g. Education Act, collective agreement, Employment Standards Act)
- Reference to any previous cautions or reminders
- Statement that the letter constitutes a disciplinary record of the warning.
- Action expected to be taken by the employee and time frame for review
- Further consequences, up to and including dismissal, should such action not be taken or should the employee repeat the behavior(s) responsible for the warning
- The recorded verbal warning must be signed by the administrator or supervisor and copied to the employee, the appropriate Superintendent, the Manager of Employee Services and the union (if applicable).
- A copy of the recorded verbal warning will be placed in the employee's personnel file.

5.2 Formal Written Warning / Letter of Reprimand: If the behaviour does not improve or if the

seriousness of the issue warrants this action, a letter of reprimand will be issued by the appropriate member of the Management Team.

5.2.1 Formal Written Warning / Letters of Reprimand may only be issued after the appropriate Superintendent and/or the Manager of Employee Services have been consulted.

5.2.2 A meeting with the employee must be convened. The employee must be invited to have a union or other appropriate representative at the meeting.

5.2.3 At the meeting, the employee is told that he/she is being formally disciplined and that a Formal Written Warning / Letter of Reprimand will be placed in his/her central personnel file.

5.2.4 The Letter of Reprimand will state:

- Specific materials facts such as date, time, place, and actions of the individual involved
- The reason for the reprimand with reference to specific documents, if applicable (e.g. Education Act, Collective Agreement, Employment Standards Act)
- Reference to any previous disciplinary action e.g. recorded verbal warning) or non-disciplinary actions (reminder/caution/clarification of expectation)
- Statement that the letter constitutes a reprimand
- Action expected to be taken by the employee and time frame for review
- Further consequences, up to and including dismissal, should such action not be taken or should the employee repeat the behaviors which resulted in the reprimand

5.2.5 The Formal Written Warning / Letter of Reprimand must be signed by the applicable member of the Management Team and copied to the employee, the appropriate Superintendent, the Manager of Employee Services and the union (if applicable)

5.2.6 A copy of the Formal Written Warning / Letter of Reprimand will be placed in the employee's personnel file.

5.3 Suspension Without Pay and/or Transfer. If the employee's behaviour does not improve, or if there is a significant issue that requires disciplinary action of a serious nature, the employee may be suspended and/or transferred. A disciplinary suspension without pay is a temporary removal from the workplace which is imposed as a disciplinary consequence. A transfer is a reassignment to a job within the board.

5.3.1 A meeting with the employee must be convened. The employee must be invited to have a union or other appropriate representative at the meeting.

5.3.2 The employee must be told that he/she is being suspended and/or transferred; the reason for the suspension and/or transfer and, in the case of suspension, the length and conditions of the suspension as well as expectations of the employee upon returning to the workplace.

5.3.3 A letter informing the employee of the suspension and/or transfer must be written and issued to the employee. The letter must include:

- Specific material facts such as date, time, place, and actions of the individual involved

- The reason for the suspension and/or transfer with reference to specific documents, if applicable
  e.g. Education Act, collective agreement, Employment Standards Act)
- Details relating to the suspension and/or transfer (e.g. length of suspension; description of new position)
- Reference to any previous disciplinary action (e.g. recorded verbal warning, Formal Written Warning / Letter of Reprimand) or non-disciplinary actions (reminder/caution/clarification of expectation), if applicable
- Action expected to be taken by the employee and time frame for review
- Further consequences, up to and including dismissal, should such action not be taken or should employee repeat the behaviour(s) responsible for the suspension or transfer
- If appropriate, a separate written "corrective action plan" may be developed in consultation with the employee and the union (if applicable) which includes specific expectations, actions to be taken and a timeframe for review. This plan should be included and referenced as an attachment to the letter.
- If applicable a formal follow-up meeting will be scheduled to review the employee's progress within the "corrective action plan". Documentation of the meeting will be placed in the employee's personnel file.

5.3.4 The letter must be copied to the employee, the appropriate Superintendent, the Manager of Employee Services and the union, if applicable.

5.3.5 A copy of the letter will be placed in the employee's personnel file.

5.4 Dismissal: In the case of an additional recurrence, or a serious violation, the employee's employment will be terminated up to and including for willful misconduct, disobedience, and/or willful neglect that is neither trivial nor condoned by the TBCDSB and/or just cause at law, in accordance with the common law and/or the applicable employment standards legislation.

5.4.1 Before the decision to terminate is made, all aspects of the situation will be reviewed in order to ensure that all necessary steps were taken. Except in cases where immediate dismissal is justified as a result of a significant issue or incident, there should be the ability to demonstrate that:

- The employee knew what was expected
- The employee was informed verbally and in writing of the deficiencies
- The employee did not sufficiently remedy the problem(s)
- The employee knew that employment was at risk
- The employee ignored or continued to fail to meet job expectations.

5.4.2 A formal disciplinary meeting must be convened, which includes appropriate representation for the employee. The employee must be informed, in advance of the meeting, that his/her employment status with the TBCDSB will be discussed at the meeting. At the meeting, the employee will be told of the decision to terminate and the reasons for the decision.

5.4.3 If applicable, the Director of Education will make the final decision regarding termination of

employment for "just cause or for willful misconduct, disobedience, and/or willful neglect that is neither trivial nor condoned by the TBCDSB under the applicable employment standards legislation. This decision will be brought forward to the TBCDSB at its next regular meeting.

5.4.4 The employee must receive a letter confirming the decision to terminate employment and the reasons for this decision.

GUIDELINES

A: MANAGEMENT RIGHTS

1.1 The authority of the employer to discipline employees in a union/federation environment is usually derived from the "management rights" provision in collective agreements and from accepted common law rights of the employer.

1.2 Traditional management rights governing all employees may include, but are not limited to, the right to hire, assign, transfer, promote, discipline and dismiss.

B: EMPLOYEE REPRESENTATION

2.1 Subject to their specific collective agreement unionized employees have the right to union consultation or representation at any meeting of a disciplinary nature.

2.2 Non-unionized employees may have a non-legal representative present at any meeting of a disciplinary nature.

C: INVESTIGATION OF COMPLAINTS OR ALLEGATIONS AGAINST AN EMPLOYEE

3.1 If the complaint is made verbally, a request will be made to have the complaint made in writing. Where possible, the written complaint should set out:

(1) what happened;

(2) when it happened (date and time);

(3) where it happened, and the circumstances surrounding the incident;

(4) who was involved, including whether there were any witnesses.
Depending on the nature of the complaint, a decision will be made as to whether a formal investigation is appropriate, or whether an informal investigation is sufficient.
**SUGGESTED - The level (formal or informal) to which an investigation will occur, shall be at the discretion of the board.

In responding to matters which will potentially lead to significant disciplinary action, Principals, supervisors and managers must involve the appropriate Superintendent and/or an Employee Services Representative to support the process. Decisions made during the investigation must be made by, or in conjunction with the Superintendent.

3.2 Serious matters which may be criminal in nature should be reported to police. The TBCDSB policies

and procedures also contain mandatory procedures for investigations that may differ from these guidelines.

3.2.1 In situations involving alleged physical or sexual abuse of a minor, consideration must be given to the "duty to report" under/section 72(1) of the Child and Family Services Act.

3.2.2 In situations involving a member of the College of Teachers, consideration must be given to the duty of theTBCDSB, in conjunction with the Director of Education, to report to the College of Teachers as per Section 43.2 and 43.3 of the Ontario College of Teachers Act, 1996.

- The teacher, as a courtesy, will normally be notified of such a report. The employer, however, has no obligation to notify the teacher.

3.3 In very serious circumstances and subject to applicable law, an employee may be placed, at the TBCDSB's discretion, at an alternate work site or on home assignment during an investigation. The period of time during which the employee is placed at an alternate work site or on home assignment may be with pay and benefits depending on the circumstances.

3.4 Detailed documentation must be kept throughout the process including:

3.4.1 Details of the initial complaint or allegation

3.4.2 Dated copies of written correspondence

3.4.3 Detailed notes of interviews and meetings which include the date, names of those present, purpose of the meeting, expectations, and other pertinent details if applicable

3.4.4 A record of any other relevant communication (e.g. police contact)

3.5 Conducting the investigation:

3.5.1 The requirement of the TBCDSB, through its' Management Team, to investigate allegations is separate from any other investigation which may be occurring. The employer has an obligation to investigate, form an opinion, and take appropriate action to ensure a safe, healthy and productive workplace.

3.5.2 Complaints and allegations will be investigated without bias and as promptly as possible given the circumstances. For this reason, depending on the nature of the complaint, it may be appropriate to retain an independent investigator, rather than utilizing an internal investigator. This is particularly important if there is the risk for an appearance of bias, or where the facts are complex, where there is a risk of future litigation, or where the subject of the complaint is serious in nature (i.e., sexual harassment, child abuse)

3.5.3 The employee must be informed of the investigation and of his/her right to appropriate representation unless otherwise indicated in collective agreement.

3.6 Interviewing witnesses (if applicable) to clarify the facts:

- The appropriate Management Team member must be present at the interview; a second person may act as recorder.
- Detailed notes must be taken;
- A similar format should be followed for each interview;
- Questions should be non-leading
- Witnesses should be interviewed separately;
- Confidentiality or anonymity should not be guaranteed but it should be indicated that every effort will be made to protect the privacy of individuals;
    - If a teacher is making an adverse report on another member, except in the area of sexual abuse as per the Teaching profession Act, S. 12(2), she/he should be reminded of his/her obligations under the Teaching Profession Act, S. 18.1(b).
- Each interviewee should be asked to identify other sources of information that would assist in clarifying the facts;
- If interviewing a student, consideration should be given as to whether a trusted adult, preferably not a staff member, should be with the student to provide support. If age appropriate, students should be asked to write a statement and sign it.
- There will be no reprisal for participation.

3.7 Interviewing the employee:

3.7.1 Notify the employee in advance of the purpose, date, time and location of the interview;

3.7.2 Inform the employee that he/she may wish to seek appropriate representation;

3.7.3 Give the employee sufficient and factual information about the allegations and allow him/her to give his/her account of the incident(s);

3.7.4 Maintain accurate and factual notes of information reported during the interview. Use concrete, sensory facts to record information (e.g. what was seen, heard, tasted, smelled etc.). Do not include conjecture, opinion, and speculation and do not draw conclusions.

3.8 The confidentiality of the investigation process is expected and must be maintained by all parties involved to protect the integrity of the investigation and the privacy of the individuals to the greatest extent possible.

D: FOLLOWING THE INVESTIGATION

4.1 At the conclusion of the investigation, a decision must be made regarding whether it is more likely than not that the culpable behaviour occurred.

4.2 In responding to all matters which may potentially lead to significant disciplinary action, principals, supervisors and managers must involve the appropriate Superintendent and/or an Employee Services Representative throughout the process.

4.3 If there is evidence of culpable behaviour, a decision must be made as to whether an employee should be informally counseled or formally disciplined. If formal discipline is warranted, the specific action to be taken must be decided upon. There are several questions that

should be considered before these determinations:

- What is the nature and seriousness of the misconduct?
- What is the duration of the misconduct?
- Has the employee been given the opportunity to explain or deny the conduct with appropriate union or other representation present?
- Did the employee have knowledge of the rule or practice breached?
- Considering all of the circumstances, did the employee neglect her/his duties or responsibilities?
- Did the employee violate any rules or practices and were there harmful or potentially harmful consequences for theTBCDSB, its employees and/or its students?
- Are there any mitigating circumstances?
- What is the length of service of the employee?
- Is there a past disciplinary record?
- Is the discipline being considered consistent with TBCDSB responses in other similar situations?

5. The confidentiality of the outcome is expected and must be maintained by all parties involved to protect the integrity of the investigation and decision-making process. and to protect the privacy of the individuals involved to the greatest extent possible.