



Administrative Procedure 5035

Progressive Discipline

Board Governance Policy Cross Reference: [1](#), [11](#), [12](#), [13](#)

Administrative Procedures Cross Reference:

[Leaves and Absences – Professional Staff](#)

[Leaves and Absences – Permanent Support Staff](#)

[Addictions Abuse](#)

[Respectful Workplace](#)

[Workplace Safety and Health](#)

Form Cross Reference:

Legal/Regulatory Reference:

[Collective Agreement Between Manitoba School Boards Association and the Manitoba Teachers' Society](#)

[Collective Agreement between the Canadian Union of Public Employees \(CUPE\) Local 737 and the Brandon School Division](#)

Date Adopted: December 2004

Amended: April 2021, May 2022

Discipline is a supervisory action designed to correct or deter unacceptable conduct in the workplace. The intent is that discipline be used as a tool to change behavior. Brandon School Division believes that the standards for acceptable conduct of employees are necessary for the orderly operation of the Division and for the benefit and protection of the rights and safety of all students, employees, Parents/Guardians, Volunteers or Members of the Public. Discipline is to be used in a consistent fashion as a remedial tool to assist employees in the improvement of their work performance.

Where provisions regarding progressive discipline exist within a collective agreement, they shall apply.

When an employee violates the Division's rules, policies, procedures, expectations, and/or acts in an insubordinate manner, committing an offence warranting disciplinary action, the Supervisor/School Leader shall begin progressive disciplinary action.

The principles underpinning progressive discipline and applied in this policy are:

- a. Escalating consequences for repeated misconduct on the part of an employee;
and

- b. Proportionally i.e. that the discipline is proportionate to the severity of the misconduct.

Discipline Process:

1. The administration of discipline shall be conducted fairly and consistently and in a progressive fashion in accordance with the principles of escalating consequences for repeated misconduct and proportionality. As the circumstances giving rise to discipline may differ, action will be addressed on a case-by-case basis.

2. Progressive discipline is normally comprised of the following steps which are followed in sequential fashion unless the circumstances are such that proportionally requires a different level of discipline than that next in sequence:

Step 1: Verbal Warning

Step 2: Written Warning

Step 3: Suspension With/Without Pay

Step 4: Termination

Alternative forms of discipline may be appropriate depending on the facts of the situation. Examples include counseling, demotions, reduction in fulltime equivalent (FTE), transfers, last chance agreement, etc.

3. Supervisors/School Leaders shall initiate discipline for actions including, but not limited to when an employee:
- Violates Divisional policies, procedures, rules and/or expectations;
 - Violates a provision of an applicable collective agreement as determined by the Division and/or School Administration
 - Violates safety standards/procedures;
 - Violates an inherent expectation of employment (e.g. acts of dishonesty, theft, assault); or
 - Acts in an insubordinate, inappropriate or unacceptable manner as determined by the Division.
4. When issues arise that warrant potential discipline, the Supervisor/School Leader will undertake a thorough review/investigation that will include an interview, and/or written response from the employee at issue. The employee will have the right to union representation at any interview/meeting that could result in disciplinary action.
5. The Office of Human Resources is to be consulted as part of the review/investigation to ensure that any action taken is commensurate with the facts of the situation, considers the employee's work history and is consistent with the Division's practice.

6. Where a recommendation to suspend or terminate is contemplated, the appropriate Senior Administrator will be consulted. The Supervisor/School Leader must inform the Senior Administrator or designate in writing, with a copy to Superintendent/CEO of the Supervisor/School Leader's recommendation for suspension or Termination with all the supporting documentation to substantiate such a recommendation. The Supervisor/School Leader must receive approval to be able to proceed.
7. Whenever the decision is made to impose discipline, a meeting will be held with the employee to discuss the nature of the offense, discipline imposed, correction expected and consequences of noncompliance. If the employee is unionized, they shall be advised of the right and given the opportunity to have a union representative present at the meeting. Non-unionized employees may be provided the opportunity to have an individual available for support and the ability to consult that individual if required; however, this person shall not attend the meeting. The employee involved may, with the benefit of union advice where applicable, waive the meeting and accept a written response if agreed upon by both parties and subject to any requirements of the collective agreement. Divisional representatives at disciplinary meetings may be as follows, (can have others there as needed):

Step 1 – Supervisor/School Leader

Step 2 – Supervisor/School Leader

Step 3 – Supervisor/School Leader, Senior Administrator and at their discretion, a Human Resources representative

Step 4 – Supervisor/School Leader, Senior Administrator and at their discretion, a Human Resources representative

8. In all cases where discipline is imposed, including verbal warnings, the employee shall be advised, in writing, of the nature of the offense, discipline imposed, correction expected, any applicable supports (such as required training and/or resources), and the consequences of noncompliance. If the employee is unionized, and where union representation was present at the meeting, the Union Representative shall be copied on the letter.
9. All written documentation pertaining to staff discipline that is shared with the employee shall be forwarded to their personnel file. Investigation notes do not form part of the personnel file and are to be kept separately.