



## DISCIPLINE AND TERMINATION POLICY

### Employees covered by this policy

This policy applies to all non-unionized employees (including employed students) at StFX University.

### Purpose and Scope

The University's mission depends on the safety and security of the University environment, and the excellence of its programs and services. All employees share the responsibility to ensure that the University environment remains a safe, healthy, efficient and thriving place in which to live and work.

The University reserves the right to discipline, suspend with or without pay, or terminate employees for just cause. Just cause includes, but is not limited to:

- a) unsatisfactory performance;
- b) unacceptable conduct;
- c) gross misconduct.

In addition to discipline or termination for just cause, the University reserves the right to demote, suspend or terminate an employee for non-disciplinary or non-culpable reasons, including failure to meet expected standards of job performance, for reasons beyond the employee's control.

**Unsatisfactory performance** means action or inaction on the part of the employee which fails to meet the employee's obligation to uphold and advance the interests of the University; or the failure to satisfy job performance requirements after reasonable efforts to return the employee to satisfactory levels of performance have been made. The University will inform employees of unsatisfactory performance in a timely manner and, where appropriate, will provide employees with an opportunity to correct unsatisfactory performance.

**Unacceptable conduct** means action or inaction on the part of the employee which is contrary to the employee's obligation to uphold and advance the University's interests.

**Gross misconduct** means action or inaction on the part of the employee which is contrary to the employee's obligations to the University, including the duties of loyalty and honesty, to such an extent that the employment relationship itself is severely damaged. Gross misconduct includes activities off campus and/or outside of working hours. Gross misconduct may include, but is not limited to, the following:

- absence without leave;
- physical or verbal assault;
- insubordination;
- dishonesty;
- theft;
- criminal misconduct.

### **Just cause and progressive discipline.**

Except in cases of Gross Misconduct, discipline will normally be of a progressive nature with the aim of correcting the employee's performance or conduct. For greater certainty, discipline or termination for serious incidents need not have been preceded by previous misconduct or discipline.

All incidents of Unsatisfactory Performance, Unacceptable Conduct or Gross Misconduct shall be addressed in a timely manner once brought to the attention of the University. Efforts made by the University to correct the misconduct, and the degree of discipline imposed, will

- a. be reasonable;
- b. be commensurate with the degree and extent of the misconduct; and,
- c. take into account the employee's previous work record, length of service with the University, and any other circumstances deemed relevant by the University.

Progressive disciplinary measures may include, as appropriate, some or all of the following:

- a. oral warnings;
- b. written warnings;
- c. informal or formal Trial Periods;
- d. suspension;
- e. demotion;
- f. termination of employment;

Supervisory personnel are responsible to document the circumstances giving rise to discipline, and all disciplinary measures imposed, and to ensure that such documentation is provided to the Human Resources Department.

An Employee has the right to appeal disciplinary measures in accordance with the Conflict Resolution Procedures outlined in the Employee Handbook.

### **Responsibility**

StFX Human Resources Department is responsible for:

- a. reviewing and advising on all forms of discipline, before imposition,
- b. consulting with supervisors and department heads at each step of Progressive Discipline,
- c. receiving and ensuring the proper filing of all disciplinary records.

Supervisory personnel are responsible for:

- a. establishing standards of performance and expectations in general and, in particular, during trial and probation periods;
- b. determining appropriate disciplinary measures, in consultation with Human Resources.

### **Progressive Discipline Procedures: Unsatisfactory Performance**

The supervisor and the Employee will review the Job Description to ensure an appropriate understanding of the requirements and expectations.

The areas of deficiency and the expected standard of performance, along with measurement criteria and a deadline date to accomplish the improvement, will be reviewed with the Employee by the supervisor.

Where circumstances warrant, the Employee shall be put on written notice that the expected standards are to be accomplished by the deadline date. On the deadline date the supervisor will evaluate the Employee's performance and assess performance against expectations. A written copy of the assessment will be provided to the employee, with a copy to Human Resources.

An Employee who has failed to satisfy performance expectations may be given a formal Trial Period before any disciplinary or non-disciplinary action is taken. The length of the Trial Period will depend on the likelihood that the employee's performance may improve to satisfactory levels. In assessing this likelihood, the supervisor, in consultation with Human Resources, shall consider the seriousness of the unsatisfactory performance, the employee's previous work record, and length of service. The employee shall be notified in writing of the potential consequences of failure to achieve satisfactory levels of performance

When an Employee has been unable to correct the Unsatisfactory Performance by the deadline date, further action, up to and including termination for cause, will be taken.

The termination of employment date will be the last day on which the Employee actually worked.

Vacation accrued but not used will be paid out on the final pay.

### **Progressive Discipline Procedures: Unacceptable Conduct**

In the case of Unacceptable Conduct, the supervisor will detail to the Employee the nature of the Unacceptable Conduct, its effect and/or potential effect on the workplace, and the expectation that the Unacceptable Conduct will not be repeated.

Discipline will be proportionate to the seriousness of the misconduct.

### **Gross Misconduct**

Instances of Gross Misconduct will normally result in immediate termination for just cause. Gross misconduct will not normally warrant prior disciplinary measures.

An Employee whose employment is to be terminated for Gross Misconduct will be advised, in writing, of the alleged grounds for dismissal and will be given an opportunity to respond before any final decision is made by the University. The employee may be suspended without pay while the decision is under consideration.

Any termination of employment of an employee shall require the approval of the appropriate Vice-President.

Vacation accrued but not used will be paid out on the final pay.

### **Termination of Employment for Non-Culpable Circumstances**

An Employee whose employment is to be terminated for Non-culpable Circumstances will be advised, in writing, of the reasons and will be given an opportunity to respond before any final decision is made by the University.

Any termination of employment resulting from Non-culpable Circumstances will require the approval of the appropriate Vice-President.

The termination of employment date will be the last day on which the Employee actually worked.

Vacation accrued but not used will be paid out on the final pay.