

# Administrative Procedure 406

## Human Resources

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## SUSPENSION AND DISMISSAL OF EMPLOYEES

### BACKGROUND

The charter board believes it has a responsibility to ensure the safety and well being of students, staff, parents, visitors and volunteers, to provide high quality learning experiences, support services and to be responsible stewards of the Westmount Charter School's financial resources.

The charter board recognizes that there may be circumstances that warrant the suspension or dismissal of an employee.

Actions taken by the charter board pursuant to this administrative procedure will be in compliance with the individual contract of employment and applicable legislation.

The superintendent and principal are jointly responsible for the administration of this administrative procedure.

### PROCEDURES

#### 1. General Requirements

- 1.1 This administrative procedure and these guidelines shall apply whether or not the charter board and the employee have a signed contract of employment.
- 1.2 Notwithstanding the terms of a contract of employment, if any, the charter board shall comply with the specific provisions of the *Education Act* regarding the suspension or dismissal of teaching staff and with the Employment Standards Code regarding the dismissal of support staff.
- 1.3 Actions taken by the charter board pursuant to this administrative procedure shall be ethical, fair, just and based on processes known to employees.
- 1.4 Employees may appeal a decision made by the charter board under these guidelines.

#### 2. Suspension

- 2.1 When the charter board has reasonable grounds for believing that an employee has been guilty of gross misconduct, neglecting his/her duty or refusing or neglecting to obey a lawful order of the charter board, the charter board may suspend the employee from the performance of duties.
- 2.2 The charter board may suspend an employee from the performance of duties if the employee has exhibited conduct that leads to a conviction for an indictable offense.
- 2.3 The charter board authorizes the superintendent to suspend an employee from the performance of duties without prior notice if the superintendent is of the opinion that the welfare of students is threatened by the presence of the employee. The superintendent shall notify the charter board of the suspension of an employee under this guideline.
- 2.4 The charter board or the superintendent, as the case may be, shall give written notice of the suspension to the employee specifying the reasons for the suspension.

#### 3. Dismissal

- 3.1 Whether or not the charter board has suspended an employee pursuant to this administrative procedure and whether or not the suspension, if any, has been

appealed, the charter board may terminate a contract of employment with an employee.

- 3.2 The charter board authorizes the principal to terminate the employment of a casual support staff on its behalf.
- 3.3 The charter board or the principal, as the case may be, shall give written notice of the termination to the employee specifying the reasons for the termination:
  - 3.3.1 in the case of teachers, at least thirty (30) days prior to the effective date of termination; and
  - 3.3.2 in the case of support staff, at least two (2) weeks prior to the effective date of termination subject to the specific exceptions in the Employment Standards Code.
- 3.4 Grounds for dismissal include, but are not limited to:
  - 3.4.1 continued unacceptable or unsatisfactory performance; and
  - 3.4.2 violation of the charter board's Codes of Conduct or Guidelines for Technology Use.
- 3.5 Under most circumstances, the dismissal of an employee will be taken as a last resort after the employee has been counseled and written documentation has been recorded in the employee's personnel file.

#### 4. Recovery of Westmount Property

- 4.1 At the end of employment and on the last day of work, employees must return any and all property belonging to Westmount Charter School. Failure to return any and all Westmount property will result in the following:
  - 4.1.1 Westmount pursuing appropriate legal action; and
  - 4.1.2 in accordance with section 255 of the *Education Act* an employee must return school property of the board, after being given written notice by the board to deliver that property in accordance with the directions in the notice. After being given written notice, if the employee refuses or fails to deliver that property to the board in accordance with the notice, that person is guilty of an offence and liable to a fine of not more than \$50.00 for each day that the person does not deliver that property to the board with the notice.

**Legal Reference:** *Education Act*  
**Cross Reference:** AP-410 Staff Acceptable Use of Technology  
AP-401 Professional Code of Conduct  
AP-423 Teacher Supervision and Evaluation  
AP-402 Support Staff Code of Conduct  
AP-484 Supervision and Evaluation of Support Staff  
Charter Board Policy 12: Hearings on Teacher Matters  
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