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| UPEI Student Union | Policy No.UPEISU6 | Revision No. 3 |
| Policy Title**: Employee Training and Disciplinary Procedures** | Page 1 of 15 |
| Creation Date: July 16, 2018 | Version Date: Feb 9th, 2020 |
| Authority: UPEI SU Council | Review Date:  Annually (summer) |
| Responsibility: General Manager and VP Finance |

1. **Preamble**

Every individual that is directly responsible for staff members, both paid and volunteer is to provide the best possible training. Each staff member shall also be provided with suitable information, tools, materials and support as required.  Individuals responsible for staff members must also properly educate them about the policies that will affect them.

1. **Non-Discrimination**
2. Pursuant to the UPEI SU Constitution and the UPEI SU Inclusion and Equity Policy, the UPEI SU is committed in all its operations to creating equitable and inclusive environments free from harassment and discrimination for its customers, students, employees, job applicants, suppliers, visitors, and other stakeholders who enter its premises, access its information, or use its services.

**Zero-Tolerance Policy**

1. Any form of harassment, discrimination, battery, assault, violations of applicable municipal, provincial, or federal laws, or other serious form of misconduct that makes the workplace unsafe for one or more employees will not be tolerated.
2. **Training Guidelines**
3. Training shall include:

 Overview of the Student Union Organization;

1. Review of job description;
2. Outline expectations and potential projects;
3. Review of the UPEI SU policy and procedures;
4. Familiarize employee with all HR documents and procedures;
5. Provision of tools, supplies and materials;
6. Review safety precautions, if appropriate;

|  |  |  |
| --- | --- | --- |
| UPEI Student Union | Policy No. UPEISU6 | Revision No. 3 |
| Policy Title: **Employee Training and Disciplinary Procedures** | Page 2 of 15 |

1. Wage and salary procedures;
2. Fiduciary Duties (where relevant);
3. Establishment of schedule;
4. Employee submitted survey review of orientation process; and
5. All supplemental training as required, such as, but not limited to: EDI training, confidentiality, and communications training.
6. Continuous Training Guidelines
7. Employees are expected to have the skills for which they were hired. However, it may be necessary for employees to learn new skills, for which training is required and will be provided.
8. Supervisors are expected to ensure that employees have the necessary skills to complete the tasks assigned.
9. If training is required for a task, the supervisor is expected to provide instruction.
10. Supervisors will follow the Training Procedures Document to effectively give instruction to employees.
11. **Disciplinary Procedures**
12. It is the responsibility of the supervisor, in conjunction with the VP Finance and Administration and General Manager, to follow the disciplinary procedures.

1. If an employee is found guilty of any conduct or behaviour that is in violation of this policy, specifically if they are found guilty of the nature of items discussed in Section 2(2) of this policy, they will be terminated immediately with cause.
2. If an employee wishes to submit a complaint against a co-worker for a workplace incident they shall follow the complaint procedure outlined in either Section 17 or Section 21 of this policy.
3. If a supervisor becomes aware that actions that typically require disciplinary action are taking place they shall take it to the Executive Committee to start an investigation.
4. If the UPEI SU Executive Committee deems the Respondent to be guilty, the Respondent may be dismissed pursuant the powers granted under Sections 16 and 22 of this policy.
5. If the UPEI SU Executive Committee is deemed to be in conflict with the complaint, or the subject of the complaint, the complaint procedure to be followed is the procedure found in Section 17 of this policy.

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| --- | --- | --- |
| **UPEI Student Union** | **Policy No.****UPEISU6** | **Revision No. 3** |
| **Policy Title:** Employee Training and Disciplinary Procedures | **Page** 3 of 15 |

1. **Lateness**
2. If an employee is scheduled for a shift, to be in the office or at a meeting at a particular date and time and they are either late or absent, a written warning may be issued.
3. The employee must have been informed of the scheduled shift, meeting or office hours at least one-week in advance by their direct supervisor through either email or other form of written communication.
4. **Office** **Etiquette**
5. Employees are expected to respect their co-workers and work equipment.
6. Employees are expected to act and present themselves in a professional manner within the work environment.
7. Any employee that causes damage to office or work equipment will receive a written warning and may be liable for covering the costs of damages.
8. **Hours of work**
9. Employees of the UPEI SU must be available for the designated number of hours per week for which they were hired.

1. Employees will record their hours in a spreadsheet provided by their supervisor. This spreadsheet will be used as a basis for determining the hours worked by the employee each week.
2. Any hours worked that are not claimed will not be paid to the employee.
3. **Scheduling**
4. Schedules will be created at the discretion of the supervisor taking into account class times and other responsibilities of the employee.

1. If a supervisor wishes to schedule an employee for a particular time period they must notify the employee of the date and time at least one week in advance.

|  |  |  |
| --- | --- | --- |
| **UPEI Student Union** | **Policy No.****UPEISU6**  | **Revision No. 3** |
| **Policy Title:** Employee Training and Disciplinary Procedures | **Page** 4 of 15 |

1. If there is a change in the scheduled shift of an employee, the supervisor may revise their earlier schedule for the employee by informing the employee through email, text message or phone call.
2. Employees must make every effort to be available for scheduled shifts.
3. **Time Off**
4. If an employee requires time-off from work, they must complete a “Request Time Off” form and submit this to their supervisor.
5. All requests for time-off must be completed at least seven (7) calendar days before the requested day off.
6. Any late Request Time Off Forms will be rejected.
7. A legitimate reason must be given to be awarded time off. A legitimate reason includes, but is not limited to, the following:
8. Doctor appointments, familial duties/responsibilities to a certain extent, examination periods, and special class projects.
9. Studying time is not considered a legitimate reason for time off and request for time off will not be granted for the purpose of studying. Employees are expected to schedule their studying around their work and class schedule.
10. **Sick** **Days**
11. Employees will receive allotted sick days in accordance and adherence with the *Employment Standards Act* of Prince Edward Island.
12. If an employee is sick and cannot come into work they must contact their supervisor at the earliest possible time by phone or email.
13. If an employee is to miss more than three consecutive days of work they must provide a doctor’s note to their supervisor, when applicable.
14. If a doctor’s note is not provided the employee may receive a written warning in accordance with Section 15 of this policy.

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| --- | --- | --- |
| **UPEI Student Union** | **Policy No.****UPEISU6**  | **Revision No. 3** |
| **Policy Title:** Employee Training and Disciplinary Procedures | **Page** 5 of 15 |

1. If an employee does not contact their supervisor to let them know they cannot come to work they may receive a written warning in accordance with Section 15 of this policy.
2. Exceptions will be made in situations where the employee is ill to the point that they were unable to contact their supervisor.
3. **Confidentiality**
4. Certain information that an employee becomes privy to must be held in confidence by said employee.
5. Confidential information can be anything that is denoted as being confidential, which includes, but is not limited to, the following:
6. Sensitive organizational and/or personal information that any employee becomes privy to during the course of their employment must be held in confidence; and/or
7. Information as it relates to a preliminary, ongoing, or completed investigation or complaint, as outlined in Sections 17 through 20 below of this policy, must be kept confidential by any employee that, directly or indirectly, is aware of it.

1. Any employee that knowingly releases any form of confidential information will be terminated immediately with cause.
2. Any employee that unknowingly releases any form of confidential information will be investigated in accordance with Sections 17,18, 19 and 20, as applicable, of this policy.
3. If the investigation reveals that the employee acted without due care and consideration regarding information then they will be terminated immediately with cause.

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| --- | --- | --- |
| **UPEI Student Union** | **Policy No.****UPEISU6**  | **Revision No. 3** |
| **Policy Title:** Employee Training and Disciplinary Procedures | **Page** 6 of 15 |

1. **Other** **Infractions**
2. If an employee has committed an act that the supervisor feels is harmful to the overall organization or fellow employees, the supervisor shall document the incident, provide the employee with a copy of the incident report, and bring the incident to the VP Finance and Administration or the General Manager to determine if a written warning or termination is necessary. If a termination is deemed necessary by the VP Finance and Administration or the General Manager, it shall be brought to the Executive Committee.
3. **Performance Review**
4. All supervisors will review the quality and consistency of employees’ work and performance on a monthly basis.
5. If the work and/or performance of an employee is deemed to be below the appropriate standard, a written warning may be issued.
6. A written warning may only be issued after the supervisor has informed the employee of what is expected of him/her moving forward and some ways to meet those expectations through a performance appraisal.

1. If a written warning is required, the procedure to follow is outlined in Section 15 of this policy.
2. A written warning and/or performance appraisal must be signed, and filed with the VP Finance & Administration or the General Manager, by both the supervisor and employee.
3. The signature of the employee constitutes that they have read and understands what is outlined in the performance appraisal and/or written warning. The signature does not, however, constitute agreement with what is outlined in the document.
4. **Performance** **Appraisals**
5. A formal one-on-one performance appraisal must be conducted by all supervisors with their subordinates at least once (1) per semester.

1. Supervisors are permitted to conduct informal performance appraisals as they deem necessary.

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| --- | --- | --- |
| **UPEI Student Union** | **Policy No.****UPEISU6**  | **Revision No. 3** |
| **Policy Title:** Employee Training and Disciplinary Procedures | **Page** 7 of 15 |

1. Any discipline, with regards to performance, taken against an employee, must be accompanied by a performance appraisal signed by both the supervisor and the employee.
2. Performance appraisals must indicate to employees the problem area(s) and deficiencies and what is necessary to improve the deficiencies in those identified areas.
3. The timeline allotted for an employee to improve an identified deficiency will be determined by the supervisor on a case-by-case basis, but the employee must be given a reasonable amount of time to make improvements.
4. **Written** **Warning** **Procedure**

**First and Second Written Warnings**

1. The supervisor of an employee may issue written warnings for the items outlined in Section 5 through 12 of this policy.

1. The first and second written warnings must be accompanied with a written explanation including:
2. the area of infraction as it relates to Sections 5 through 12 of this policy;
3. necessary steps needed to be undertaken by the employee in order to improve performance.a summary of the consequences if another written warning is issued; and
4. a signature of both the supervisor and the employee indicating that they have read and understand the contents of the written warning.

1. Written warnings for poor-performance must also be accompanied by a performance appraisal and submitted to the VP Finance & Administration or the General Manager.

**The Third Written Warning**

1. The third written warning will follow the same procedure as the first and second warnings.
2. The third written warning will be the final warning and it must be clearly indicated in the warning that if the action or behaviour does not improve the employee will be terminated in accordance with Section 16 of this policy.

|  |  |  |
| --- | --- | --- |
| **UPEI Student Union** | **Policy No.****UPEISU6**  | **Revision No. 3** |
| **Policy Title:** Employee Training and Disciplinary Procedures | **Page** 8 of 15 |

1. If the employee being reprimanded feels they are being wrongfully disciplined, they can write a letter to the UPEI SU President.
2. **Suspension and Termination**
3. Causes for which an employee may be terminated include, but are not limited to, the following:

1. theft, fraud, or other criminal activities;
2. continual shortages of cash or materials in the employee's control;
3. using, or being under the influence of, alcohol, cannabis, or illegal drugs while in course of their employment;
4. breach of duty or policy;
5. breach of confidentiality;
6. gross misconduct;
7. failure to inform their supervisor of non-attendance;
8. insubordination;
9. retaliation against a complainant;
10. any grounds of discrimination or harassment identified in the UPEI SU Inclusion Policy and the Prince Edward Island Human Rights Act; and
11. any conduct which, in the discretion of the UPEI SU Executive Committee, would bring the Employee or the organization into disrepute.
12. An employee must be given a reasonable period of time to improve performance or stop a certain action or behaviour before being terminated.
13. An employee may be put on suspension by the Executive Committee pending a decision regarding possible termination.

**Formal Procedure to Terminate an Employee**

1. The formal procedure to terminate an employee is as follows:
2. The Supervisor or Executive Member responsible for the employee in question will present the written warnings and supporting materials to the VP Finance or the General Manager and the President and move to terminate the employee.
3. The President will present the motion for termination to the Executive Committee at the next Executive Meeting.
4. The Executive Committee must vote two-thirds (⅔) in favor of termination in order for the employee to be terminated.

|  |  |  |
| --- | --- | --- |
| **UPEI Student Union** | **Policy No.****UPEISU6**  | **Revision No. 3** |
| **Policy Title:** Employee Training and Disciplinary Procedures | **Page** 9 of 15 |

1. If the employee is on suspension at the time the Executive Committee votes regarding termination and the Executive Committee votes to keep the employee, the suspension will end immediately and the employee will return to work the following business day.
2. If the Executive Committee does not terminate the employee, the employee in question will have to accumulate three new written warnings before the supervisor or Executive Member responsible for the employee attempts to terminate the employee again.

**Immediate Termination**

1. Immediate termination may be necessary in cases of workplace violence, discrimination, harassment, violations of municipal, provincial, or federal laws, or other misconduct that makes the workplace unsafe or unfriendly.
2. If the supervisor or Executive Member responsible for the employee believes that immediate termination is necessary, the supervisor or the Executive member responsible for the employee may bring a report of the conduct directly to the Executive Committee to determine if immediate dismissal is necessary. Immediate termination of an employee requires two thirds (2/3) vote of the Executive Committee in favour of the immediate termination.
3. If immediate termination is deemed to be unnecessary, the Executive Committee, by two thirds (2/3) vote in favour of, may suspend the employee for a time frame deemed appropriate by the Executive Committee.

**Documents**

1. All documents relating to the termination process must be retained and copies of these documents shall be made for the employee being terminated for their own records.
2. **Filing a Formal Complaint**

**General Division of Authority**

1. The UPEI SU General Manager and VP Finance & Administration will be responsible for all complaints filed against an employee of the UPEI SU. The President will be responsible for all complaints filed against the UPEI SU General Manager.

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| --- | --- | --- |
| **UPEI Student Union** | **Policy No.****UPEISU6**  | **Revision No. 3** |
| **Policy Title:** Employee Training and Disciplinary Procedures | **Page** 10 of 15 |

1. In general, no employee shall be responsible for receiving or investigating a complaint against their superior.
2. Any employee may make a formal complaint for any reason related to their employment with the UPEI SU.
3. In order for a complaint to be formally investigated, a formal complaint, in writing, must be made and provided to the appropriate person identified in subsection (1) above, and shall contain a concise statement of the complainant’s concerns, any evidence or supporting documentation that is relevant to the complaint, and the complainant’s requested action. It must be specific in identifying the defendant and details relating to the incident(s).
4. Formal complaints should be submitted within two (2) months of the incident. This period can be extended with approval of UPEI SU Executive Committee.
5. If the UPEI SU General Manager and VP Finance & Administration are both deemed to be in a conflict by the complainant, the conflict will be received by the UPEI SU President. If all three positions are in conflict, an external body will be consulted.
6. The Complainant must personally file the complaint.
7. Within twenty-four (24) hours of the complaint being received, the person(s) against whom the complaint is made (the “Respondent”) must be informed of the complaint and the complainant must be informed that the Respondent will be informed of the complaint.
8. The Respondent will receive a copy of the complaint and will be given forty-eight (48) hours to respond to the complaint. The response shall be in the form of a written statement and shall be submitted to the investigator.
9. The Respondent must also be informed of their right to openly state, in writing, a conflict of interest of the person responsible for receiving and investigating the complaint.

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| --- | --- | --- |
| **UPEI Student Union** | **Policy No.****UPEISU6**  | **Revision No. 3** |
| **Policy Title:** Employee Training and Disciplinary Procedures | **Page** 11 of 15 |

1. After receiving the Respondent’s reply, the investigator, where deemed appropriate, will disclose the complaint and the Respondent’s reply to the Executive Committee.
2. If any Executive Committee Member believes that another Executive Committee Member has a conflict of interest in the incident they may make a motion to have that person recused if they do not recuse themselves first. In order to remove the Executive Committee Member from hearing the matter due to a conflict of interest, a two thirds (⅔) vote of the Executive Committee in favour of the recusal is required. Any Executive Committee Member removed from the investigation must keep all information about the complaint and allegations in confidence after removal. Any violations of this will be dealt with in accordance to Section 11 of this policy.
3. In general, any complaint received will remain confidential and the identity of the complainant will not be disclosed unless disclosure is necessary for the purposes of investigating a complaint, taking disciplinary measures in relation to a complaint, or the complainant permits disclosure. Anonymity of the complainant and the Respondent is of the utmost importance. No information regarding the parties involved will be released to anyone who is not directly involved in the investigation process. If confidentiality is broken, the person(s) responsible for the breach of confidentiality will be reprimanded in accordance with Section 11 of this policy.
4. Any retaliation against a complainant will not be tolerated and shall result in the person(s) initiating, or who is responsible for, the retaliation being terminated with cause.
5. The formal complaint process in no way limits the employee from seeking a remedy through the legal system.
6. All documents distributed and created during the complaint and investigation process must be kept and transferred in hard copy form.
7. **Investigations of Formal Complaints Against Employees**
8. The party who is responsible for investigating the complaint will have the power to investigate the complaint in any manner they deem fit, including, but not limited to, conducting interviews.

|  |  |  |
| --- | --- | --- |
| **UPEI Student Union** | **Policy No.****UPEISU6**  | **Revision No. 3** |
| **Policy Title:** Employee Training and Disciplinary Procedures | **Page** 12 of 15 |

**Interviews**

1. Any interviews conducted will be audio recorded and transcribed by the designated investigator.
2. Hearsay evidence is not admissible and will be removed from the record during an interview. Hearsay evidence is generally a statement, either written or orally, made by the declarant while testifying or providing evidence, offered in evidence to prove the

truth of the matter, which cannot be substantiated. An example of hearsay evidence would be a statement heard second-hand.

1. The investigator is not permitted to ask leading questions to an interviewee.
2. Both the Complainant and the Respondent will have the opportunity to provide witnesses to be interviewed.
3. An interviewee may request a copy of the transcript and/or audio recording of their interview after the interview is conducted. The requested transcript and/or audio recording must be provided within one (1) week of the request being made.
4. If an interviewee notes an error within their transcript they must notify the investigator and their testimony will be removed from the investigation file. The interviewee shall be re-interviewed to ensure that the transcript and investigation record are complete and accurate.
5. The Respondent has the right to receive the transcript and audio recording of the Complainant, and any other relevant evidence, and be given the chance to respond in an interview.

**Findings**

1. Upon completion of the investigation and the review of the evidence, the investigator may make the following decisions and recommendations:
2. may dismiss the complaint if they find the complaint to be without merit; may determine that there is a lack of evidence to support a finding that the complaint has merit;
3. may determine that the Respondent is not guilty of the complaint for another reason than those provided in Section 18 (13) (a) and (b) above, and must record that reason and place it in the investigation file; or

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| --- | --- | --- |
| **UPEI Student Union** | **Policy No.****UPEISU6**  | **Revision No. 3** |
| **Policy Title:** Employee Training and Disciplinary Procedures | **Page** 13 of 15 |

1. may, if the evidence suggests that on the balance of probabilities that the Respondent is guilty of the complaint, recommend to the UPEI SU Executive Committee to terminate the Respondent.
2. The Executive Committee must vote with a two thirds majority to terminate the Respondent. (⅔).
3. If there is a finding that the Respondent is guilty of the complaint, the decision that the Respondent is found guilty must be in writing and filed with all other investigation files. The findings shall be provided to the Complainant and Respondent, in writing, in a timely manner.
4. Any decision as a result of a formal investigation does not in any way limit the complainant from seeking a remedy through the legal system.
5. **Informal Complaint Procedure**
6. Any employee may make an informal complaint for any reason related to their employment, whether against a fellow employee or practice of the UPEI SU, by delivering the complaint to any member of the UPEI SU Executive Committee or the UPEI SU General Manager.

1. The informal complaint should indicate the following information:
2. The event or practice in detail;
3. Parties involved;
4. Resolution being sought; and
5. Supporting Information and/or evidence.
6. In general, any complaint received will remain confidential and the identity of the complainant will not be disclosed unless disclosure is necessary for the purposes of investigating a complaint, taking disciplinary measures in relation to a complaint, or the complainant permits disclosure. Anonymity of the complainant and the Respondent is of the utmost importance. No information regarding the parties involved will be released to anyone who is not directly involved in the investigation process. If confidentiality is broken, the person(s) responsible for the breach of confidentiality will be reprimanded in accordance with Section 11 of this policy. If an investigation of an informal complaint is necessary, the investigation procedure to be followed is the same procedure outlined above in Sections 17 and 18, as applicable, and all employees should support the UPEI SU General Manager to perform a proper investigation.

|  |  |  |
| --- | --- | --- |
| **UPEI Student Union** | **Policy No.****UPEISU6**  | **Revision No. 3** |
| **Policy Title:** Employee Training and Disciplinary Procedures | **Page** 14 of 15 |

**Appeal of a Decision**

1. **Appeal to Appeal Board**
2. Where any person is aggrieved by a decision of the UPEI SU or its officers or agents in respect of a dispute arising out of the investigation into a complaint that person may, within thirty (30) days from the date of the written decision of the investigator, appeal to the Appeal Board by serving written notice of the appeal on the Appeal Board.

**Content of Notice of Appeal**

1. Every notice under subsection (1) shall:
2. contain a statement of the matter being appealed;
3. indicate the date that the notice of appeal is sent as well as the signature of the person making the appeal;
4. specify any error of fact in a final order or finding from the investigation to which the appellant takes issue;
5. specify any reason why the final order or finding from the investigation is not appropriate;
6. specify any other evidence that might affect the decision of the Appeal Board; and
7. provide any other information the Appeal Board may require.

**Materials**

1. On receipt of a notice under subsection 1, the Appeal Board shall
2. notify the UPEI SU investigator that the notice of appeal has been received and that UPEI SU investigator shall provide the Appeal Board and the person making

**Report**

1. The report referred to in clause 3(b) shall include
2. the text of the complaint;
3. a statement summary of the findings of the UPEI SU investigator, indicating whether or not the investigator has properly carried out their mandate under the Constitution, governing By-Laws or Policies;
4. a statement of the position of the UPEI SU investigator; and
5. any other information the Appeal Board may require.

|  |  |  |
| --- | --- | --- |
| **UPEI Student Union** | **Policy No.** **UPEISU6**  | **Revision No. 3** |
| **Policy Title:** Employee Training and Disciplinary Procedures | **Page** 15 of 15 |

**Notice of Hearing**

1. In any appeal under subsection (1), the Appeal Board shall, within seven (7) days after the notice of appeal referred to in subsection (1) is received, serve notice upon the person making the appeal, the UPEI SU and the Respondent of the date, time and place at which the appeal will be heard.
2. the appeal with all relevant final orders, findings, By-laws, Policies, documents and other material in its possession; and
3. require the UPEI SU investigator to submit to the Appeal Board and the appellant a report which shall be in writing, signed by the investigator and delivered to the Appeal Board members.

**Decision within 30 Days**

1. The Appeal Board shall hear and decide any appeal under subsection (1) within 30 days after the notice of appeal is received, but the Appeal Board may, at the request of the person making the appeal, adjourn the hearing from time to time for such period or periods of time as the Appeal Board considers necessary.

**Rights of Appellant**

1. At any hearing of an appeal under this section, the person making the appeal has the right to attend and make representations and to give evidence respecting the appeal either by themselves or through legal counsel.

**Rights of the Investigator**

1. At any hearing of an appeal under this section, the UPEI SU investigator has the right to attend and make representations and to give evidence respecting the appeal either by themselves or through legal counsel

**Rights of Respondent**

1. At any hearing or appeal under this section, the respondent, being the person involved in the complaint who is not appealing the decision, has the right to attend and make representations and to give evidence respecting the appeal either by themselves or through legal counsel

**Decision Binding**

1. The decision of the Appeal Board is final and binding on all parties and no appeal lies therefrom.

**Notice of Decision**

1. The Appeal Board shall, within ten (10) days after the hearing is completed, serve notice of its decision and provide its decision to all parties involved in the appeal, including the UPEI Council.