

Section 3 Appendix 7:



DISCIPLINARY PROCEDURES FOR STAFF

Diocese of Toowoomba
Catholic Education Office

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1. INTRODUCTION

Disciplinary responses by the Director or delegate require a careful adherence to a set of procedures. These are designed to ensure that the staff member is treated with justice and consideration throughout the process and that all reasonable alternatives have been exhausted before disciplinary action is undertaken.

2. PURPOSE

This policy is designed to encourage constructive and effective communication between the Director of the Catholic Education Office as employer and the employee in relation to conduct and behaviour issues and to assist the employer to deal fairly with issues in relation to the conduct or behaviour of employees.

3. SCOPE

This policy applies to all Employees of the Catholic Education Office of the Diocese of Toowoomba.

4. PRINCIPLES

The principles of the Disciplinary Policy are as follows:

- a. That fair and equitable treatment be accorded to employees in the disciplinary process and that the process be handled promptly and confidentially.
- b. That an understanding and agreement be encouraged between the employer and the employee in relation to the expectations regarding employee behaviour and conduct.
- c. That there be a prompt application of "due process" for resolving issues in relation to conduct or behaviour.
- d. That discipline be used in a constructive way so as to provide an opportunity for improvement of conduct and/or behaviour in the workplace.
- e. That there be compliance with legislative requirements.
- f. That there be open communication in consultation between employees and the employer within the process.
- g. That this policy is only applicable in relation to conduct or behavioural issues of employees and that any issues relating to poor performance be dealt with under the Performance Review process.

5. POLICY

The Director or delegate will, in all issues of concern regarding behaviour and conduct of employees, utilize and promote constructive communication of procedures as designated in this policy to promote fair and constructive outcomes.

6. PROCEDURE

- a. If the employer has a concern in relation to conduct or behaviour issues of an employee, the "appropriate delegate" shall write to the employee with particulars of that concern and invite the employee to respond to the particulars within a reasonable time. The letter should also advise the employee of the possible outcomes of the disciplinary process, including dismissal.
- b. The "appropriate delegate" for the purpose of this policy shall mean: The Principal of the School or in case of Catholic Education Office staff, the team leader, Head of Division;
- c. In addition to inviting a written response, the Principal may invite the employee to attend a meeting to provide an oral response in addition to the written response, and at that time advise the employee that he/she is entitled to have a third party present at any such meeting.
- d. After receiving the written response, and hearing any oral response as required, the Principal shall consider the matter in consultation with the Senior Education Officer and decide whether any further investigation of the matter is required before coming to a decision.
- e. If the principal decides that some further investigation is required, then he/she and/or his/her delegate shall conduct that further investigation as promptly as possible.
- f. Once that further investigation is complete, the Principal shall consider whether further matters need to be put to the employee as a result of that investigation.
- g. In the event that it is decided following consultation with the Senior Education Officer that further matters shall be put to the employee, then those matters should be expressed in writing and signed by the Principal in a letter handed to the employee, allowing a reasonable time to respond in writing and if necessary also orally to those further matters.
- h. After receiving any further written response from the employee, and hearing any further oral response, the Principal shall decide what, if any, disciplinary response is necessary and will then communicate that disciplinary measure in writing to the employee.

7. RESPONSES

- a. Without limiting the discretion of the Director as to the disciplinary response the following may be considered:
 - i. a formal written warning that should the conduct and/or behaviour continue then that may lead to the employee's dismissal from employment;
 - ii. dismissal from employment but only if the Director considers the conduct or behaviour proved against the employee constitutes serious misconduct warranting summary dismissal; or
 - iii. a formal censure of the employee for engaging in conduct proved against him/her with or without a formal direction that the employee is in the future to desist from such behaviour or conduct;

8. TERMINATION

- a. In the event that the Director considers it is appropriate to terminate the employee's employment, he/she shall prior to terminating that employment confer with the Bishop:
- b. In the event it is determined that dismissal from employment is the appropriate outcome, the Director shall write to the employee inviting him/her to show cause why his/her employment should not be terminated.
- c. Nothing in this policy should be construed as to limit the power of the Director or delegate of the employer to summarily dismiss an employee without any warning or investigation what ever and without affording the employee any opportunity to respond in circumstances where there has been evidence of serious misconduct warranting summary dismissal. However, prior to taking such action the Director must consult with industrial and legal representatives, as well as the Bishop.
- d. If a decision is made to terminate the employee's employment then the employer will comply in all respects with the minimum notice periods and entitlements set by the Industrial Relations Act 1999 (Qld) but nothing in this policy should be construed as interfering with the right which the employer reserves to summarily dismiss and employee in cases of serious misconduct.
- e. The appropriate delegate shall be responsible for ensuring that all stages of the disciplinary process, including all oral discussions with employees, are properly and contemporaneously documented and are retained.

Section 3 Appendix 8

Guidelines for Appropriate Professional Boundaries

We need to constantly evaluate our actions critically, to ensure we are not guilty of intruding, acting inappropriately or violating the rights of another individual. Boundaries between teachers and students delineate a professional relationship not unlike the doctor-patient relationship.

However, there are circumstances when it is appropriate for employees and volunteers to touch student. It can be a normal, caring gesture to make physical contact with student when offering praise, encouragement, guidance or comfort. The key criterion in determining the appropriateness of this behaviour is the benefit to the student. If the normal needs of the child (for example to be comforted, reassured or encouraged) are met then the conduct is most probably acceptable. If the conduct is motivated by employee gratification, then it is unacceptable.

APPROPRIATE AND INAPPROPRIATE TOUCHING

Example 1 (Appropriate Touching)

A 6-year-old student falls over while running in the playground, skins his knees and he starts to cry. A janitor/grounds man working nearby puts his arm around the boy's shoulder and comforts him, then walks with him, holding his hand, to the person delegated to administer first-aid.

Example 2 (Appropriate Touching)

A teacher places his hands over a student's hand while the student is using a mallet and chisel, to instruct the student in the proper use of the implements. The contact ceases after the demonstration is completed

Example 3 (Appropriate Touching)

After a game of cricket one of the adult supervisors approaches a youth who played exceptionally well. The supervisor congratulates the youth and gives him a pat on the shoulder or back in recognition of his achievement.

Example 1 (Inappropriate touching)

A staff member walks around the playground/grounds with one arm around the waist of a secondary school student. In all such circumstances, this type of prolonged contact is inappropriate.

Example 2 (Inappropriate touching)

After an athletics meeting a staff member moves to congratulate a student. While walking along side the student, the staff member hugs the student around the buttocks and hip region. In the same circumstances, it would be inappropriate for the staff member, while walking closely beside the student to place an arm onto the student's head and pull his/her head onto their own shoulder or head.

INAPPROPRIATE CONTACT

Example 1 (Inappropriate contact)

After a school play, a teacher approaches one of the student actors, saying, "I didn't realize how grown up you were until I saw you in that outfit - the play went over really well. After we tidy up here, maybe you and I can get together to celebrate.

Example 2 (Inappropriate contact)

A teacher stands behind a 13-year-old female student while she is playing the clarinet. The teacher clasps hands around the student's ribs and diaphragm area to demonstrate proper breathing technique. The teacher's thumbs and wrist intentionally come in contact with the student's breasts. The behaviour is inappropriate.

Improper Assault**Example 1 (Improper Physical Assault)**

A student is taunting another student and refuses to desist. The staff member grabs the student's ear, twisting and lifting so the student rises from his/her seat.

Example 2 (Improper Physical Assault)

A student chases a cricket ball onto a newly prepared garden bed and the staff member pushes the student firmly in the shoulder causing the student to fall over, shouting to stay off the garden.

NON-PHYSICAL CONTACT**Example 1 (Appropriate Non-Physical Contact)**

A staff member is driving home and sees a student that attends their school caught in a sudden downpour stops the car, and the student accepts a lift home which is a short distance away. It may be appropriate, especially in a small community for the staff member to accompany the student to the door and explain the circumstances to the parent or guardian.

Example 1 (Inappropriate Non-Physical Contact)

A staff member accompanying student to a sporting carnival in a neighbouring town suggests sharing a motel room with several of the young people to reduce expenses. In this example, the staff member's motivation may be entirely honourable, but the risks associated with the conduct are too high. Consequently, such an arrangement should be avoided.

Example 2 (Inappropriate Non-Physical Contact)

A staff member makes suggestive gestures to a student such as blowing kisses, rubbing hands over own body, unzipping or unbuttoning items of own clothing.

Such flirtatious behaviour exceeds the boundaries of a professional relationship between a staff member and a student and is inappropriate.

Example 3 (Inappropriate Non-Physical Contact)

A staff member shows sexually explicit material to a student or leaves the material in a place where a student could access it. Such conduct exceeds the boundaries of a professional staff member/student relationship and is inappropriate.

(Adapted from the Department of Education Manual HS-17 Student Protection)

Personal Disclosure for Teachers

- Be scrupulous about not using the students as your support group. Be friendly without befriending.
- Appropriate disclosure can enhance classroom experience
- Inappropriate disclosure can be dangerous to teachers and students alike.
- Do not share what is immediate, raw or highly personal in your life.

Emotional Boundaries

- The use of sarcasm, mimicking and put-downs, or making an example of students should not occur.
- The use of shaming by adults against children is an abuse of power and a direct denial of the developmental needs and rights of the child.

Contents of staff meeting, staff bulletins, staff room discussions etc, need to stay with the teaching community of the school. Do not use the staff room as a public forum to off-load frustrations about a particular student.