

GUIDELINES
FOR THE
FOLLOW-UP OF PERFORMANCE AND/OR CONDUCT ISSUES

Background

The identification and follow-up of performance and/or conduct issues is not tied exclusively to the Performance Review Process as outlined in LOU #3. While the Performance Review Process may indicate the existence of performance and/or conduct issues, the Dean or his/her designate may be privy to information regarding a faculty member's performance and/or conduct which in itself may or may not be complete, accurate, or founded, but in the judgment of the administrator, may require clarification or investigation.

In addition, there may be unacceptable or recurring performance and/or conduct issues that have not been resolved through the performance review process, requiring follow-up. In other words, the Dean or his/her designate is not limited to the processes and procedures associated with the performance review process in order to follow-up on new or recurring performance issues and/or conduct issues. Such follow-up comes with the responsibility to adhere to the laws of natural justice, to use maximum discretion, and to be fair and timely in the follow-up.

Context

The Dean or designate is responsible for ensuring that employees understand what is expected of them. When it becomes apparent that expected levels of performance are not being met, appropriate steps may be taken to achieve satisfactory performance.

Guidelines for Performance and/or Conduct Issues

The intent of the *'Guidelines for Performance and/or Conduct Issues'* is to:

- Provide a consistent approach to corrective action or disciplinary measures
- Provide a collaborative framework to deal with unacceptable or recurring performance and/or conduct issues
- Provide a reasonable opportunity for a faculty member to meet performance expectations through follow-up action
- Provide for progressive and corrective measures, where appropriate, to deal with performance and/or conduct issues.

Stages for Performance and/or Conduct Issues

Normally, two stages are involved in performance and/or conduct issues: Preliminary Inquiry and Further Investigation.

1. Preliminary Inquiry

During the Preliminary Inquiry the Dean or designate will assess the validity, reliability, and veracity of the information received or noted in the faculty performance review process. This may involve, but is not limited to, interviewing the source(s) of the information and examining any related documents and files. At this stage, the Dean or designate will meet with the faculty member to share information and inform him/her of the allegations or concerns.

The Employer will inform faculty members that they are entitled to KFA representation and will recommend to faculty members that they contact the KFA for representation when attending a meeting called by the Employer as per these guidelines. The Employer will notify the KFA when these guidelines are being applied.”

Outcomes of a preliminary inquiry may include:

- a) A communication to the individuals concerned that a preliminary inquiry into the matter was conducted and no inappropriate / unacceptable conduct occurred or allegations were found to be unsubstantiated.
- b) Informal resolution
- c) A decision for further investigation

If the Dean or designate decides not to proceed with outcome c and further relevant information emerges specifically relevant to the initial performance or conduct issue, the Dean or designate may reinstitute the Preliminary Inquiry.

A summary of the preliminary inquiry will be sent to the faculty member and Faculty Association.

2. Further Investigation

The Dean or designate initiates an investigation when he/she thinks that there is reasonable indication of a faculty performance or conduct issue based on an assessment of the information from the Preliminary Inquiry.

The faculty member will be informed in writing and in a timely manner about an investigation being initiated. The faculty member will also be given in writing the allegation/concern, including examples substantiating the allegation/concern and be given a reasonable opportunity to respond.

Outcomes of Further Investigation may include:

- a) A communication to the individuals concerned that further investigation into the matter was conducted and no inappropriate/unacceptable conduct occurred or allegations were found to be unsubstantiated.
- b) Coaching/Verbal discussion
- c) A corrective action plan containing expectations, timelines, and accountabilities is outlined. Input from the faculty member will be sought during the formation of the plan.
- d) Progressive discipline which may include:
 - coaching/verbal discussion as a support to corrective action
 - corrective action meeting with verbal reprimand
 - corrective action meeting with written reprimand noted in the faculty member's personnel
 - suspension from work at Kwantlen Polytechnic University with or without pay with written confirmation noted in the faculty member's personnel file
 - discharge or dismissal from Kwantlen Polytechnic University and documentation placed in the personnel file by the President

The outcomes noted above are not to be interpreted as being lock-step in nature and each situation must be dealt with on its individual merits.

Discipline

Where a conclusion is reached at the end of an investigation that discipline is appropriate, the Vice President, Academic and HR shall be consulted prior to action being taken.

If discipline is imposed, the appropriate articles in the Collective Agreement must be complied with. The provisions of Article 17 and Article 18.01 shall apply where the outcome of a further investigation results in a disciplinary action. No information related to the disciplinary action will be placed in the faculty member's personnel file unless a copy has at the same time been given to the faculty member.

Once the preliminary enquiry or further investigation is completed, any notes or documents will go to Human Resource Services for retention. These notes or documents will not be retained in the faculty member's personnel file.