

Disciplinary Action and Discharge

When the superintendent determines that there are sufficient grounds to suspend and/or discharge a certificated employee, the employee will receive written notification which specifies the probable cause for such action. The notice will include the employee's appeal rights, if any, and notice of the appeal processes. The employee may submit within 10 days of such notification a written request (RCW 28A.405.310) for a hearing to determine whether or not there is sufficient cause for discharge. During the hearing, the procedures described in Board Policy 5280 (Termination of Employment) will be followed.

Employees who do not request a hearing will be adversely affected as specified in the written notice.

Classified employees not employed under formal contract may be suspended for a specified or indefinite number of days with or without pay. A regular status classified employee will be advised of the right to request a pre-termination meeting following notice. At the hearing, the superintendent or designee will provide notice of charges against the classified employee, an explanation of the evidence that has been collected and the opportunity for the employee to clarify or refute the charges. Following this conference, the superintendent or designee will advise the employee of the right to a hearing with the board prior to any formal action that may be taken by the board.

A classified employee, who has contact with children, or a certificated employee whose certificate is subject to revocation will be terminated immediately for a guilty plea or conviction of any felony crime against children as stated in (F) below. Such employee will have the right of appeal. A school district board of directors is entitled to recover from the employee any salary or other compensation that may have been paid to the employee for the period between such time as the employee was placed on administrative leave, based upon criminal charges that the employee committed the felony crime, and the time termination becomes final.

Reasons For Disciplinary Action

Disciplinary action may be taken for the following reasons including but not limited to:

- A. Incompetence;
- B. Inefficiency;
- C. Misappropriation or misuse of district property;
- D. Neglect of duty;
- E. Insubordination;
- F. Conviction of any crime which adversely affects employee's ability to perform a job including the submission of a guilty plea or conviction of any felony crime involving:
 - 1. The physical neglect of a child;
 - 2. The physical injury or death of a child;
 - 3. Sexual exploitation of a child;
 - 4. Sexual offenses;
 - 5. Promotion of a minor for prostitution purposes; or
 - 6. The sale or purchase of a minor child;
- G. Malfeasance;
- H. Gross misconduct;
- I. Inability to perform job functions;
- J. Willful violation of district policies and procedures;
- K. Mistreatment or abuse of fellow workers, students, or members of the public;

- L. Conflict of interest;
- M. Abuse of illness, injury, or emergency leave;
- N. Sexual harassment, verbal abuse, physical abuse or sexual misconduct; or
- O. Manufacture, possession, distribution or sale of, or being under the influence of alcohol or controlled, illegal, addictive or harmful substances including anabolic steroids.

Types of Disciplinary Action

Depending upon the nature of the work performance problem or conduct, any one or more of the following actions may be taken by the appropriate supervisor:

A. Oral Warning

An oral warning may be given to an employee whenever such action is deemed appropriate. A record of this action should be kept in the employee's personnel file.

B. Written Reprimand

An employee may be given a written reprimand when previous oral warning has not resulted in the expected improvement or when more severe initial action is deemed warranted. A copy of such reprimand will be placed in the employee's personnel file.

C. Suspension/Discharge

An employee may be suspended from duty without pay by his/her supervisor for any of the reasons set forth in these procedures. An employee will receive written notice of such suspension along with notification (oral or written) that he/she may schedule a pre-termination meeting with the superintendent or designee. Discharge action may be taken by the board based upon the recommendation of the superintendent or designee. The employee will have an opportunity to meet with the board prior to such action.

An employee may be temporarily suspended from duty with pay, if circumstances warrant, with the prior approval of the superintendent or designee.

A classified employee who has contact with children, or a certificated employee will be terminated immediately for a guilty plea or conviction of any felony crime against children as cited above in (F).

D. Demotion

An employee may be demoted for any of the reasons set forth in these procedures. The employee will be given written notice including specific reasons for such demotion at least two (2) calendar weeks prior to the effective date of the proposed action. This action requires the prior approval of the superintendent.