

## **Admin Protocol for administrators working through teacher conduct/performance issues**

\*In Dealing with teacher discipline. Refer to admin counseling form as a guide in working through a teacher conduct issue.

### **Progressive Discipline for Misconduct**

Misconduct as used here means conduct that is a violation of work rules; a violation of local school board policies, State Board of Education rules, or law; a violation of standards of ethical, moral, or professional conduct; or insubordination. If a career employee or a provisional employee during his contract term engages in misconduct, the District may take any of the following actions:

#### **Verbal warning:**

The Direct Supervisor will issue the verbal warning.

The verbal warning will have clear directives of expectations and steps to correct the misconduct. The supervisor will document the verbal warning

#### **Written warning:**

The Direct supervisor will issue the written warning.

The written warning will include clear measurable goals with expectations and steps of correction.

#### **Probation:**

Direct Supervisor will place employee on probation.

Probation will include an improvement plan with regular follow up conferences with the direct supervisor. The improvement plan will include written goals of correction and timelines to meet corrections goals with a clear definition of the consequences in not meeting the expectations of corrections.

#### **Suspension:**

A career employee or provisional employee during the employee's contract term may be suspended for misconduct. An employee will be suspended with pay during any investigative proceedings. An employee will be suspended without pay where the misconduct is sufficiently serious, as determined by the supervisor. Suspensions without pay may not last longer than **15** working days unless accompanied with a notice of intent to terminate and the employee has asked for a hearing. Suspension pending a hearing may be without pay if an authorized representative of the District determines, after providing the employee with an opportunity for an informal conference to discuss the allegations, that it is more likely than not that the allegations against the employee are true.

#### **Termination:**

A career employee or provisional employee during his contract term may be terminated for cause in accordance with the termination procedures below. Disciplinary action for the same or similar conduct will be taken in progressive steps beginning with a verbal warning, except when an employee engages in conduct that warrants more severe disciplinary action, the District may skip a step and issue the disciplinary action appropriate for the conduct.

#### **Termination for Unsatisfactory Performance—**

##### **Notice to Career Employee of Unsatisfactory Performance—Procedural Due Process—Plans of assistance**

If the District intends not to renew the contract of a career employee or to terminate the contract during the contract term for reasons of unsatisfactory performance, it shall:

Provide and discuss with the career employee written documentation clearly identifying the deficiencies in performance; Provide written notice that the career employee's contract is subject to nonrenewal or termination if, upon a reevaluation of the career employee's performance, the career employee's performance is determined to be unsatisfactory; Develop and implement a plan of assistance, to allow the career employee an opportunity to improve performance, which includes: specific, measurable, and actionable deficiencies; the available resources provided for improvement; and a course of action to improve employee performance. Plans of assistance will be appropriately detailed demanding of resources consistent with the career employee's position and deficiencies. Reevaluate the career employee's performance in no less than 30 and no more than 120 days, which may be extended when: a career employee is on leave from work during the time period the plan of assistance is scheduled to be implemented; and the leave was approved and scheduled before the written notice intent not to renew was provided; or the leave is specifically approved by the Board. The time period to correct the deficiencies may continue into the next school year;

The time period to implement the plan of assistance and correct the deficiencies shall begin when the career employee receives the written notice provided under Subsection (1) and end when the determination is made that the career employee has successfully remediated the deficiency or notice of intent to not renew or terminate the career employee's contract is given in accordance with this policy. If upon a reevaluation of the career employee's performance, the district determines the career employee's performance is satisfactory, and within a three-year period after the initial documentation of unsatisfactory performance for the same deficiency pursuant to Subsection (2), the career employee's performance is determined to be unsatisfactory, the district may elect to not renew or terminate the career employee's contract. If the career employee's performance remains unsatisfactory after reevaluation, the Superintendent or designee shall give notice of intent not to renew or terminate the career employee's contract, which shall include written documentation of the career employee's deficiencies in performance. Nothing in this Policy shall be construed to require compliance with or completion of evaluations prior to non-renewal of a career employee's contract. An employee whose performance is unsatisfactory may not be transferred to another school unless the Board specifically approves the transfer of the employee.

### **Performance and Conduct Issues**

If a career employee exhibits both unsatisfactory performance as described herein and misconduct described herein the District may Attempt to remediate the conduct according to the procedures set forth above; or Terminate the career employee for cause if the conduct merits dismissal, and is not required to develop and implement a plan of assistance for the career employee, as provided in Section 53A-8a-503. If the conduct of a career employee described is satisfactorily remediated, and unsatisfactory performance issues remain, an employer shall develop and implement a plan of assistance for the career employee, as described above. If the conduct of a career employee is not satisfactorily remediated, the District may dismiss the career employee for cause in accordance with procedures established herein and is not required to develop and implement a plan of assistance for the career employee, as provided in Section 53A-8a-503.

### **Due Process/Grievance**

Employees are entitled to a grievance process anytime during the disciplinary steps or steps of correction and improvement.

### **Causes for Dismissal or Non-Renewal—**

An employee may be disciplined up to and including suspension or discharge during a contract term for any of the following:

- 1 Immorality;
- 2 Insubordination or failure to comply with directives from supervisors;
- 3 Incompetence;
- 4 Conviction, including entering a plea of guilty or nolo contendere (no contest), of a felony or misdemeanor involving moral turpitude or immoral conduct;
- 5 Conduct which may be harmful to students or to the District;
- 6 Improper or unlawful physical contact with students;
- 7 Violation of District policy;
- 8 Unprofessional conduct not characteristic of or befitting a District employee;
- 9 Manufacturing, possessing, using, dispensing distributing, selling and/or engaging in any transaction or action to facilitate the use, dispersal or distribution of any illicit (as opposed to authorized) drugs or alcohol on District premises or as a party of any District activity;
- 10 Current addiction to or dependency on a narcotic or other controlled substance.
- 11 Dishonesty or falsification of any information supplied to the District; including data on application forms; employment records or other information given to the District;
- 12 Engagement in sexual harassment of a student or employee of the District;
- 13 Neglect of duty, including unexcused absences, excessive tardiness, excessive absences, and abuse of leave policies or failure to maintain certification;
- 14 Deficiencies pointed out as part of any appraisal or evaluation;
- 15 Failure to fulfill duties or responsibilities;
- 16 Inability to maintain discipline in the classroom or at assigned school-related functions;
- 17 Drunkenness or excessive use of alcoholic beverages or controlled substances;
- 18 Disability not otherwise protected by law that impairs performance of required job duties;
- 19 Failure to maintain an effective working relationship, or to maintain good rapport with parents, co-workers, the community or colleges;

- 20 Failure to maintain requirements for licensure or certification; Unsatisfactory performance after providing the employee with a plan of assistance and time to improve consistent with 53A-8a-503;
- 21 For any other reason justifying termination of employment for cause.