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<b>SUBJECT: Support Staff: Discipline, Administrative Leave, Suspension and Dismissal Administrative Procedures</b>	
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<b>JURISDICTION:</b>	<b>RSU 73 Schools</b>

### **Discipline, Administrative Leave, Suspension, and Dismissal of Support Staff Members**

This policy addresses corrective action and discipline of all support staff and termination of support staff term-certain employees. The Board of RSU 73 recognizes that all RSU 73 employees should have the opportunity for success in the performance of their duties during the course of their employment. To achieve this success, it is the obligation of all employees to follow acceptable patterns of behavior and conduct that will result in accomplishing the primary objective of providing students the best possible educational program. It is the intent of RSU 73 that all the legal citations referenced in this document shall apply equally to all support staff employees.

These administrative procedures establish or summarize the applicable procedure for certain types of corrective action and discipline that may be taken against an employee. These procedures are not intended to restrict or eliminate the broad discretion traditionally afforded to supervising administrators to determine whether corrective action or discipline is appropriate. Pursuant to Board policy, not all administrative actions regarding a support staff member are considered “discipline,” even though they may involve alleged or possible violations by the support staff member. This regulation addresses specific corrective action and discipline relative to the following:

- The support staff member evaluation procedure or the resulting evaluations as they pertain to the adequacy of the support staff member’s job performance.
- Letters or memorandums directed to a support staff member containing directives or instructions for future conduct, including letters of direction, non-renewal, and civil and/or criminal sanctions.
- Counseling of a support staff member concerning expectations of future conduct, including informal consultations and counseling.
- The discretion of the Superintendent to placing support staff members on administrative leave with pay or reassignments during investigation.

### **Negotiated Resolution**

The administration and staff member (the “parties”) are encouraged to work toward a negotiated resolution of any potential, proposed or anticipated disciplinary action. The negotiation will be conducted in good faith and without undue delay. No party is required to negotiate and either party to the negotiations may choose to stop negotiations, refuse to negotiate and/or reinstate negotiations.

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**Purpose:**

- Establish the just cause standard for any disciplinary action taken against an employee by the RSU.
- Identify the types of disciplinary actions allowed under the procedure.
- Establish that discipline arising from the same employee actions will be progressive.
- Establish the specific procedures that must be followed in disciplining an employee.
- Establish that disciplinary action may be appealed through the level of appeal in this document.
- Establish the condition that must be present for a dispute to be resolved through the appeal procedure that may arise due to the use of this document.

**Compliance with Rules, Regulations, Policies, Procedures and Statutes**

It is both the employee's and the RSU's responsibility to be aware of and comply with the RSU's rules, regulations, policies, procedures, and state and federal statutes and regulations promulgated by federal and state agencies which apply to their respective assignments. Administrators and supervisors are responsible for notifying all concerned of current rules, regulations, policies, procedures, statutes, and changes therein that pertain to the employee's assignment.

Failure to abide by said rules, regulations, policies, procedures, and statutes will result in corrective action or discipline being administered to the employee.

**Authorization to Discipline Support Staff Employees**

The superintendent, principals, assistant principals, deans, supervisors, and directors will have the authority to take corrective action, discipline or recommend discipline.

**Representation**

The employee subject to discipline shall have the right to have a representative of their choice at all meetings, hearings, and proceedings concerning disciplinary action against the employee. An employee may bring a representative to a meeting with anyone in a supervisory role except instances where federal and state law may be violated.

**Corrective Action and Progressive Discipline**

This policy provides specific types of corrective or disciplinary action:

- ✓ Oral Warning
- ✓ Written Notice
- ✓ Written Letter of Reprimand
- ✓ Suspension Without Pay
- ✓ Administrative Leave of Absence With Pay
- ✓ Dismissal

Corrective action is considered an oral warning or written notice.

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Discipline is considered a written letter of reprimand, suspension without pay, administrative leave of absence with pay and dismissal.

Discipline administered in a progressive and constructive manner means that the action taken against an employee will depend on the type and seriousness of the violation and/or the number of occurrences of the same violation. Discipline will also be administered with the intention of correcting behavior. The administration may initiate disciplinary actions at any step in the section above "Compliance with Rules, Regulations, Policies, Procedures and Statutes" that it deems appropriate to the employee's action. Conduct and acts of an employee which negatively impact the health, safety, and welfare of students, employees, or the public, or which cause substantial public concern will result in more severe disciplinary action to include immediate removal from the employees assignment, pending action.

In the event that the charges that led to discipline are not substantiated, all references to the matter shall be removed from the employee's personnel file, unless otherwise provided by law as it relates to tort claims involving minor's rights.

**Definitions****Administrative Leave of Absence/Suspension with Pay**

Temporary removal of an employee from contractual assignment(s) pending the outcome of an investigation of a specific act or violation of a rule, procedures, regulations, policy, or statute which could warrant suspension without pay or termination. Compensation continues when on Administrative Leave of Absence.

**Days**

In this procedure "days" referred to are "work days".

**Emergency Interim Leave with Pay**

This leave may be used for actions which negatively impact the health, safety, and welfare of students, employees, or the public, or which cause substantial public concern.

**Oral Warning**

A discussion held between an employee and an authorized administrator in which the administrator informs the employee of an alleged violation of rule(s), procedure(s), policy(ies), or statute(s) by the employee, which requires corrective behavior.

**'SIR' Superintendent Initiated Reassignment****Statement of Allegations and Notice of Intent to Suspend/Dismiss Support Staff Employee**

The allegations brought against an employee. Notice of Intent is notification to the employee of possible disciplinary action.

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**Dismissal**

Termination from RSU service

**Written Notice**

Written notice to an employee from an authorized administrator informing the employee that he/she has violated a specific rule, procedures, regulation, policy or statute for which an oral warning may have been previously given.

**Written Letter of Reprimand**

Written Letter of Reprimand to an employee from an authorized administrator informing the employee that he/she has violated a specific rule, procedure, regulation, policy or statute for which an oral warning or a written notice may have been previously given.

**Procedures**

**Oral Warning**

Upon receiving information by the administrator of an alleged violation regarding an employee, an administrator authorized to discipline must schedule and hold a meeting to discuss the alleged violation with the employee. If it is determined that necessary corrective action is warranted, an oral warning will be issued.

**Written Letter of Reprimand**

- ✓ Upon receiving information by the administrator of an alleged violation regarding the employee, an investigation will be conducted.
- ✓ The administrator in the employee's line of authority will have a meeting with the employee where they will discuss the alleged violation(s).
- ✓ If it is determined necessary, the alleged violation and specific corrective actions will be given to the employee in a Written Letter of Reprimand by the administrator in the employee's line of authority.
- ✓ The decision of the administrator can be appealed to the Superintendent within five (5) days of issuance of the Written Letter of Reprimand.
- ✓ The appeal shall specifically describe the part of the determination with which the support staff member disagrees.

The Superintendent may, at the conclusion of the appeal, uphold the discipline, or modify the decision. The decision of the Superintendent is not subject to appeal.

**Adopted: May 22, 2014**