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**403 - DISCIPLINE, SUSPENSION AND DISMISSAL OF
SCHOOL DISTRICT EMPLOYEES**

I. PURPOSE

The purpose of this policy is to achieve the effective operation of the school district's programs through the cooperation of all employees under a system of policies and rules applied fairly and uniformly.

II. GENERAL STATEMENT OF POLICY

The disciplinary process described herein is designed to utilize progressive steps, where appropriate, to produce positive corrective action. While the school district intends that in most cases progressive discipline will be administered, the specific form of discipline chosen in a particular case and/or the decision to impose discipline in a manner otherwise, is solely within the discretion of the school district.

III. DISCIPLINE

A. Violation of School Laws and Rules.

The form of discipline imposed for violations of school laws and rules may vary from an oral reprimand to termination of employment or discharge depending upon factors such as the nature of the violation, whether the violation was intentional, knowing and/or willful and whether the employee has been the subject of prior disciplinary action of the same or a different nature. School laws and rules to which this provision applies include:

1. policies of the school district;
2. directives and/or job requirements imposed by administration and/or the employee's supervisor; and
3. federal, state and local laws, rules and regulations, including, but not limited to, the rules and regulations adopted by federal and state agencies.

B. Substandard Performance.

An employee's substandard performance may result in the imposition of discipline ranging from an oral reprimand to termination of employment or discharge. In most instances, discipline imposed for the reason of substandard performance will follow a progressive format and will be accompanied by guidance, help and encouragement to improve from the employee's supervisor and reasonable time for correction of the employee's deficiency.

C. Misconduct.

Misconduct of an employee will result in the imposition of discipline consistent with the seriousness of the misconduct. Conduct which falls into this category includes, but is not limited to:

1. unprofessional conduct;
2. failure to observe rules, regulations, policies and standards of the school district and/or directives and orders of supervisors and any other act of an insubordinate nature;
3. continuing neglect of duties in spite of oral warnings, written warnings and/or other forms of discipline;
4. personal and/or immoral misconduct;
5. use of illegal drugs, alcohol or any other chemical substance on the job or any use off the job which impacts on the employee's performance;
6. deliberate and serious violation of the rights and freedoms of other employees, students, parents or other persons in the school community;
7. activities of a criminal nature relating to the fitness or effectiveness of the employee to perform the duties of the position.
8. failure to follow the canons of professional and personal ethics;
9. falsification of credentials and experience;
10. unauthorized destruction of school district property;
11. other good and sufficient grounds relating to any other act constituting inappropriate conduct;
12. neglect of duty;
13. violation of the rights of others as provided by federal and state laws related to human rights.

IV. FORMS OF DISCIPLINE

- A. The forms of discipline that may be imposed by the school district include, but are not limited to:
1. oral warning;
 2. written warning or reprimand;
 3. probation;
 4. disciplinary suspension, demotion or leave of absence with pay;
 5. disciplinary suspension, demotion or leave of absence without pay; and
 6. dismissal/termination or discharge from employment.
- B. Other forms of discipline, including any combination of the forms described in paragraph A above, may be imposed if, in the judgment of the administration, another form of discipline will better accomplish the school district's objective of stopping or correcting the offending conduct and improving the employee's performance.

V. PROCEDURES FOR ADMINISTERING POLICY

- A. In an instance where any form of discipline is imposed, the employee's supervisor will:
1. Advise the employee of any inadequacy, deficiency or conduct which is the cause of the discipline, either orally or in writing. If given orally, the supervisor will document the fact that an oral warning was given to the employee specifying the date, time and nature of the oral warning.
 2. Provide directives to the employee to correct the conduct or performance.
 3. Forward copies of all writings to the Human Resources Coordinator for review and filing in the employee's personnel file.
 4. Allow a reasonable period of time, when appropriate, for the employee to correct or remediate the performance or conduct.
 5. Specify the expected level of performance or modification of conduct to be required from the employee.

- B. The school district retains the right to immediately discipline, terminate or discharge an employee as appropriate, subject to relevant governing law and collective bargaining agreements where applicable. The following procedure for termination of employment is to be followed, unless specific circumstances of a situation require otherwise, subject to the discretion of the Superintendent or designee:
1. A pre-termination meeting is to be scheduled and conducted with the employee, the building Administrator and the Human Resources Coordinator.
 2. Prior to the pre-termination meeting, the employee shall be given written notice, outlining the facts upon which the proposed termination is based. The Building Administrator is responsible for drafting the Pre-termination Notice and scheduling the meeting with the employee and Human Resources.
 3. At the Pre-Termination Meeting, the employee shall be afforded the opportunity to give an explanation of the facts upon which the proposed termination is based; the opportunity to present additional facts that the employee feels are pertinent to the question of termination; and an opportunity to present his or her side of the case.
 4. After the pre-termination meeting, the Human Resources Coordinator and Administrator shall discuss the facts presented by the employee and determine if termination should be recommended to the Superintendent, or if other disciplinary action, if any, should be taken instead of termination.
 5. If the recommendation is to terminate employment, the Human Resources Coordinator will confer with the Superintendent or his/her designee and will prepare a termination notice (included with this memo), to be signed by the Superintendent, and forward the notice to the Administrator.
 6. The Administrator (and/or the Human Resources Coordinator or another designee), will meet with the employee informing him/her of the termination of employment.
 7. In the case where termination is not recommended, other disciplinary action should be considered, if appropriate.

Legal References: Minn. Stat. 122A.40 (Teachers)
Minn. Stat. 122A.41 (Teacher tenure)
Minn. Stat. 122A.58 (Coaches)
Minn. Stat. 122A.44 (Contracting with teachers)
Minn. Stat. 123B.02, Subd. 14 (Employees; contracts for services)
Minn. Stat. 123B.143 (Superintendent)
Minn. Stat. 123B.147 (Principals)
Minn. Stat. 197.46 et. seq. (Veterans Preference Act)

Cross References: MSBA Service Manual, Chapter 5, School Board—Staff Relationships

