

Book	Policy Manual
Section	2/12/24 Board Mtg
Title	REVISED STAFF DISCIPLINE
Code	po3139
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### **Reissued Policy - Special Update - November 2023**

#### **3139 - STAFF DISCIPLINE**

Whenever it becomes necessary to discipline a member of the staff, the Superintendent shall utilize related procedures described in the current negotiated agreement, to the extent not inconsistent with the current negotiated agreement, and the following principles and procedures.

A teacher may only be discharged, demoted, or otherwise disciplined for a reason that is not arbitrary or capricious. In all instances, discipline, discharge, and demotion shall occur in accordance with the statutory requirements under the Teacher Tenure Act and the Revised School Code.

The administrator/Superintendent ~~shall~~ may conduct an investigation of any alleged act or omission by a teacher that could result in disciplinary action. The teacher ~~shall~~ may be provided with oral or written notice of the issue or incident being investigated.

The investigation ~~shall~~ may include, ~~at a minimum,~~ interviews of appropriate persons and a meeting with the subject teacher and, if requested or if required by the bargaining agreement, the teacher's ~~his/her~~ designated representative (either another employee or a union representative if part of a bargaining unit) to allow the teacher an opportunity to respond to the complaint. Prior notice of this meeting shall be provided to the teacher for any discipline that may result in a suspension or loss of pay. The meeting ~~shall~~ should not proceed without the teacher's ~~designated~~ union representative unless the teacher wants to proceed without a union representative; however, the meeting shall not be unduly delayed to secure the attendance of the teacher's preferred representative. The District may substitute another representative from the union to timely process the investigation.

After completion of the investigation, if discipline is to be imposed, the teacher shall receive written notice of the discipline and this notice shall also be placed in the teacher's file.

Discipline may include, but is not limited to:

- A. written warning;
- B. written reprimand;
- C. suspension (paid or unpaid);
- D. discharge;
- E. financial penalty in accordance with Michigan law.

The District does not have to apply discipline in a progressive manner, but, rather, may impose discipline consistent with the seriousness of the teacher's conduct, as determined by the District. Additionally, nothing in this policy limits the District's right to take other appropriate action, such as placing a teacher on nondisciplinary, paid administrative leave during the pendency of an investigation or issuing a counseling memorandum, which is considered instructional, not disciplinary.

~~[ ] If it appears that disciplinary action beyond written reprimand may be necessary, the administrator should contact the Superintendent to discuss the disciplinary action that is to be taken.~~

~~[ ] **[Only applicable if original investigation conducted by another administrator]** Any disciplinary action that is not subject to Board review, as described below, may be submitted to the Superintendent for review within five (5) work days of the teacher's receipt of the written confirmation. The Superintendent is not required to conduct an independent investigation. The Superintendent/He shall meet with the administrator who issued the discipline and with the teacher and the teacher's/her designated representative, if requested. The Superintendent may affirm, revise, or reject any disciplinary action taken against a teacher and the Superintendent's/his/her decision is final.~~

**X ]** The administrator's decision to impose ~~any~~ disciplinary action that is not subject to Board review, as described below, is final. The following disciplinary actions may only be imposed by the Board in adherence with the requirements of the Teacher Tenure Act:

- A. discharge of a tenured or probationary teacher;
- B. demotion of a tenured teacher (which includes suspension for fifteen (15) or more consecutive days without pay or a reduction in compensation by more than the equivalent of thirty (30) days compensation in one (1) school year);
- C. non-renewal of a probationary teacher.

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M.C.L. 38.101 et seq., 38.74, 380.1230d, 380.1535a