

## Personnel

### Discipline of School District Employees

#### I. Purpose

This policy seeks to achieve effective operation of the school district's programs through the cooperation of all employees under a system of policies, procedures, and rules applied fairly and uniformly.

#### II. General Statement of Policy

The disciplinary process described in this policy is designed to utilize progressive steps, where appropriate, to produce positive correction by the employee. 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 different manner, is solely within the district's discretion.

#### III. Definitions

For purposes of this policy, the definitions included in this section apply.

- A. "Alcohol" includes any alcoholic beverage containing more than one-half of one percent alcohol by volume.
- B. "Edible cannabinoid product" means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.
- C. "Medical cannabis" means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; or (4) combustion with use of dried raw cannabis; or (5) any other method approved by the Commissioner of the Minnesota Department of Health.
- D. "Non-intoxicating cannabinoid" means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by injection, inhalation, ingestion, or by any other immediate means.
- E. "Use" means to sell, buy, manufacture, distribute, dispense, be under the influence of, or consume in any manner, including, but not limited to, consumption by injection, inhalation, ingestion, or by any other immediate

means.

#### IV. Discipline

##### A. Violation of School District Policies, Procedures, or Rules

Discipline imposed for violations of district policies, procedures, or rules may vary from an oral warning to termination of employment 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. District policies, procedures, or rules include, but are not limited to:

1. Policies and procedures of the district;
2. Directives to the employee imposed by administration and/or the employee's supervisor(s);
3. Job requirements and expectations;
4. Expectations contained in employee handbooks; and
5. 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 warning to termination of employment. 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

Employee misconduct will result in the imposition of discipline consistent with the seriousness of the misconduct. Conduct belonging in this category includes, but is not limited to:

1. Unprofessional conduct;
2. Failure to adhere to district policies, procedures, rules, and standards;
3. Failure to adhere to supervisor directive(s);
4. Acts of an insubordinate nature;
5. Continued neglect of duties, despite oral warnings, written warnings, and/or other forms of discipline;
6. Personal and/or immoral misconduct;
7. Use of illegal drugs, alcohol, medical cannabis, non-intoxicating

cannabinoids, edible cannabinoid products, or any other illegal chemical substance while on the job, or any use while on or off the job that impacts the employee's work performance;

8. Deliberate and serious violation of the rights and freedoms of other employees, students, parents, and/or community members;
9. Activities of a criminal nature relating to the fitness or effectiveness of the employee to perform the duties of the position;
10. Failure to follow the canons of professional and personal ethics;
11. Falsification of credentials and experience;
12. Dishonesty that negatively impacts the employer-employee relationship;
13. Unauthorized destruction of district property;
14. Neglect of duty;
15. Violation of the rights of others as provided by federal and state laws related to human rights; and
16. Other good and sufficient grounds relating to any other act constituting inappropriate conduct, as deemed by the district.

#### V. Types of Discipline

A. The types 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, or extension of a probationary period;
4. Demotion;
5. Suspension without pay; and
6. Termination from employment.

B. Other forms of discipline, including any combination of the forms described in Paragraph A, may be imposed if, in the judgment of the administration, another form of discipline will better accomplish the district's objective of stopping or correcting the offending conduct and/or improving the employee's performance.

#### VI. Procedures for Administering Policy

A. When 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 director of human resources for filing in the employee's personnel file;
  4. Specify the expected level of performance or modification of conduct to be required from the employee; and
  5. Allow a reasonable period of time, when appropriate, for the employee to correct or remediate the performance or conduct.
- 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 when applicable.

Legal References:

- Minn. Stat. § 122A.40 (Employment; Contracts; Termination)
- Minn. Stat. § 122A.44 (Contracting with Teachers; Substitute Teachers)
- Minn. Stat. § 122A.58 (Coaches, Termination of Duties)
- Minn. Stat. § 123B.02, Subd. 14 (General Powers of Independent School Districts; Employees; Contracts for Services)
- Minn. Stat. § 123B.143 (Superintendent)
- Minn. Stat. § 123B.147 (Principals)
- Minn. Stat. § 197.46 *et seq.* (Veterans Preference Act; Removal Forbidden; Right of Mandamus)
- Minn. R. 3512.5200 (Code of Ethics for School Administrators)
- Minn. R. 8710.2100 (Code of Ethics for Minnesota Teachers)

Policy

- adopted: 09/22/08
- revised: 04/15/13
- revised: 06/13/16
- revised: 09/14/20
- revised: 05/13/24

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Edina, Minnesota