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427 POLICY ON EMPLOYEE CONDUCT AND CONSEQUENCES

I. PURPOSE

The purpose of this policy is to achieve the effective operation of the school's programs through the cooperation of all employees under a system of policies and rules adopted by the school and ordinarily publicized in the staff handbook or in some other form.

II. GENERAL STATEMENT

The process described herein is designed to utilize progressive steps, where appropriate, to produce positive action in adherence to school policies and rules. While the school intends, in most cases, that progressive "discipline" will be used, the specific consequence(s) chosen in a particular case is solely within the discretion of the school management.

III. TYPES OF MISCONDUCT

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

- A. Unprofessional behavior;
- B. Failure to observe rules, regulations, policies and standards of the school, and/or directives of a supervisor that are not inconsistent with the above, or any other act of an insubordinate nature;
- C. Use of illegal drugs, alcohol or any other illegal chemical substance on the job or any use off the job that impacts the employee's performance;
- D. Deliberate and serious violation of the rights and freedoms of other employees, students, parents or other persons in the school community;
- E. Activities of a criminal nature relating to the fitness or effectiveness of the employee for performing the duties of the position;
- F. Failure to follow professional ethics as cited in the "Code of Ethics for Minnesota Teachers;"
- G. Falsification of credentials and experience;
- H. Unauthorized destruction of school property;
- I. Neglect of duty including, but not limited to, any violation of the terms and conditions of the employment contract, and behaviors such as excessive absenteeism or tardiness, theft, dishonesty or substandard performance.

IV. CONSEQUENCES FOR MISCONDUCT

The consequences imposed for misconduct may vary from written reprimand to termination of employment depending upon factors such as the nature of the violation, intentionality, and the number of times the subject has acted out of sync with the policies and expectations of the school.

The following are possible consequences that may be imposed by the school, but are not limited to:

- A. Written warning or reprimand;
- B. Probation;
- C. Disciplinary suspension, demotion or leave of absence with or without pay;
- D. Termination from employment. Other consequences, including a combination of the above, may be imposed if, in the judgment of the administration, another consequence will better accomplish the school's objectives.

V. PROCEDURES FOR ADMINISTERING CONSEQUENCES

Ordinarily, the following procedures will be used in response to employee misconduct. The school retains the right, however, to immediately terminate employment without the implementation of these procedures.

- A. Advise the employee of the problem in writing specifying the date, time, nature of the warning, and the level of performance or modification required of the employee.
- B. Provide ways the employee would be able to correct the conduct or performance, and the timeframe within which this is to happen.
- C. Make sure the employee knows the seriousness of the issue and whether this has led to probationary status.
- D. After the time period allotted to resolve the issue has come to an end, a conference delineating the next steps will ordinarily be held. This is to be followed by a written summary to the employee and the employee's file.

LEGAL REFERENCES:

- Minn. Stat. 122A.40 (Teachers)
- Minn. Stat. 122A.41 (Teacher tenure)
- Minn. Stat. 122A.44 (Contracting with teacher's)
- Minn. Stat. 122A.58 (Coaches)
- Minn. Stat. 123B.02, subd. 14 (Employees; contracts for services)
- Minn. Stat. 123B. 143 (Superintendents)
- Minn. Stat. 123B.147 (Principals)
- Minn. Stat. 197.46 et seq. (Veterans Preference Act)
- MSBA Service Manual Chapter 5, School Board – Staff Relationships
- Code of Ethics for Minnesota Teachers – Minnesota Board of Teaching