Corrective Discipline Procedures

Employee Misconduct

The following procedural guidelines will guide you through the steps of corrective discipline. These procedural guidelines are for employee misconduct that is NOT immediately threatening, violent, or endangers the immediate safety of the employee and/or others. District policy DP311 Evaluation for Licensed Personnel is to be followed for educators that scored Minimally Effective” or “Not Effective” on the JPAS. The procedural guidelines outlined below should not be construed as being the process for ALL corrective discipline issues and/or situations – but rather, general procedural guidelines.

The **GOLDEN** rule of corrective Discipline:

*If there is NO employee signature; It DIDN’T happen.*

1. **Preventing the Discipline Situation**
   a. Inform the Employee(s) of work requirements, i.e. School Policies, District/Board Policies, Job Requirements, Legal Statute, etc.
      i. In-service Employees and document with attendance rolls/signatures.
      ii. Notify Employee(s) of posting sites for School/Faculty Handbooks. i.e. in faculty lounge, school web site, faculty information board, etc.
      iii. Notify Employee(s) of District Policies on Jordan District Web Site.
      iv. Ensure Employee(s) complete and sign-off Critical Policies in Skyward as soon as reasonably possible after the first contract day.
   b. Potential Discipline
      i. Log the incident and infractions – *For personal use ONLY* (anecdotal notes)
      ii. Date, time, place, facts, witnesses
      iii. How this came to your attention
      iv. Factual description of what happened
      v. Record of what was said and done
      vi. Have a conversation with the Employee reminding them of expectations and their responsibilities.
      vii. Make personal notes, date, time and place of discussion, facts and actions discussed.

2. **Informal Reprimand/Counseling**
   a. Should be done at the FIRST sign of concern or issue
   b. Point out rule/policy being contravened/broken
   c. Give the employee the opportunity to respond and clarify
   d. Communicate expectations
   e. Make personal notes, date, time and place of meeting, facts and action taken.
   f. Do not keep anecdotal notes in the personnel file.

3. **Reprimand – Summary Memo Regarding Concerns**
   Create a file/folder for the Employee and keep all evidence, email, notes, concerns, etc. if you have not already done so.
   a. Investigate before you act
      i. The situation may require one or both of the following found on [AdminOnly]:
         1. Risk Assessment – Used to identify potential risk issues
         2. Reasonable Suspicion Checklist – Used when abuse of the District’s drug and/or alcohol policy is suspected
   b. Discuss concerns/problem(s) – reason for the meeting
   c. Present the evidence: i.e. policies, rules, school issues, etc. [HR Template: Common Corrective Discipline Policies – Licensed]
   d. Give Employee the opportunity to respond and clarify
   e. Communicate expectations and specific directives
      i. Directives should be “S.M.A.R.T.” – Specific, Measurable, Achievable, Realistic, and Timely
Offer assistance, document assistance offered and set up a “follow-up” meeting (within 6 weeks)

Follow-up the conversation with a “Summary Memo Regarding Concerns” following the SPOKES model on school letterhead; provide a copy for the educator to sign and date that they “have received a copy”.

Give the Employee the opportunity to respond in writing within 10 calendar days

Depending on the situation, you may remain on or revisit step 3 multiple times

4. Follow-Up Meeting
   a. Review summary memo regarding concerns
   b. Discuss Employee progress in meeting directives
   c. Give the Employee the opportunity to respond and clarify
   d. If the Employee is meeting the directives:
      i. Give encouragement, praise, further resources, etc.
      ii. No further action may be required
   e. Employee NOT meeting directives
      i. Follow the procedures/process of items 3 - b through j above.
   f. Schedule a follow-up meeting (2-6 weeks)
   g. Depending on the situation, you may remain on or revisit step 4 multiple times

5. Written Reprimand
   Except in High Risk situations (as determined by completing the Risk Assessment Form or Reasonable Suspicion Checklist) a written reprimand should NEVER be the first written and/or signed documentation of a concern, issue, or problem of misconduct.
   a. Conduct a full and complete investigation (written statements, video, evidence, etc.)
   b. Complete the “Risk Assessment Form” and/or “Reasonable Suspicion Checklist” (AdminOnly)
   c. Obtain a written explanation from the employee
   d. Consider the Employee’s side before you write them up
   e. Prior to issuing any written reprimand, contact a Human Resource Administrator and your Administrator of Schools/Immediate Supervisor. Let your immediate supervisor and HR assist you in this process (your decision, your draft and your Corrective Action Plan).
      • The wording of the letter is critical. The letter warns the employee that adverse employee actions, which may include contract termination, may be taken. Written reprimands should be on school letterhead.
      • Follow the SPOKES model strictly
      • State the problem - stick to facts, avoid assumptions, generalizations, moralizing, etc. and have any/all evidence relating to this issue/employee.
      • Outline rules/policy violated, including ALL previous violations
      • Document explicit expectations and directives using SMART directives (Specific, Measurable, Achievable, Realistic, and Timely)
      • Provide an opportunity to improve by identifying support through a “Corrective Action Plan (CAP)”
      • Include information from DP316 NEG-Orderly Termination Procedures – Licensed regarding a written reprimand. A written reprimand is a warning that is active for a two-year period.
   f. Consider completing a full JPAS Evaluation with the Employee in the current or next contract year
   g. Meet with the Employee
      i. Present the Corrective Action Plan (CAP) – it may be prudent to collaborate with the employee to complete the CAP
      ii. Ask if there is any reason that the Employee cannot fulfill the essential duties of the job? (provide Job Description)
      iii. Have them sign for receipt of the letter AND CAP
      iv. Provide a copy of the reprimand AND the CAP
         1. To the Employee
2. The Supervisors (you & immediate supervisor)
3. Original to a Human Resource Administrator

h. Offer the Employee an opportunity to respond to the contents of the letter and/or CAP in writing within 10 calendar days.

**Please Note**
Although a written reprimand may remain in an Employees Personnel File for two years, probation or Suspension may not be possible if there has not been ongoing documented issues or concerns. Ongoing issues require documentation with the Employees signature (this should be rectified through the use of the CAP). Remember, with each due process step, the intent is exsanguination of misconduct so that it no longer is a concern/issue.

6. Corrective Action Plan (CAP)
   a. Meet with the Employee on the dates/times specified in the CAP
   b. Discuss progress/needs of the Employee towards meeting the CAP goals/directives
   c. Make adjustments to the CAP as necessary
   d. Follow-up the CAP meeting with a “Summary of Meeting” memo [HR Template: Summary of Meeting]
   e. Obtain Employee signature for receipt of the memo.
   f. Offer the Employee an opportunity to respond to the meeting in writing within 10 calendar days.

7. Sanctions Committee
   A Sanctions Committee is convened when an Employee fails to make adequate progress to correct their misconduct as measured by the Corrective Action Plan follow-up meeting (#6 above) OR Employee conduct is so egregious a Sanctions Committee is convened to consider immediate consequences up to and including termination. This Committee will assist you with your decision and future actions. The Sanctions Committee consists of the principal/director, the Administrator of Schools/Director/Immediate Supervisor, the Administrator of Human Resources, the Human Resource Administrator – Licensed, and any other administrator deemed necessary for the situation. Please work with the Human Resource Administrator – Licensed to prepare for and calendar this meeting.
   a. Bring the following with you to the Sanctions Committee
      i. Summation and/or Timeline of events/processes
         1. Create a timeline and/or summary of events/processes with this Employee.
         2. Use the “Summary or Timeline of Misconduct” [HR Template: Summary or Timeline of Misconduct]
      ii. Any previous discipline, concerns, evidence, or issues
         1. E-mail, invoices, memos, letters, class data, video, etc.
      iii. The Employee’s written explanation (#5 above)
      iv. Risk Assessment Form(s) and/or “Reasonable Suspicion Checklist” [AdminOnly]
      v. Written letters of concern or reprimand (w/ and w/o Employee signature)
         1. Any notice, memo, or letter signed by the Employee that relates to the misconduct.
      vi. Corrective Action Plan (w/ Employee signature)
         1. Include CAP follow-up meetings with the Employee. Bring the “Summary of Meeting” memo(s).
      vii. Evidence of continued problems
      viii. Include assessment data is applicable and necessary
      ix. Evidence of Critical Policy completion/sign-off (Skyward)
      x. Evidence of other preventative measures (Network Acceptable Use Policy Sign-Off, User Agreements, Professional Development, Faculty Meeting signature, etc…)
      xi. Current JPAS Evaluation(s) and/or Interim Evaluation(s)
         1. Evaluation results and professional growth plans for improvement should align with the misconduct concerns. i.e. If the misconduct is for classroom management the JPAS and professional growth goals should support that concern.
         2. JPAS Plan for Improvement (if applicable)
   b. The Principal/Director will present the situation and issues of Employee Misconduct
   c. Documents, procedures, evidence, and witnesses must be clean, strong and convincing.
   d. This meeting and decisions stemming from the Committee must be followed up in a timely manner.
8. **Recommendation of Probation or Suspension**
   a. Wording of the Probation/Suspension letter is critical. The letter warns the Employee that their employment is in question and adverse employee actions, which may include termination, may be taken.  
      [HR Template: Probation Recommendation – Licensed or Probation Recommendation]
      - Follow the SPOKES model strictly  
      - State the problem - stick to facts, avoid assumptions, generalizations, moralizing, etc. and have any/all evidence relating to this issue/employee.  
      - Outline rules/policy violated, including ALL previous violations  
      - Document explicit expectations and directives using SMART directives (Specific, Measurable, Achievable, Realistic, and Timely)  
      - Provide an opportunity to improve by identifying support through a “Corrective Action Plan (CAP)” if applicable.  
   b. This letter must include a recommendation to the Human Resource Administrator for probation or suspension stating the violations and policies broken  
   c. Provide the Employee with a “Notice of Meeting”, in writing, notifying them they have the right to non-legal representation if they so choose.  
   d. A meeting will be held with the immediate supervisor, the Employee and/or employee representative to discuss previous actions and current issues.  
   e. Review the letter and have them sign for receipt of the letter  
   f. Provide a copy of the reprimand AND the CAP  
      1. To the Employee  
      2. The Supervisors (you & immediate supervisor)  
      3. Original to a Human Resource Administrator w/ the employees signature  
   g. Offer the Employee an opportunity to respond to the meeting in writing within 10 calendar days.  
   h. Human Resource Administrator will send a letter stating that the Employee has been placed on probation or Suspension.  
   i. Periods of probation are generally one (1) year in length  

9. **Follow-Up Meeting**
   a. A meeting to review probation directives and expectations – usually within 1 month  
   b. Discuss Employee progress in meeting directives and CAP  
   c. Give the Employee the opportunity to respond and clarify  
   d. If the Employee is meeting directives:  
      i. Give encouragement, praise, further resources, etc.  
      ii. No further action may be required  
   e. Employee NOT meeting directives  
      i. Document with a summary of meeting and obtain the signature of the Employee  
      ii. Contact the Human Resource Administrator-Licensed and your Administrator of Schools/Director

10. **Sanctions Committee**
   a. Employee(s) not meeting/adhering to directives set forth in the letter of probation may require a Sanctions Committee to determine a recommendation to terminate employment.  
      i. A detailed timeline/summary of events must be presented (add to previous timeline if already created)  
      ii. Timelines, procedures, and evidence are critical  
      iii. Termination can only be the result when the case is sound and circumstances appropriate.  
      iv. The Employee should never be “surprised” with a termination  
   b. Bring evidence of continued problems to the Sanctions Committee.  
      i. Evidence must answer the following:  
         1. Does the Employee:  
            a. Know the Issues and concerns?  
            b. Know how they have been provided with help?  
            c. Know the expectations/directives and how to achieve them?  
   c. The Supervisor and Sanctions Committee can only make a recommendation of termination.
i. The final decision to terminate employment will be made by the Administrator of Human Resources.

11. Recommendation to Terminate Employment
   a. The Supervisor will write a letter to the employee with a recommendation of termination to the Human Resource Administrator. [HR Template: Employment Termination Recommendation – Licensed or Employment Termination Recommendation]
   b. The Supervisor will inform the employee of the meeting in writing notifying that they have the right to representation. (If the Employee elects to bring legal counsel, the District must be notified in time to have their own representation) [HR Template: Notification of Meeting #3]
   c. A meeting will be held with a Human Resource Administrator, Immediate Supervisor, the Employee and/or Employee Representative to conduct the termination.
   d. The Human Resource Administrator will give a Notice of Termination – with a 30 day notice. The Employee will be placed on paid or unpaid suspension or have the option to resign.