

Disciplinary Action And Discharge Procedures

When the superintendent determines that there are sufficient grounds to suspend and/or discharge a certificated staff member, the staff member shall receive written notification which specifies the probable cause for such action. The notice shall contain notice of the staff member's appeal rights, if any, and notice of the appeal processes. The staff member may submit within 10 days of such notification a written request (RCW 28A.405.310) for a hearing to determine whether or not there is sufficient cause for discharge.

Staff who do not request a hearing shall be adversely affected as specified in the written notice.

Classified staff not employed under formal contract may be suspended for a specified or indefinite number of days with or without pay. A regular status classified staff member shall be advised of the right to request a pre-termination meeting within five (5) working days following notice. At the hearing, the superintendent shall provide notice of charges against the classified staff member, an explanation of the evidence that has been collected and the opportunity for the staff member to clarify or refute the charges. Following this conference, the superintendent shall advise the staff member of the right to a hearing with the board prior to any formal action that may be taken by the board.

A classified staff member, who has contact with children, or a certificated staff member whose certificate is subject to revocation shall be terminated immediately for a guilty plea or conviction of any felony crime against children as stated in (F) below. Such employee shall have the right of appeal.

Reasons For Disciplinary Action

- A. Incompetence;
- B. Inefficiency;
- C. Misappropriation or misuse of district property;
- D. Neglect of duty;
- E. Insubordination;
- F. Conviction/guilty plea of any crime which adversely affects the employee's ability to perform a job including any felony crime involving:
 - 1. The physical neglect of a child;

Lynden School District No. 504
BOARD POLICY

No. 5281P

2. The physical injury or death of a child;
3. Sexual exploitation of a child;
4. Sexual offenses;
5. Promotion of a minor for prostitution purposes; or
6. The sale or purchase of a minor child;
[employees are required to report in writing to the superintendent any conviction or guilty plea of the above referenced crimes (and of any other crimes that are workplace related) within five days of conviction or guilty plea];

G. Malfeasance;

H. Misconduct;

I. Inability to perform job functions;

J. Willful violation of district policies and procedures, laws, or regulations;

K. Mistreatment, abuse or assault of fellow workers, students, or members of the public;

L. Conflict of interest;

M. Abuse of leave;

N. Unlawful harassment, verbal abuse, physical abuse or sexual misconduct toward staff, students, or members of the public;

O. Manufacture, possession, distribution, sale or being under the influence of alcohol, controlled, illegal, addictive or harmful substances including anabolic steroids;

P. Conduct (whether on the job or off the job) that has a substantial negative impact on performance;

Q. Mental or physical inability to perform the essential job duties;

Lynden School District No. 504
BOARD POLICY

No. 5281P

- R. Intemperance;
- S. Intentional discrimination or harassment;
- T. Vulgar speech or actions;
- U. Use of habit forming drugs without pharmaceutical prescription by a doctor of medicine licensed to practice in the state of Washington;
- V. Use of alcoholic beverages on district premises or at a district sponsored activity off the district premises;
- W. Use of district supplies and equipment for personal betterment or financial gain or other improper purposes;
- X. Falsification or omission of material information from district records or any report or statement required of or submitted by the employee. This includes, but is not limited to, providing false information to the district (i.e., timesheets, application materials, during formal investigations);
- Y. Engage in the obstruction of justice, which includes witness intimidation, retaliation, destruction of evidence, or engaging in conduct to compromise an investigation or inquiry of misconduct; or
- Z. Engage in any other conduct that lacks educational value/legitimate professional purpose and harms students.

Types of Disciplinary Action

Depending upon the nature of the work performance problem or conduct, any one or more of the following actions may be taken by the appropriate supervisor:

A. Oral Reprimand

An oral reprimand may be given to a staff member whenever such action is deemed appropriate. A record of this action should be kept in the staff member's personnel file.

B. Written Reprimand

A staff member may be given a written reprimand when previous oral warning has

Lynden School District No. 504
BOARD POLICY

No. 5281P

not resulted in the expected improvement or when more severe initial action is deemed warranted. A copy of such reprimand shall be placed in the staff member's personnel file.

C. Suspension/Discharge

A staff member may be suspended from duty without pay by his/her supervisor for any of the reasons set forth in these procedures. A staff member shall receive written notice of such suspension along with notification (oral or written) that he/she may schedule a pre-termination meeting with the superintendent. Discharge action may be taken by the board based upon the recommendation of the superintendent. The staff member shall have an opportunity to meet with the board prior to such action.

A staff member may be temporarily suspended from duty with pay, if circumstances warrant, with the prior approval of the superintendent.

A classified staff member who has contact with children, or a certificated staff member shall be terminated immediately for a guilty plea or conviction of any felony crime against children as cited above in (F).

D. Demotion

A staff member may be demoted for any of the reasons set forth in these procedures. The staff member shall be given written notice including specific reasons for such demotion at least two (2) calendar weeks prior to the effective date of the proposed action. This action requires the prior approval of the superintendent.