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## **DISCIPLINARY ACTION AND DISCHARGE**

Employees who fail to fulfill their job responsibilities or follow the reasonable directions of their administrators, or who conduct themselves on or off the job in ways that significantly affect their effectiveness on the job, may be subject to disciplinary action or discharge. Discipline will be reasonably appropriate to the circumstances and may include, but is not limited to, transfer, demotion, written reprimand, suspension without pay, and discharge. Discipline of an employee will be subject to the terms of any applicable collective bargaining agreement.

The superintendent or designee is authorized to place an employee on paid administrative leave during investigation of alleged misconduct, pending imposition of discipline or discharge, and in other appropriate circumstances.

### **Certificated Staff**

In the event the superintendent determines that there is probable cause or causes for a certificated employee to be suspended, discharged, non-renewed, or otherwise adversely affected in his or her contract status, the superintendent will timely provide the employee with written notice in accordance with state law (Chapter 28A.405 RCW). A certificated employee who receives such notice of probable cause may contest the superintendent's determination as provided by law.

The superintendent will immediately notify the Office of Superintendent of Public Instruction (OSPI) when the District terminates a certificated employee's contract on the basis of a guilty plea to or a conviction of any felony crime specified under RCW 28A.400.322.

In cases where the superintendent possesses sufficient reliable information to believe that a certificated employee is not of good moral character or personally fit or has committed an act of unprofessional conduct, the superintendent, within a reasonable time of making such determination, will file a written complaint with OSPI. If the District is considering action to discharge the employee, however, the superintendent need not file such complaint until ten (10) calendar days after making the final decision about whether to discharge the employee.

### **Classified Staff**

The superintendent or designee is authorized to immediately suspend with or without pay any classified employee, subject to the terms of any applicable collective bargaining agreement or individual written employment contract.

The superintendent or designee may recommend discharge of a classified employee to the board of directors. The board will consider the recommendation and render a decision.

When the superintendent recommends discharge of a classified employee, the employee will be advised of the right to request an informal pre-termination meeting with the superintendent within five (5) working days following notice. At such meeting, the superintendent will provide notice of the charges against the employee, an explanation of the evidence, and an opportunity for the employee to refute any of the charges made.

Classified employees who are represented by a bargaining representative may contest discipline or discharge in accordance with state law and the terms of any applicable collective bargaining agreement. Unrepresented classified employees may contest discipline or discharge as provided by state law (Chapter 28A.645 RCW). A notice of discharge to a classified employee who has a right to appeal the discharge will include notice of the right to appeal and how a description of the appeal process may be

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obtained.

### **Grounds for Disciplinary Action or Discharge**

Employee behavior, conduct, or action that may be grounds for discipline or discharge includes, but is not limited to:

1. Incompetence;
2. Inefficiency;
3. Misappropriation or misuse of District property, including use of District supplies and equipment for personal betterment or financial gain or other improper purposes;
4. Neglect of duty;
5. Insubordination;
6. Conviction/guilty plea of any crime that adversely affects the employee's ability to perform a job including, without limitation, any felony crime involving:
  - a. The physical neglect of a child;
  - b. The physical injury or death of a child;
  - c. Sexual exploitation of a child;
  - d. Sexual offenses;
  - e. Promotion of a minor for prostitution purposes; or
  - f. The sale or purchase of a minor child;
7. Malfeasance;
8. Misconduct;
9. Violation of District policies and procedures or federal, state, or local laws, regulations, or ordinances;
10. Mistreatment, abuse, or assault of fellow workers, students, or members of the public;
11. Conflict of interest;
12. Abuse of leave;
13. Failure to report for work or abandonment of the employee's position;
14. Breach of contract;
15. Mental or physical inability to perform the essential job functions;
16. Violation of appropriate staff-student boundaries;

17. ~~Sexual~~ Unlawful harassment (including sexual harassment), verbal abuse, physical abuse, or sexual misconduct;
18. Intentional discrimination;
19. Manufacture, possession, distribution, sale, use, or being under the influence of alcohol or controlled, illegal, or harmful substances, including anabolic steroids, while working, on District premises, or at District-sponsored events;
20. Intemperance;
21. Violation of District electronic resources policies and procedures;
22. Conduct (whether on the job or off the job) that has a substantial negative impact on performance or interferes with efficient operation of the District;
23. Vulgar speech or actions; ~~and~~
24. Acts of unprofessional conduct prohibited by Chapter 181-87 WAC;
25. Falsification of or omission of material information from District records or any report or statement required of or submitted by the employee (including, but not limited to, providing false timesheets, application materials, or student grades);
26. Obstruction of a District investigation, which includes witness intimidation, retaliation, destruction of evidence, or conduct intended or likely to compromise an investigation or inquiry into misconduct; and
- 24.27. Any other conduct that lacks a legitimate educational or professional purpose and negatively affects students or staff.

Employees are required to report in writing to the superintendent or designee any conviction of or guilty plea to the above-referenced crimes and of any other crimes that are workplace-related within five (5) days of conviction or guilty plea.

### **Abuse and Sexual Misconduct**

If allegations or charges are made against an employee for misconduct with minors, the superintendent may contact the Child Protective Services (CPS) central registry for evidence regarding whether the employee is an adjudicated or admitted perpetrator of child abuse or neglect. The superintendent will also ensure that appropriate reports of suspected child abuse are made to CPS, law enforcement, OSPI, and the student's parents or guardians, as required by law and District policy.

The District will not enter into any contract or agreement that has the effect of suppressing information about verbal or physical abuse or sexual misconduct by a present or former employee or of expunging information about that abuse or sexual misconduct from any documents in the previous employer's personnel, investigative, or other files relating to verbal or physical abuse or sexual misconduct by that individual.

District employees, contractors, and agents will not assist an employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or

District knows, or has probable cause to believe, that such person engaged in sexual misconduct regarding a minor or student in violation of the law. This requirement will not apply when:

- the information giving rise to probable cause was properly reported to a law enforcement agency with jurisdiction and any other authorities as required by federal, state, or local law, and the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;
- the school employee, contractor, or agent has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or
- the case or investigation remains open and there have been no charges filed against or indictment of the school employee, contractor, or agent within four years of the date on which the information was reported to a law enforcement agency.

Cross References:        2002 - Electronic Resources  
                                   3421 - Child Abuse and Neglect Prevention  
                                   5006 - Certification Revocation  
                                   5240 - Evaluation of Staff  
                                   5251 - Conflicts of Interest  
                                   5253 - Maintaining Professional Staff-Student Boundaries  
                                   5280 - Separation from Employment

Legal References:        RCW 28A.400.300 Hiring and Discharging Employees —Written leave policies — Seniority and leave benefits, retention upon of employees transferring between school districts and other educational employers  
                                   RCW 28A.400.320 Mandatory termination of classified employees — Appeal — Recovery of salary or compensation by district  
                                   RCW 28A.400.340 Notice of discharge to contain notice of right to appeal if available  
                                   RCW 28A.405.210 Conditions and contracts of employment — Determination of probable cause for non-renewal of contracts — Nonrenewal due to enrollment decline or revenue loss — Notice — Opportunity for hearing  
                                   RCW 28A.405.220 Conditions and contracts of employment — Non-renewal of provisional employees — Notice — Procedure  
                                   RCW 28A.405.300 Adverse change in contract status of certificated employee — Determination of probable cause — Notice — Opportunity for hearing  
                                   RCW 28A.405.310 Adverse change in contract status of certificated employee, including non-renewal of contract — Hearings — Procedure

RCW 28A.405.470 Crimes against children — Mandatory termination of certified — employees — Appeal— Recovery of salary or compensation by district

RCW 28A.410.090 Revocation of authority to teach — Criminal basis — Complaints — Investigation — Process

Chapter 181-87 WAC Acts of Unprofessional Conduct

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