



Board Special Meeting

Oversight Work Sessions: Human Resources; Work Session: Human Resources Transformation Update

February 3, 2021, 4:30 – 7:30 pm

Meeting to be held remotely

By [Microsoft Teams](#)

By Teleconference: 206-800-4125 (Conference ID: 155 286 855#)

Agenda

<u>Call to Order</u>	4:30pm
<u>Oversight Work Session: Human Resources</u>	4:30pm
<u>Work Session: Human Resources Transformation Update</u>	6:00pm*
<u>Adjourn</u>	7:30pm*

IMPORTANT NOTE: This meeting will be held remotely without an in-person location per the Governor’s proclamation prohibiting public agencies from conducting meetings subject to the Open Public Meetings Act in-person to curtail the spread of COVID-19. The public is being provided remote access through Microsoft Teams and teleconference as noted above. There is a maximum capacity of 350 meeting participants and other attendees for this remote meeting, and a “waiting room” may be utilized to address capacity. Additional attendees will be admitted from the waiting room as capacity permits.

*Special meetings of the Board, including work sessions and retreats, may contain discussion and/or action related to the items listed on the agenda. Executive sessions are closed to the public per RCW 42.30. *Times given are estimated.*



2021 Human Resources Oversight Work Session

Seattle Public Schools is committed to making its online information accessible and usable to all people, regardless of ability or technology. Meeting web accessibility guidelines and standards is an ongoing process that we are consistently working to improve.

While Seattle Public Schools endeavors to only post documents optimized for accessibility, due to the nature and complexity of some documents, an accessible version of the document may not be available. In these limited circumstances, the District will provide equally effective alternate access.

For questions and more information about this document, please contact the following:

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This is a copy of the Human Resources Oversight Work Session PowerPoint, Moss Adams Recommendations and Work Plan, QRD Rehire Termination Do Not Hire Process and the SPS Employee Misconduct handbook.



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OVERSIGHT WORK SESSION

Human Resources February 3, 2021

AGENDA

- Department Functions
- Organizational Chart
- S.W.O.T. Analysis
- Department Accomplishments
- Department Goals & Objectives
- Key Performance Indicators (KPIs)
- Budget & Staffing
- Benchmarking
- Policies & Procedures
- Internal and External Controls
- Major Outside Service Contracts
- Information Technology Systems
- Looking Forward/Next Steps
- Labor & Employee Relations, Investigations & Compliance – attached documents and discussion

DIVISION FUNCTIONS

Talent Management*

- Recruiting, Staffing, Onboarding, Retention

HR Operations

- HRIS (data & systems), Benefits, Compensation, Customer Service, Substitutes

Professional Growth & Educator Support*

- TPEP, PAR, Teacher Leader Cadre (TLC), Professional Development Systems, Foundational Coursework

Labor and Employee Relations

- Performance Management, Employee Misconduct, Labor partnerships and Negotiations, CBA implementation and interpretation

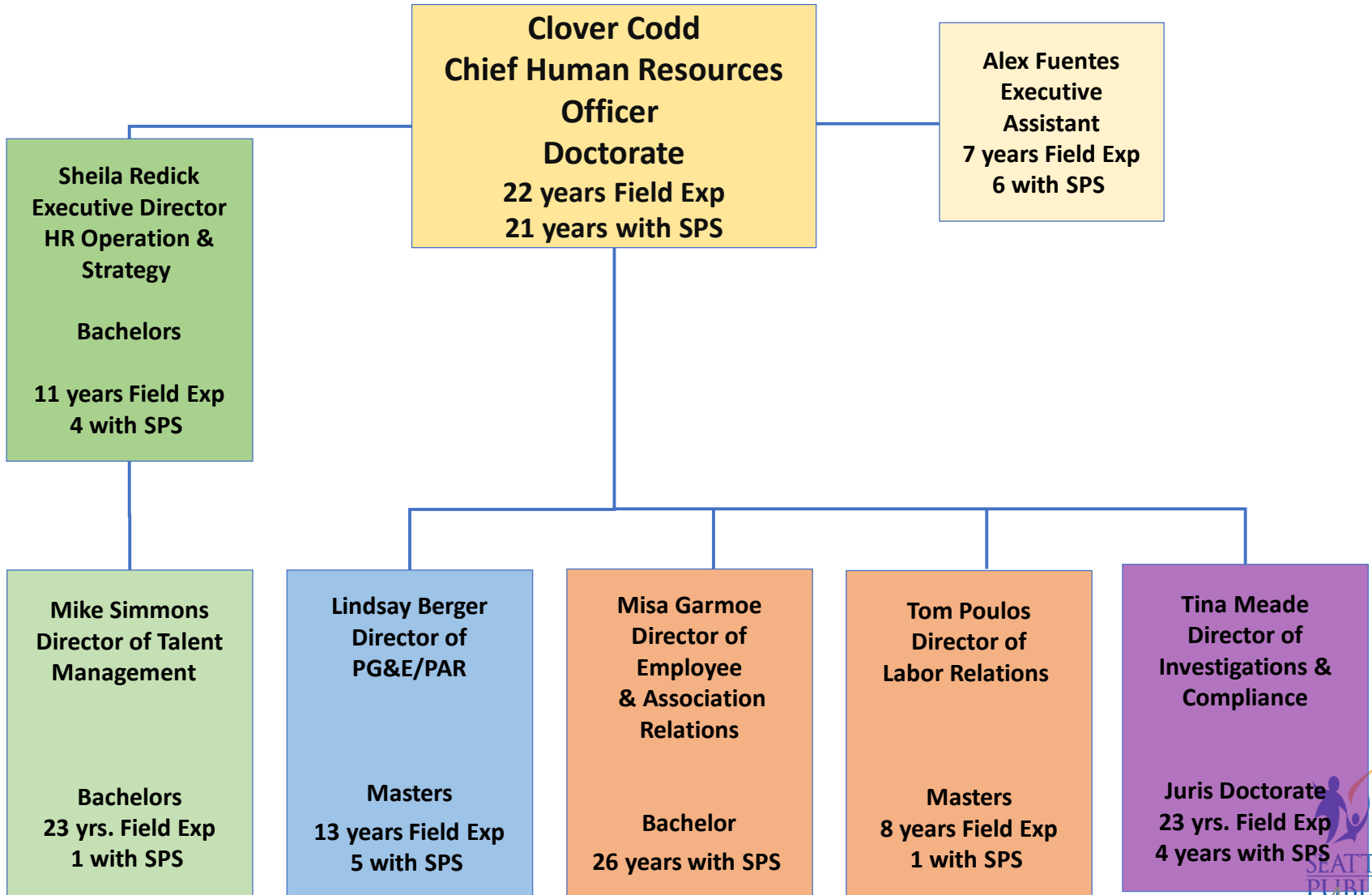
Investigations and Compliance

- Including oversight of the Office of Student Civil Rights, Title IX

*Directly supports Seattle Excellence



DEPARTMENT ORGANIZATIONAL CHART



S.W.O.T. ANALYSIS

Strengths (S)	Weaknesses (W)	Opportunities (O)	Threats (T)
<ul style="list-style-type: none"> • Management team willingness to innovate and rethink work • Work prioritized and aligned to strategic plan • Increased and ongoing automation of processes • Changing culture from reactive to strategic and proactive • Principal satisfaction on central office survey increased to 91% (up from 68% 4 years prior) • Internal capacity increased for investigations • Complaint processing workflow explicitly detailed 	<ul style="list-style-type: none"> • Resources (both money and staff capacity) for professional development for classified staff and central office managers • Resources for onboarding of central office staff limited • Many processes still paper driven and manual 	<ul style="list-style-type: none"> • Strategic plan clearly drives HR strategy and focus on recruitment, retention and culturally responsive practice • History of successful process automation that HR can build upon for future improvements (e.g., online HR forms and contracts) • New Learning Management System to support and track employee onboarding and professional development • Electronic Case Management system pilot to begin in Spring, 2021 	<ul style="list-style-type: none"> • Volume of employee grievance has increase • Remaining lack of integration of multiple data systems • External public perception from historical gaps in systems and processes; media oversimplification of complex issues • Visibility of negative issues. Successes less visible and not remarked upon

ACCOMPLISHMENTS

- Successful negotiation of MOUs for COVID-19 closure (spring 2020) and online learning (fall 2020) with SEA
- Implementation of COVID-19 state and federal leave provisions
- Successful negotiation of 609, Trades, Carpenters, and Machinist contracts
- 100% of all classroom teacher positions had an assigned teacher the first day of school compared to 99.2% in 2019-20; 98.4% in 2018-19 and 97.8%
- Continued automation of employment processes through including e-References, Offboarding and online hiring/interviewing
- More than 1,000 educators trained in new SEA hiring training with emphasis on reducing implicit bias
- Academy of Rising Educators recruitment remains strong; achieved City of Seattle DEEL partnership targets
- Steady progress maintained in hiring school leaders (Principals/Aps) identifying as people of color - 54% in 2020-21; 57% in 2019-20

ACCOMPLISHMENTS

- Enhanced recruitment efforts of our student interns and HBCU relationships
- Expanded online volunteer application system to include automatic background checks previously done manually; and created safety protocols for remote volunteering via MS Teams
- Recruited and trained 140 Family Tech Support Center volunteers to support the transition to online learning for elementary school students - Seattle Times Heroes 2020
- Increased percentage of teacher of color in formal leadership roles within our Teacher Leadership Cadre (TLC) by 4 percentage points due to new hiring process
- Implementation of complaint processing workflow has improved the efficient handling of steps in resolving complaints
- Seattle Teaching 301 (coursework for teacher leaders) launched this year
- Hired 14 stipended Foundational Coursework Facilitators to build capacity for FC and create teacher leadership opportunities

ALIGNING THE WORK OF HR TO THE STRATEGIC PLAN



The Human Resources Department will ensure students are provided high-quality, culturally responsive learning experiences delivered by educators who set high expectations, so students are ready for college, career and community.



The Human Resources operational functions will provide a predictable and consistent experience that is service-oriented, culturally responsive and consistently meets high service levels so that staff, students and families are able to focus on learning.



The Human Resources Department will recruit a diverse workforce and focus on the retention of educators and staff of color in order for SPS to be more representative of the broader community. We will develop and hold staff accountable to culturally responsive mindsets and capabilities in order to create a warm, welcoming environment.



The Human Resources Department will partner with students, families and communities by conducting inclusive and authentic engagement. We will use culturally responsive ways to build trusting relationships with our students and families furthest from educational justice; Our goal is to ensure they – or those empowered to speak on their behalf – have a meaningful voice in HR initiatives.






DEPARTMENT GOALS AND OBJECTIVES

Goal or Major Initiative	Objective	Measure	Target	Performance to date	Relation to Strategic Plan
Increase the diversity of staff and leadership	Increase percentage of teachers, school leaders and central office managers who identify as a person of color	<p>% of employees who identify as a person of color</p> <p>% of new hires who identify as a person of color</p>	<p>Targets (Oct 2020) Teachers - 22% School Leaders - 38% Central Office Managers - 37%</p> <p>Targets (Oct 2019) Teachers – 21% School Leaders – 38%</p>	<p>Oct 2020: Teachers - 36% School Leaders - 54% CO Managers - 55%</p> <p>Oct 2019: Teachers - 27% School Leaders - 57%</p>	Culturally Responsive Workforce
Strategic volunteer supports	Increase availability of volunteers focused on supporting Seattle Excellence goals	Number of new volunteers recruited for educators and students in Seattle Excellence and Title I schools	300 volunteers (approx. 22,000 hours of volunteer service = 15 FTE-equivalent)	192 (As of Jan 2021)	Inclusive and authentic engagement
Evaluation submission	Ensure we provide timely feedback to teachers and monitor performance	% of evaluations completed and submitted on time	100% evaluations are completed and submitted on time	100% completed 98% submitted on time	High quality teachers and leaders




DEPARTMENT GOALS AND OBJECTIVES (Continued)

Goal or Major Initiative	Objective	Measure	Target	Performance to date	Relation to Strategic Plan
Culturally Responsive Professional Practice	Increase percentage of school-based staff who are trained in culturally responsive practice in order to improve student outcomes	Percentage of certificated staff completing a culturally responsive training series	75% of all certificated classroom teachers who have completed at least one culturally responsive training series by 2023-2024	41% of certificated classroom teachers in the 2019-2020 school year have completed one or more of the culturally responsive training series	Culturally Responsive Workforce
High-quality teacher in every classroom	Ensure that every classroom has an assigned teacher on the first day of school Substitute fill rate	% of classrooms with a teacher on the first day % of certificated substitute jobs filled	100% 92%	100% 99%	Ensure students are provided high-quality, culturally responsive learning experiences.
Efficient processing of reports, complaints received by LER	Develop a written complaint processing protocol	Written HR Administrative Guide	Complaint processing workflow Implemented and rolled out internally by spring 2020	100%	Predictable and Consistent Operations

KEY PERFORMANCE INDICATORS (KPIs; Continued)

Goal	Measure	Target	Performance to date
Improve Labor partners' trust in HR staff and processes	# of information requests	No more than 90 info requests by end of SY 19-20	43 
Every classroom will have a teacher by the first day of school	% of classrooms with a teacher staffed by start of school	100%	100% 
Increase substitute fill rates	% of certificated sub requests filled	92%	99% 
Increase 5-year retention rate of new teachers	Percent of teachers hired who remain with the district for five years as a teacher	70%	68.5% 
Increase diversity of new teacher hires	% of new hires of color	28% (target for 20-21)	36% (actual for 20-21) 

KEY PERFORMANCE INDICATORS (KPIs)

Goal	Measure	Target	Performance to date
LER & Investigations staff resolve an employee misconduct complaint within 180 days.	Duration of complaint processing from receipt to issuance of resolution letters to parties.	No more than 5 cases open beyond 180 days.	Currently there are 4 employee misconduct cases that have been open longer than 6 months 
Improve hiring, supervisory, and removal practices within the District to address employee misconduct concerns	Number of employee misconduct investigations per 1000 FTE employees (Council of Great City Schools benchmark)	At or near the median value as detailed in Council of Great City Schools Performance benchmark (15.5)	2017 – 2018: 23.1 2018 – 2019: 21.7 2019 – 2020: 30.33 
Improve staff confidence with processing of internal employment discrimination complaints	Number of complaints/charges of discrimination filed by employees with any governmental agency (e.g. EEOC) per 1000 FTE employees	At or near the median value as detailed in Council of Great City School Performance Benchmark (1.21)	2017 – 2018: .08 2018 – 2019: .333 2019 – 2020: .333 2020 – to date: .166 

DEPARTMENT BUDGET/ STAFFING OVERVIEW

	# FTE	2019-20 Previous Year Budget	2020-21 Current Budget	Funds Committed as of wk sn date	% Remaining
Chief HR Officer	2.0	612,958	581,857	414,371	28.8%
Employment Services	13.7	1,855,420	1,933,380	1,888,710	2.3%
Employee / Labor Rel.	14.7	2,147,763	2,383,755	2,244,445	5.8%
HR Operations	17.0	3,003,989	3,454,509	3,235,814	6.3%
Employee Asst. Prog.	0.0	178,454	203,454	67,750	66.7%
Staff Development	22.6	6,559,302	7,970,245	5,158,075	35.3%
Student Civil Rights	4.0	573,232	641,903	617,858	3.7%
Total Baseline Funded	73.9	14,931,118	17,169,123	13,627,023	20.6%
Grant Funded	9.3	1,864,210	2,118,397	1,535,606	27.5%
Total	83.3	16,795,328	19,287,520	15,162,630	21.4%

BENCHMARKING

District	Total Enrollment	% of total district General Fund budget spent on department	# of FTE	Staffing Per 1,000 students
Seattle	54,698	0.90%	49.9	0.91
Tacoma	28,286	1.14%	32.1	1.13
Kent	26,418	0.99%	26.6	1.01
Bellevue	19,886	0.73%	17.0	0.85
Spokane	30,076	0.95%	28.3	0.94
Highline	18,317	1.21%	26.0	1.42
San Francisco	54,214	0.91%	49.1	0.91
Anchorage	45,366	0.55%	31.7	0.70
Portland	57,762	0.78%	45.0	0.78

- Source of in state comparison data: FY21 F-195 budget submissions, comparing state activity 14 “Human Resources” for comparability.
- Sources for out of state comparison data are the respective FY20 budgets as published, attempting to normalize data to Washington State definitions.



- **Board Policies**

 - 0030, 0040 (Draft)

 - 5000 series

 - 3207, 3208, 3210

- **Superintendent Procedures**

 - 5000 series

 - 3207 SP, 3208 SP, 3210 SP

KEY INTERNAL AND EXTERNAL CONTROLS



- **Internal**

- *Board Policies and Procedures*
- *Collective Bargaining Agreements (13)*
- *eVAL (online teacher evaluation)*
- *Summative Evaluation Submission Process*

- **External**

- *State Auditor's Office*
- *Washington State Department of Labor and Industries*
- *Public Employment Relations Commission*
- *Office of the Superintendent of Public Instruction*
- *Federal and State laws and regulations*

- **Audit or Review Efforts**

- Moss Adams Organizational Audit, Labor & Employee Relations
- Annual Title IX Report to School Board
- OSPI Consolidated Program Review (Civil Rights and Compliance)

MAJOR OUTSIDE SERVICE CONTRACTS

Major Contract	Brief Description	Contract Amount
Sprague, Israel, Giles, Inc.	Employee Benefits Administrator	\$650,000
CorVel	OJI Third Party Administrator	\$251,141
Alliance for Education	Seattle Teacher Residency	\$251,000
NeoGov Learn	Learning and Performance Management Software to Track Training Completion	\$236,286
RedTech	Technology Services	\$150,000
Corwin	Distance Learning Playbook Access & Training	\$136,500
State of WA Department of Enterprise Services	Employment Assistance Program	\$120,000
Jackson & Nichols, P.S	Lawyer Firm	\$50,000
ESD Region 113	eVal Improvements	\$33,315

KEY INFORMATION TECHNOLOGY SYSTEMS

System	Function
NeoGov Insight/Onboarding	Applicant Tracking, onboarding and staffing
SAP Human Resources Management modules	System of record for all employee actions including pay, stipends, hiring actions, leaves, suspensions, etc.
Frontline Absence Management	Substitute call out and assignment system
eVAL	Online evaluation system for teachers. Includes goal setting, observations and summative evaluation. Portal for uploading artifacts for evidence of teaching practice
Open Text	Automated case management and workflow for ADA Employee accommodation requests

LOOKING FORWARD/ NEXT STEPS

- **Board Policies to be reviewed as part of Phase II**
 - Policy No 5253, Staff/Student Boundaries
 - Policy 3207, 3208 Student HIB and Sexual Harassment
- **Focus Areas**
 - Training video and materials for staff on Policy 5253 (to include reporting procedures), ASM video, mandated reporting
 - Ongoing process and systems improvement (e.g., online non-rep evaluation, offboarding, Learn, LER Case Management)
 - Teacher and staff retention: Unpacking retention data, new exit survey development in partnership with UW researchers and gathering qualitative data to understand the “why” of turnover
 - Continued build out of HR data warehouse
 - Alternative Dispute Resolution in lieu of investigation (developing process through collaboration with UW School of Law Mediation Clinic)
 - Ongoing examination of HR practices to increase equity and diversity in hiring
- **Emerging Trends**
 - Focus on central office professional development and onboarding
 - Roll out of new Learning Management system districtwide



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Human Resources

Q&A

Human Resources February 3, 2021



Labor & Employee Relations, Investigations & Compliance

Human Resources February 3, 2021

Labor & Employee Relations Improvements

Function	Specific Accomplishments
Reporting	<ul style="list-style-type: none">• Self-reporting policy drafted• OPP audit completed• Webpage improved to ease ability to report• Utilization of "Let's Talk" program• Case Processing Workflow updates for reporting requirements to OSPI, OPP, law enforcement, and State Auditor's Office
Training	<ul style="list-style-type: none">• Secured staffing to develop training plan• Guidance on handling misconduct cases distributed• PERC training offered to school leaders
Accountability	<ul style="list-style-type: none">• Sub investigation protocol aligned with other staff investigation protocol• Applications modified to screen out potentially problematic applicants• Implemented cross-departmental process for hiring, rehiring, and flagging

Labor & Employee Relations Improvements

Function	Specific Accomplishments
Process Improvement	<ul style="list-style-type: none">• Digitization of records• Action notice process implemented to ensure all departmental actions take place after settlements or other LER transactions• Electronic case management being pursued• Background information for displaced staff provided• Standard case filing and naming procedure• Standard grievance response procedures• Templates for outcome, notice, and corrective action letters• Adjustments to Case Processing Workflow to increase efficiency and effectiveness• Standards for OPP Reporting procedures• Reduced number of cases open for longer than 6 months as well as overall case count

Labor & Employee Relations Improvements

Function	Specific Accomplishments
Relationships with Labor Partners	<ul style="list-style-type: none">• Developed process to actualize SEA CBA language regarding transference of discipline records• Negotiated ~39 improvements to 609 CBA• Amicably negotiated CBAs with Machinists, Trades, Carpenters, and 609• Negotiated various changes in working conditions due to pandemic with multiple labor partners• Negotiated consistent language across CBAs in certain subject areas• Adopted market-based approach to wages• Maintained number of grievances filed• Reduction in submissions of info requests• LER staff attended joint training with SEA leadership on Crucial Conversations (conflict resolution)• Collaborating with SEA to build mediation model



Labor & Employee Relations, Investigations & Compliance

Q & A

Human Resources February 3, 2021

A photograph of four diverse young children smiling in a classroom. The image has a blue tint. The children are of various ethnicities and are looking towards the camera. One child in the foreground is wearing a red shirt with "#WIVES" and a baseball graphic. Another child is wearing a grey hoodie with a Superman logo. The background shows bookshelves and a classroom environment.

Thank you!

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Step 1 – Written Complaint or Verbal Report (Complaint/Report) Received

- A. Complaint/Report received via:
 - a. Email
 - i. Person/department receives the complaint (i.e. Superintendent's Office, Ombudsman, Ethics) specific
 - ii. General HR inbox
 - iii. Labor relations inbox
 - iv. Information Request inbox
 - v. HREEOC inbox
 - vi. OSCR inbox
 - vii. Title 9 inbox
 - b. Phone call
 - i. Complainant
 - ii. School building leader (Principal, Assistant Principal)
 - iii. JSC Manager
 - iv. SPS staff
 - c. Letter
 - d. In person

- B. Determine whether formal or informal complaint:
 - a. Formal: Anything written, unless anonymous or confidential report
 - b. Informal: Verbal report; anonymous (anonymous may be considered formal, under certain circumstances)

- C. Acknowledge receipt of complaint/report
 - a. After receiving written document – Must be written acknowledgement
 - i. Template acknowledgement letter/email available – See Reference Document 1(a)
 - ii. Provide copies of any relevant policy/procedure. REQUIRED for the following types of complaints/reports regardless of whether formal or informal
 - 1. HIB – 3207/3207SP or 5207/5207SP
 - 2. Discrimination – 3210/3210SP.B or 5010/5010SP
 - 3. Sexual Harassment – 3208/3208SP
 - b. For verbal reports – No requirement to send follow-up acknowledgement to caller/individual. Best practice is to memorialize conversation and submit to case log.

- D. Create log entry—Any LER staff who receives complaint to create and update logs
 - a. Case number tracking (new number for each case, regardless of employee group or union)

Complaint Processing Work Flow

**Working Draft as of December 2020

- b. Assign a case manager based on Directory of who handles what schools/group;
see reference document 1(b)

Step 2 – Case Review

A. Assess Complaint

- a. Determine whether complaint is clear on its face.
 - i. If further clarifying information is needed, intake interview of reporting party or complainant is assigned to:
 1. LER staff; or
 2. Investigations Team – Contact Director of Investigations & Compliance for assignment
- b. Determine applicable policy/policies
 - i. Determine whether complaint is filed timely (for Policy Nos. 3210, 5010, and 5207)
- c. Determine District authority over Respondent
 - i. Student
 - ii. Employee
 - iii. Volunteer
 - iv. Parent/guardian
 - v. Third Party
- d. Determine whether to notify external agency or other internal department
 - i. Ethics office
 - ii. Accounting/Budget Office
 1. Note: All theft/fraud of district services or district property must be reported to Director of Accounting Services
 - iii. Risk Management office
 - iv. Legal unit
 - v. Law enforcement and/or Child Protective Services (RCW 13.34.300; Policy 3421; mandatory reporting)
 - vi. OSPI (See Policy 5006)
- e. Determine whether investigation is required. If investigation is needed, determine investigator
 - i. When allegation involves physical contact with student or staff or an allegation that falls under the purview of Board Policy 5006, specific factual information assessed at Director level to determine investigator assignment
 - ii. Central office based investigator: Allegations that MUST be assigned for the following types of cases
 1. Any sexual harassment/sexual assault complaint where Respondent is a staff member
 2. Formal discrimination complaint (3210 or 5010)
 3. Formal retaliation complaint (5245)
 4. Boundary violation allegation (5253)

Complaint Processing Work Flow

**Working Draft as of December 2020

5. Theft of district property/resources
 - iii. Worksite supervisor: Allegations that MAY be assigned for following reports against an employee
 1. Classroom discipline, management
 2. Staff-staff verbal confrontations, insubordination, job performance
 3. First incident – minor misuse of district time, technology, or equipment
 4. First incident – Minor complaints by staff, students, or parents/guardians
 5. Minor interpersonal conflicts (employee-employee, employee-student, employee-parent) UNLESS 5207 HIB Report/Complaint submitted
 - f. Review CBA requirements for notification to Complainant and Respondent—see reference document 2(a)
 - i. SEA
 - ii. 609
 - iii. PASS
 - iv. Teamsters
 - v. Trades, machinists, carpenters
- B. Update log entry
- C. If determine investigation is next step –
- a. Issue notification of investigation letters for Complainant and Respondent (see reference document 2(b) for detailed processes regarding SEA substitutes).
 - i. Verify allegation
 - ii. Verify investigator (i.e. central office or worksite supervisor) assignment
 - iii. Review any relevant CBA provisions regarding content of notification letter – See Reference Document 2(b)
 - iv. Draft notification letters – See Reference Documents 2(c) and 2(d)¹
 1. To Complainant
 - a. Letter advising that SPS initiating central-office based investigation and assigned investigator
 - b. Letter delegating investigation, response to worksite supervisor
 - c. Consider if any interim safety measures need to be communicated to the Complainant
 2. To Respondent

¹ All correspondence involving deadlines must verify receipt, either by hand delivering the letter, emailing and requesting a “read receipt,” or mailing the letter via Certified mail. If hand deliver, staff must note in the case file/log the date and location of the delivery.

Complaint Processing Work Flow

**Working Draft as of December 2020

- a. Non-Admin Leave notice² of investigation and assigned investigator (609 requirement)
 - b. For 609 only, if considering admin leave, send meeting notification letter
 - c. Admin Leave notice (for 609 members, must include assigned investigator) (see reference documents 2(e) and 2(f))
 - i. Letter hand delivered by supervisor to employee, record employee personal contact info for investigator, physically secure keys, badge, laptop, mobile phone, and escort employee out of building.
 - ii. Limit Respondent's access to District staff, resources
 1. Notify Safety/Security, worksite manager
 2. Network access – DoTs contact April Mardock
 3. Determine whether substitute is needed
 - iii. HR Action notice
 - iv. For 609 only, any admin leaves beyond 15 days must be re-approved in 30-day increments. The first re-approval occurs before the first 15 days are up, then every 30 days after that.
 - v. Route draft for review, approval – See Reference Document 2(e) for routing form
- D. If determine Administrative Closure of complaint/report is next step –
- a. Letter to complainant administratively closing complaint, to include (see Reference Documents 2(g) and 2(h)):
 - i. Basis for closure;
 - ii. Possible referral to other District department/division or external agency

² Administrative leave notices may be sent out prior to this step, depending on the circumstances.

Step 3 – Hand off to Investigative Team

- A. If central-office based investigation, Director of Investigations & Compliance assigns investigator
 - a. Meets with assigned Investigator to discuss case
 - i. Discussion of offering alternative dispute resolution to Complainant
- B. If external investigator
 - a. Director EAR and HR Business Analyst create, route PSC
- C. If delegated to worksite supervisor
 - a. Provide allegation(s), scope of investigation
 - b. Provide investigation manual – Investigations team revising; goal is to develop draft of initial workflow and tools by August 2020 SLI

Step 4 – Fair, Unbiased, Impartial Investigations

A. Investigation

- a. Purpose of an investigation is to obtain information relevant that can either prove or disprove an allegation or assertion
 - i. No current requirement to complete a written investigative plan.
 - ii. Weekly review of case investigation with assigned investigator by Director of Investigations & Compliance for oversight of investigation
- b. Being aware of timelines for completion and providing regular notice of extension to appropriate parties
- c. See reference document 5(A) for more detail regarding specific investigatives steps

B. Investigation Report – Report template being developed (current version attached as reference document 5(B))

- a. Civil rights policies – HIB 3207/5207; discrimination 3210, sexual harassment 3208; retaliation 3207
 - i. Allegation
 - ii. Applicable policy/policies
 - iii. Standard of proof - preponderance
 - iv. Investigation steps
 - v. Factual findings
 - 1. Assertions
 - 2. Evidence
 - 3. Credibility determination, as necessary
 - vi. Legal analysis and conclusion whether policy violated – Director of Investigations & Compliance authorized to make determinations regarding 3207, 3208, and 3210 policies. 5000 series policy determinations made by HR based on factual findings (see b. below)
 - 1. If findings, recommendations for corrective action may be included in the investigative report
- b. Non-3000 series civil rights policies
 - i. Allegation
 - ii. Applicable policy/policies
 - iii. Standard of proof - preponderance
 - iv. Investigation steps
 - v. Factual findings
 - 1. Assertions
 - 2. Evidence
 - 3. Credibility determinations, as necessary
 - vi. Determination - what is more likely than not to have occurred

Complaint Processing Work Flow

**Working Draft as of December 2020

- C. All interviewees that are 609 employees must be offered to have 609 representation in their interviews, if they so desire (see email reference document 5(B).
- D. Admin leave must be reapproved every 30 days for leaves that go beyond 15 calendar days

Step 5 – Investigative Outcome

- A. Investigation report: Investigator sends draft investigator report to Director of Investigations & Compliance for review
 - a. Grammar, spelling format check
 - b. Substantive content review
 - i. Clarity
 - ii. Legally sound (i.e. factual findings supported by evidence; if making conclusion, supported by factual findings)
 - 1. For Student Civil Rights allegations (i.e. 3207, 3208, 3210), Dir. Inv./Comp. authorized to make determinations
- B. After collaborative review by Investigator and Dir of Inv.Comp. completed, report finalized
 - a. Signed by Investigator when finalized
 - b. Signed final report scanned/sent via email to Dir of Inv/Comp.
 - c. Removal of all draft versions
- C. Dir. of Inv./Comp. to route investigative report to appropriate LER staff for development of outcome Letters to Complainant and Respondent
 - a. Utilize routing form (see reference document 5(a))
 - b. Consider corrective action/remediable steps; review corrective action chart (reference document 5(b))
 - c. For procedures related to issuance of corrective action and outcome letters, see applicable Superintendent Procedure (also see reference document 5(c)).
 - i. If discrimination (which includes sexual harassment) claim included, copy of signed outcome letter to Complainant MUST be sent OSPI's Equity & Civil Rights Office (equity@k12.wa.us)
- D. Issuance of Outcome Letters (see reference documents 5(d) and 5(e))³
 - a. Revisit safety measures
 - b. Determine whether referral to OSPI necessary
 - c. Draft outcome letters
 - i. Ensure that all attachments to outcome letters, Investigatory Reports, or any other documents that will be included, are

³ All correspondence involving deadlines must verify receipt, either by hand delivering the letter, emailing and requesting a "read receipt," or mailing the letter via Certified mail. If hand deliver, staff must note in the case file/log the date and location of the delivery.

redacted in accordance with appropriate legal requirements (paying close attention to redact any SPS Student-identifying information).

- ii. When drafting letters, instead of reiterating extensive case history and details leading up to the findings from an investigative report in outcome/disciplinary letters (leaving room for error/misinterpretation), outcome letters will include: (see templates)
 1. a complaint was filed on X date and it was investigated,
 2. the details of this investigation are captured in the attached redacted report,
 3. in summary it was found that you did/did not violate policy X,
 4. explanation of the policy violation and harm,
 5. summary of progressive discipline history leading up to outcome in current case
 6. next steps/appeal rights.
- d. Send via email and certified (include certified mail number on letter) and first class mail (hand delivery is optional)

E. Redaction Process

- a. LER staff will ensure reports are properly redacted, according to applicable legal requirements, (taking out student identifying information, and other required information depending on the case: complainant names, witness names, medical history, etc; making sure people are aware the report will be disclosed).
 - i. Public Records Office (PRO) will review all report redactions before they are sent – they will be the second review.
 - ii. Please refer to the LER document “Common Exemptions Quick Reference Guide” for the specific legal requirements for varying types of redactions.
- b. High profile, difficult, and/or contentious cases will go through the PRO for redaction (first and second review).
- c. Please remember – if a school leader, central administrator or someone other than LER is handling a case, they should also redact/have their reports redacted (in accordance with applicable legal requirements).

Additional Guidance for Redacting

- We are redacting all investigatory reports provided to employees with outcome letters, or the public when public

Complaint Processing Work Flow

**Working Draft as of December 2020

records are requested via Public Records Act (PRA).

The required redacted information is dependent on the legal requirements associated with the type of case – HIB's, discrimination, retaliation, sexual misconduct, etc, and/or the records being requested.

- For example: Witness/complainant names are redacted for allegations of harassment or discrimination in employment (i.e. employee v employee, or employee v district). The other types of redactions (for employee personal info, student info, etc.) are always content-dependent.
- There are also several exemptions that apply to a limited subset of complaints. For example: We need to provide notice and redact witness/complainant names including specifically redacting names of the accused if sexual misconduct allegations were unfounded.
- The same redacted version of a report will be sent to the complainant and respondent (we do not need to redact two reports differently).
 - We should redact all reports sent to the complainant and respondent as if we are sending under the PRA (minus redaction codes and exemption logs).
 - If union representation needs additional information, they can work through the information request process.
 - If our redactions are otherwise challenged, we can direct the complainant or respondent to public records for a copy of the records.
- Be mindful, there is liability for us if a complainant or respondent forwards an investigatory report to others (redacted or not redacted).
 - Release of the redacted report could be PRA violation.
 - Even if release of the report is not a PRA violation, there is potential legal risk when unredacted reports are forwarded
- We may need to provide notice to the employee, to any union representing the employee, and the requestor when we receive a request for information containing personal information. Please consider:
 - RCW 42.56.250(12) Upon receipt of a request for information located exclusively in an employee's personnel, payroll, supervisor, or training file, the agency

must provide notice to the employee, to any union representing the employee, and to the requestor.

- The notice must state:
 - The date of the request;
 - The nature of the requested record relating to the employee;
 - That the agency will release any information in the record which is not exempt from the disclosure requirements of this chapter at least ten days from the date the notice is made; and
 - That the employee may seek to enjoin release of the records under RCW 42.56.540.

- **Requests for information and who they go to:**

- Information requests responds to unions under RCW 41.56
informationrequest@seattleschools.org is for Unions to use when requesting information from LER.
- Public record requests to the public under RCW 42.56
publicrecords@seattleschools.org is for any one public/internal to use when making a public records request. This is monitored by Legal.

d.

e.

F. Issuance of Corrective Action:

- a. LER staff assigned to case works with employee's direct supervisor, when applicable, to draft and send disciplinary letter (see reference documents 5(f) and 5(g)). Normally, disciplinary letters are sent separately but simultaneously with the outcome letters (see reference document 5(c) for requirements regarding corrective action implementation)

G. Action notices – LER Manager drafts action notices (see reference document 5(h)) and appropriate HR Analyst ensures that the action notices are processed.

H. Finalize case file (hard and electronic copies) and close out case log

- a. A PDF of all documents containing signatures (e.g. final outcome letters, settlement agreements) will be saved in the electronic case file and log prior to closure
- b. Delete or shred all electronic and hard copies of drafts of final documents.

Complaint Processing Work Flow
**Working Draft as of December 2020

Labor and Employee Relations Plan

based on recommendations from Moss Adams

MOSS ADAMS RECC #	MOSS ADAMS OBSERVATION/RECOMMENDATION		NOTES	PERSON(S) RESPONSIBLE	STATUS
A	ORGANIZATION AND STRUCTURE				
1	<p>Observation</p> <p>LER lacks mission and vision statements that connect its work to students and the wider SPS community.</p>	<p>LER Leadership has revised the mission and goals of the Department to be aligned with Seattle Excellence, our new strategic plan. LER staff have developed Key Performance Indicators (KPIs) that are aligned to these goals, which focuses staff work on the mission. Staffs' performance evaluations are, therefore, aligned to Seattle Excellence. We are working to shift the focus of the department from reactionary to proactive, meaning that we have set up systems for consistency and have recalibrated in the best interest of students.</p>	<p>LER Leadership Team (Chief HR Officer, Directors of Employee & Association Relations, Labor Relations and Investigations)</p>	Complete	
	<p>Recommendation</p> <p>To shift the team culture toward an impact-focused approach. Department and LER leadership should work together to clearly articulate the mission, goals and ultimate results of LER's work.</p>				
2	<p>Observation</p> <p>LER is largely focused on task completion and, therefore, conducts limited formal planning that would enable strategy development and proactive operations.</p>	<p>A multi-year work plan has been created, which is summarized here. The work plan outlines the Moss Adams recommendations and actions steps to implement the various recommendations, as well as status toward completion. LER leadership meets with various team members to discuss and prioritize tasks.</p>	<p>Chief Human Resources Officer, Director of Employee & Association Relations</p>	Complete	
	<p>Recommendation</p> <p>Develop a multi-year operating plan to define LER's strategies, priorities, upcoming projects, and required resources.</p>				
3	<p>Observation</p> <p>LER lacks a performance reporting framework to monitor and evaluate services, operations, and District-wide trends.</p>	<p>HR Leadership Team developed KPIs to drive team efficacy. LER leadership meets regularly to discuss progress on departmental performance, among other things; and will be shared with Superintendent and Board at winter 2020 oversight work session.</p>	<p>LER Leadership Team</p>	Complete	
	<p>Recommendation</p> <p>Establish a consistent performance reporting framework to keep the Board, District leadership, and the SPS community informed on LER's work and progress toward goals.</p>				
4	<p>Observation</p> <p>The current LER organization structure may not be the most effective configuration to effectively address its workload.</p>	<p>The LER Department has completed a re-organization to effectively address workload. Previously there was one Executive Director of LER, but that has now been separated into two positions so one can focus on the Labor and Employee Relations work of SEA, PASS and non-represented employees while the other focuses on the Labor and Employee Relations work of the other various classified unions. Additionally, the Director of Investigations & Compliance (a newly created position spring 2019, but staffed by a currently employed District manager, previously reporting to Deputy Superintendent) has greater oversight of investigations to improve the integrity and timeliness of central-office based investigations. The division and scope of work across LER leadership has been equitably distributed across areas. See attached "LER Division of Work" document, which also details structural alignment with Director of Schools and various worksite supervisors.</p>	<p>LER Leadership Team</p>	Complete	
	<p>Recommendation</p> <p>Consider a variety of staffing structures to determine which may best suit the needs of the HR Department.</p>				
5	<p>Observation</p> <p>LER employees report that roles, responsibilities, and decision-making authority are poorly defined, contributing to confusion and unclear expectations.</p>	<p>With the re-organization, roles and areas of responsibility have been clarified (e.g. see above and LER Division of Work document). With clarification of roles and responsibilities, LER staff and Investigations staff, are developing a complaint processing workflow, which details the action steps to be taken and responsible staff at all points, from complaint intake to complaint closure (including the appeal step). See attached working draft "Complaint Processing Workflow."</p>	<p>LER Leadership Team</p>	Complete	
	<p>Recommendation</p> <p>Evaluate and clarify LER and District employees' roles, responsibilities, and authority throughout the case management process.</p>				
	<p>Observation</p> <p>Investigators report unclear and inconsistent expectations related to their activities and deliverables.</p>	<p>Investigations Team, with collaboration from LER and Legal staff, have standardized the investigative report template (i.e. format, purpose, contents, etc.) and have</p>			

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6	Recommendation	A. Clarify the purpose, format, and contents of investigation reports. B. Standardize the investigation report review process to ensure consistency and independence. C. Clarify and enforce investigators authority to ensure timely participation from District staff.	the investigative report template (i.e. format, purpose, contents, etc.) and have clarified the role of the investigator when conducting an investigation, i.e. whether report should include policy determinations or fact-finding only. Complaint processing workflow details the investigative report review process, including the process for finalization of reports. Issues with ensuring timely participation by District staff who have the right to union representation in interviews have been identified. As a result, LER leadership are collaborating with various union representatives to improve timely completion of interviews.	LER Leadership Team	Complete
7	Observation	As the Department experiences high levels of organizational flux, LER has struggled to effectively sustain changes and inspire staff to adopt new systems and processes.	Subsequent to the re-organization of LER and Investigations staff, the LER and Investigations team as a whole collaborated to improve the process of various aspects within the case management system. Change management steps included engaging staff involved in the process to inform new design of processes; training staff regarding new process to ensure all are calibrated to the new steps; holding regular staff meetings to provide a space for review, input, and adjustments as necessary; and ensuring accountability, including positive reinforcement, regarding progress of staff to adopt the new processes.	LER Leadership Team	Completed new processes (see below) ; on-going
	Recommendation	Create a culture of deliberate change management to ensure new initiatives are effectively developed, communicated, implemented, and adopted.			
B	STAFFING				
8	Observation	LER's current operating environment prevents an accurate assessment of staff workloads.	Subsequent to the re-organization, LER leadership performed a workload analysis identifying individual staff workload across the department and created a division of labor. Consequently, workload is equitably distributed within the various teams. See "LER Division of Work" document.	LER Leadership Team	Complete
	Recommendation	Once critical policy, process, and system changes have been implemented, perform a workload analysis to determine staffing needs.			
9	Observation	LER has historically struggled with a backlog of cases and lacks a process to effectively manage excess cases.	During the 2016-2017 school year, there was a backlog of cases that extended beyond two years and there were 22 staff on administrative leave. Since that time two additional investigators were hired full-time and we contracted with external providers as necessary to clear up the backlog of cases. Currently, there are 4 cases longer than 6 months and no case longer than 10 months. As of this report (mid-January 2020), there is a 64% decrease in the number of staff on administrative leave. Department KPIs are being set to align with industry standards, striving for no more than 6 months from intake to completion for misconduct cases.	LER Leadership Team	Completed - met targets but ongoing work
	Recommendation	Prevent future backlogs by establishing processes to hire temporary staff and/or outsource overflow cases during high workload periods.			
10	Observation	LER does not conduct proactive workforce planning, presenting risk of losing institutional knowledge.	Human Resources Analysts assigned to LER team have been matched up with LER Managers to assist in case management, to act as a back-up to support the work/and customers, and to develop the skill set of the Analysts (for workforce planning). Staff are strategically involved in various aspects of bargaining to promote skill and leadership development for internal staff.	Chief Human Resources Officer, Director of Employee & Association Relations	Ongoing
	Recommendation	Develop a strategic plan to address workforce planning for LER positions to proactively identify needs, develop employees, and support operational continuity.			

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11	Observation	Some LER employees are sole contributors to key functions, presenting elevating risk to the District.	Initial cross training sessions have been completed. Additional training and professional development will be provided to ensure that LER Managers who handle misconduct cases are also aware of the work being conducted by the Manager who is handling staff performance issues. Based on this cross-training, Managers ensure adequate and consistent coverage of key tasks regarding employee misconduct cases and staff performance cases. <i>Sr. Analysts now cross trained in TPEP evaluation process. Prior to that, only Sue Means was the "expert" on matters related to teacher evaluation. Joseph Helt working with Sue Means as she transitions into retirement.</i>	LER Leadership Team	Completed for TPEP Transition
	Recommendation	Conduct cross-training among Department employees to ensure adequate and consistent coverage of key functions and duties.			
12	Observation	LER employees would benefit from additional technical, process, and systems training and career development opportunities.	All LER staff have completed Conflict Resolution Specialist training offered by the District during the 2018-2019 school year. Various staff, including investigative staff, have completed the 36-hour formal mediation training offered through either UW School of Law or Seattle University School of Law. Staff have completed and will continue to receive professional development on the topics of implicit bias and cultural competency in Spring 2020.	LER Leadership Team	Met target and ongoing
	Recommendation	A. Ensure performance evaluations are beneficial for staff, including establishing transparent and fair performance expectations, and integrating the review process with a growth and development plan. B. Other regular high-quality trainings on topics including conflict resolution, difficult conversations, implicit bias, and cultural competency.			
13	Observation	Significant turnover of LER leadership has created inconsistent priorities and management approaches, resulting in decreased operational efficiency on the team.	A culture of shared ownership of the HR division priorities and tasks has been fostered within the LER and Investigations Team. This has promoted increased collaboration and leadership by all members of the two teams to complete the priorities and tasks that are outlined in the LER work plan. This collaboration/buy-in has created a stronger culture and climate toward positive engagement with the work. Regular staff meetings have been re-established and used to review status of work plan completion and to celebrate accomplishments. <i>Staff have prioritized "high-leverage" process changes and documented/trained LER staff. Weekly meetings with LER and Investigations staff allow for role clarity and task clarity/completion.</i>	LER Leadership Team	Complete
	Recommendation	To increase retention, clarify the position's role, responsibility, and key characteristics, and ensure the position has appropriate support and authority to be successful over time.			
C	SYSTEMS, PROCESSES, AND POLICIES				
14	Observation	LER relies on fragmented, manual, and paper-based case management processes, which creates high levels of risk for the District and an adverse operating environment for staff.	LER Leadership has completed and published a Request for Information (RFI) for a case management software (attached). Seattle Public Schools (the District) is investigating options for a comprehensive Case Management software program solution. As the next step of this process, we are asking that potential providers respond to this Request for Information (RFI). Case management system will supply increased efficiency through automation and replace current manual case tracking. In addition, the case management system will enhance the ability to spot trends and improve communication between LER and Investigations teams. This is an important step in digitizing our paper files and transitioning all cases to be electronically stored and searchable.	Chief Human Resources Officer, Director of Employee & Association Relations	In progress
	Recommendation	Continue developing a comprehensive case management system that will fully integrate with District's other data systems to support staff needs and adequately protect the District from risk.			

Labor and Employee Relations Plan

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MOSS ADAMS RECC #	MOSS ADAMS OBSERVATION/RECOMMENDATION		NOTES	PERSON(S) RESPONSIBLE	STATUS
15	Observation	The allegation access points and intake processes can be confusing to users and do not ensure that appropriate information is collected.	The intake process has been clarified to identify cases to be assigned to a central office based investigator and those to be assigned to a worksite supervisor or LER manager for resolution (see attached Complaint Processing Workflow). Additionally, a review of the website has been conducted, which determined areas to improve to make it more user friendly and accessible. Contact information, reporting methods, and critical documents/information have all been updated. Upon proper approval, the website will be modified.	Director of Employee & Association Relations, Director of Labor Relations, Director of Investigations	In progress
	Recommendation	Standardize the allegation intake content and process, and update the website to improve the user experience.			
16	Observation	LER staff struggle to effectively prioritize work and manage time appropriately in the face of extremely high workloads.	Directors meet with their respective team members on a continuous basis to discuss cases, prioritize the work and develop strategies to manage time/cases. As appropriate, goals regarding time management, case completion, etc., were included in various staff members' annual performance evaluation. Additionally, a review of the workload determined the need for additional supports for monitoring the various bargaining work groups that came out of the SEA CBA. We also determined a need for additional analysis and oversight throughout the case management process.	LER Leadership Team	Complete
	Recommendation	Provide clear expectations, training, and resources to ensure staff have the support and capacity to adequately manage their workloads.			
17	Observation	A lack of dedicated private spaces for meeting or calls creates challenges to ensuring information remains confidential.	A shift of workspace has been completed to dedicate a private space for LER staff, specifically investigators, to conduct confidential meetings or interviews.	LER Leadership Team	Completed
	Recommendation	To promote confidentiality, dedicate at least one private meeting room within the HR office area for LER purposes.			
18	Observation	Many LER policies and procedures are not documented or do not exist resulting in staff confusion, challenges around accountability, and inconsistent service delivery.	Relevant District Policy, Superintendent Procedures, and administrative guidelines were compiled and reviewed. As appropriate, various District Policies, Superintendent Procedures, and administrative guidelines have been revised or created. Staff are provided email notice of changes when they occur. Single electronic repository has been established in HR where all administrative guidelines and other relevant materials are stored and can now be easily accessed by all HR staff.	LER Leadership Team	Completed
	Recommendation	Document policies and procedures to provide consistency for staff and clients.			
19	Observation	The allegation access points and intake processes can be confusing to users and do not ensure that appropriate information is collected.	Director of Investigations is collaborating with leadership staff from University of Washington School of Law Mediation Clinic to draft an alternative dispute resolution process for the District. Discussions with UW School of Law are ongoing. Once a draft process has been created, Director of Investigations will introduce the draft to District stakeholders to further inform the development of an ADR process. LER staff continue to work with labor partners on case-by-case basis regarding alternative dispute resolution options. These instances will also inform the development of a comprehensive ADR process for the District.	LER Leadership Team	In progress
	Recommendation	Develop an Alternative Dispute Resolution process to support the resolution of allegations without requiring a formal investigation.			
20	Observation	There are opportunities to increase the usefulness of the Collective Bargaining Agreements (CBAs) between the District and the unions.	Based on information gleaned from regular consultations with school leaders and worksite supervisors/managers, LER team identified provisions within the various CBAs that can be improved. This information is then passed on in a timely fashion to lead District negotiators to be discussed during future negotiations. One example of this is making State Employment Benefits Board language consistent across all CBAs.	LER Leadership Team	Ongoing
	Recommendation	Work toward improving the CBAs by striving to standardize grievance processes, ensuring CBAs reference District-wide policies whenever possible, and increasing clarity of contracts.			
D	STAKEHOLDER RELATIONSHIPS				
	Observation	There are opportunities to increase efficiency and improve cross-District relationships by better supporting principals.	An administrative guidance for worksite supervisors is being revised with the intent of redistribution in spring 2020. The manual will contain guidance on handling		

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21	Recommendation	A. Providing high-level resources and trainings so principals have a clearer understanding of the grievance and allegations processes. B. Increase proactive communication with principals. C. Clarify roles and responsibilities of HR, principals, and Directors of Schools. D. Develop clearer procedures for handling issues related to employees represented by the IUOE Local 609.	Revised in Spring 2020. The Manual will contain guidance on handling misconduct cases and handling grievances (including templates and guidance on progressive discipline/appropriate corrective action) when assigned by LER management to the worksite supervisor. Training to school leaders is now being provided on an annual basis, to include basic information to conduct site-based investigations. Training opportunities will be expanded to include all staff tasked with supervisory responsibilities. The mission of the LER team is to provide principals and supervisors consistent and predictable tools and guidance to handle cases in their buildings or at their worksites.	LER Leadership Team	Ongoing
22	Observation	Inconsistent LER practices have strained relationships with some union representatives and members.	With the addition of the Director of Labor Relations, separate from the Director of Employee and Association Relations position, we are able to tailor our support for classified unions (609, Trades etc.) and implement more frequent Labor/Management meetings. Additionally, we have continued our focus on Interest Based Bargaining with SEA and continue to support this culture. A review of information request data show that requests for information from unions have decreased significantly which can be correlated to trust/relationship building. Data show that in 17-18 we had 180 information requests, in 18-19 we had 125 and so far this school year (19-20) we only have 28 information requests from unions. This is also a LER KPI. <i>As on 4.20.20 there are zero open grievances with Local 609. We have 3 open labor matters (e.g. payroll) and all are being dealt with in a collaborative manner. There are only 5 open investigations into employee matters for 609 employees. Additionally, we are very close to having a TA with the Trades Council.</i>	LER Leadership Team	Completed target and ongoing
	Recommendation	To build a stronger, more productive relationship with all unions in the District, LER should focus on establishing consistent practices and clear expectations for all involved parties.			

Moss Adams Finding	Category	LER Tasks	Purpose	Notes / Questions	Person(s) Responsible	Status	Status Condition
	1	Mission / Vision / Objectives					
1	1.1	Create the mission, goals and ultimate results of Labor Employee Relations work.	This will be the guiding principles for all the work done in LER		HR Leadership Team	In Progress	To be completed by 2/2020.
	2	Department Organization and Structure					
2	2.1	Develop multi-year operating plan to define Labor Employee Relation's strategies, prioritize upcoming projects, and required resources.	So HR can anticipate budget and resource needs for the LER team (for operations and special projects)		HR Leadership Team	This is the document - In Progress	
4	2.2	HR department staffing structure organized to meet the needs of the HR Department	To make sure HR is appropriately staffed based on current and future responsibilities	Will be complete when the HR Analyst is hired. HR Analyst to carefully analyze cases/letters in consideration of employment history.	Clover / Misa	To be completed by 2/2020.	On track
5	2.2.1	Evaluate and clarify Labor and Employee and District employees' roles, responsibilities, and authority throughout the case management process.	To make sure the LER team is clear on roles and responsibilities and can function as a team	Will be complete when the areas of responsibility chart is complete and we clarify the roles and philosophy of the department. See 2019-20 Area of Responsibilities Chart	Misa	Complete	
	2.2.1.1	Determine which positions need to be changed for the new organization structure	To make sure positions align with the new organization structure		Clover / Misa	Complete	
	2.2.1.2	Revise Job Descriptions that are impacted by the reorg for HR department	To make sure current job descriptions match the experience and skills needed to do the LER jobs - have a job description for each role		Sheila / Sandy	Complete	
	2.2.1.3	Adjustment of salaries for positions impacted by reorg	To make sure the salaries of the LER positions match current expectations and job descriptions		Sheila / Sandy	Complete	
	2.2.1.4	Complete hiring of Labor Director Position	To make sure all HR roles are filled so HR can function efficiently		Clover	Complete	
	2.2.1.5	Complete hiring of Human Resources Managers	To make sure all HR roles are filled so HR can function efficiently		Misa	Complete	
	2.2.1.6	Complete hiring of two investigators	To make sure all HR roles are filled so HR can function efficiently		Tina	In Progress	On track
	2.2.1.7	Move the Leave staff to Labor Director	To align with the proposed new staffing structure	New director is starting in July and the team will move under the new director starting in September.	New Labor Director	Complete	
	2.2.1.7.1	Leave Staff Training - 504/ADA	To make sure the Leave staff can perform the 504/ADA work and associated workflow within OpenText AppWorks.		Sue Means, Lisa Garberg	Complete	
	2.2.2	Fix current backlog by establishing processes to hire temporary staff and/or outsource overflow cases during high workload periods	To make sure there is a plan established for high workload periods and limit the impact to the work timelines			Complete	
	2.2.3	Transfer of investigators to OSCR	To align with the proposed new staffing structure		Misa / Tina	Complete	
	2.2.4	Actual Reorg start 9/1/19	To correspond the new org structure with the new school year	Some changes have already occurred and some will begin on 9/1	Clover / Misa	Complete	
	3	Processes					
	3.1	Documentation & Standardization					
	3.1	So HR staff can be clear on the proper steps in a process and perform the processes in a standardized way				In Progress	On track
6	3.1.1	Investigative Reports					
	3.1.1.1	Clarify the purpose, format, and content of investigation reports	So LER staff understand the role the investigation plays in each specific workflow/process.		Tina / John / Clover	In Progress	On track
	3.1.1.2	Standardize the investigation report review process to ensure consistency and independence	So LER staff understand how the investigation report will be handled throughout the case management		Tina	In Progress	On track
	3.1.1.3	Clarify and enforce investigator's authority to ensure timely participation from District staff	To provide the investigators the appropriate level of authority to complete their investigations within the defined timeline		Tina		
	3.1.2	Notice Letters - Little Notice and Big Notice	Initial notice that we received complaint and then notice of the specific allegations - 2 different letters as/if necessary	As part of the administrator handbook being revised - for publication Spring, 2020	Misa / Tina / Tom	In Progress	On track

	3.1.3	Letters	So all HR personnel know how to handle letters and they are consistent and have all the essential pieces	As part of the administrator handbook being revised - for publication Spring, 2020	Misa / Tina / Tom	In Progress	On track
	3.1.4	Admin Leaves	So all HR personnel know how to handle letters and they are consistent and have all the essential pieces		Misa / Tina / Tom	In Progress	On track
	3.1.5	Appeals	So all HR personnel know how to handle letters and they are consistent and have all the essential pieces		Misa / Tina / Tom	In Progress	On track
	3.1.6	Substitute Progressive Discipline	So all HR personnel know how to handle Substitute Progressive Discipline		Misa / Mark	In Progress	On track
18	3.1.7	Document Processes for consistency for staff and clients	So staff will perform processes in a consistent standardized way and clients will know what to expect	As part of the administrator handbook being revised - for publication Spring, 2020	Misa / Curtis / Natalia	In Progress	On track
	3.1.7.1	Allegation Process	To make sure everyone has a clear understanding of how Allegations will be processed	As part of the administrator handbook being revised - for publication Spring, 2020	Misa / Mark / Tina	In Progress	On track
15	3.1.7.1.1	Intake Process - standardize the allegation intake content and process	To make sure everyone has a clear understanding of how Allegations can be submitted and how they will be handled		Tina / Trina / Misa	In Progress	On track
	3.1.7.1.2	Review and revision of complaint forms	To make sure all allegation forms are designed to support the current process		Tina	In Progress	On track
	3.1.7.2	Grievance Process	To make sure everyone has a clear understanding of how Grievances will be processed	As part of the administrator handbook being revised - for publication Spring, 2020	Misa / Tom	In Progress	On track
	3.1.7.3	Progressive Discipline steps/process	To make sure everyone has a clear understanding.	As part of the administrator handbook being revised - for publication Spring, 2020	Misa/Curtis/Natalia	In Progress	On track
	3.1.7.4	Action Notices	To make sure everyone has a clear understanding of how Action Notices will be processed and interactions between departments will not have any gaps.		Misa / Natalia / Lola	Complete	
	3.1.7.5	Exiting of an employee (action notice complete, disable - security badges, disable email, notice of eligibility of rehire....)	To make sure when a SPS employee leaves the district all SPS equipment has been turned in.		Misa	In Progress	On track
	3.1.7.6	Hourly Termination of employment	So all HR personnel and administrators know the process of terminating hourly employees (i.e., coaches)	Part of the case management process in development.	Misa / Tina / Tom	In Progress	On track
	3.1.7.7	Handling "Me Too" cases - old misconduct cases	To make sure everyone has a clear understanding of how cases will be processed	Part of the case management process in development.	Misa / Tina / Tom	In Progress	On track
	3.1.7.8	Maintaining files - electronic vs. paper	So all cases are being handled in the same manner and so we can maintain records until we have a case management process.		Misa / Tina / Tom	In Progress	
	3.1.7.9	Criterion linked to discipline (how to help principals link performance/discipline)	To make sure certificated staff know how to improve their performance related to misconduct.		Clover / Sue / Misa / John	In Progress	
	3.2	Modifications					
	3.2.1	Policies	To make sure all policies that impacts HR work are written in a way that supports the HR work and processes		Tina / Tom / John / Clover / Misa		
	3.2.1.1	HIB SP	To make sure the HIB policy supports the way HR wants to process HIB allegations and reads in a way consistent with other SP policies.		Tina / Tom / John / Clover / Misa		
	3.2.2	CBA & MOU	To make sure CBA's and MOU's are aligned with HR work and processes		Clover / Misa / Joe		
	3.2.2.1	Work toward improving CBA's	To make sure CBA's and MOU's are negotiated in a way that supports how HR work and processes are able to be completed		Clover / Misa / Joe		
19	3.2.3	Mediation - Develop ADR process to support the resolution of allegations without requiring a formal investigation	To support mediation option referenced in SP policies and CBA's.		Tina / Misa / Denise		
	3.2.4	Revise Supervisor Manual	To make sure the supervisor manual contains current information and supports updated processes	As part of the administrator handbook being revised - for publication Spring, 2020	Misa / Tina / Tom	In Progress	On track
12	3.2.5	Ensure performance evaluations are beneficial for staff, including establishing transparent and fair performance expectations, and integrating the review process with a growth and development plan.	To make sure all SPS staff understand how they are being evaluated, what will happen if expectations are not met and what they must do to advance within SPS.		Sue / Lindsay / Misa	In Progress	On track
14	3.3	Automation					

	3.3.1	Develop a comprehensive case management system that will fully integrate with the District's other data systems to support staff needs and adequately protect the District from risk	To move manual paper processes to automated digital processes	On Hold	On Hold		Need DoTS support
	3.3.1.1	504/ADA	To manage all ADA requests in consolidated place with automated process to enforce standardization and consistency	On Hold	On Hold		Need DoTS support
	3.3.1.2	Allegations	To manage all Allegations in consolidated place with automated process to enforce standardization and consistency	On Hold	On Hold		Need DoTS support
	3.3.1.3	Grievances	To manage all Grievances in consolidated place with automated process to enforce standardization and consistency	On Hold	On Hold		Need DoTS support
	3.3.1.4	Performance Management	To manage all Performance Management issues in consolidated place with automated process to enforce standardization and consistency	On Hold	On Hold		Need DoTS support
4	Communications						
3	4.1	Establish a consistent performance reporting framework to keep the Board, District leadership, and the SPS community informed on LER's work and progress toward goals.	To make sure everyone has a shared understanding of what LER is planning, doing, and the progress towards completion.	Includes the HR department so all HR staff members are aware of the objective, goals, and progress - Such as February 2020 Work Session.	Clover	In Progress	
15	4.2	Communication Plan/Website Presence - update the website to improve the user experience	To make sure HR/LER communications are developed and operationalized to maintain proper communications ongoing specifically on the SPS website.	Develop the objective and the "desired" state, compare "as is" to "to be" to identify gaps, develop a plan for moving towards "to be". Can this be broken into two sections with the Communication Plan having subcategories under it that address specific types of communications - such as the website, communications to principals, communications to supervisors/managers, etc.?	Misa / Natalia	In Progress	
5	4.2.1	Clarify who does what and who to contact - see role/responsibility chart	To make sure ongoing communications are handled by the appropriate staff member and clients are clear about who to contact within HR to handle specific questions.	This will be included in the roles/responsibility chart	Misa / Tina / Tom	Complete	
	4.2.2	Clarify roles of leaders versus HR	So HR and SPS staff are clear on roles and responsibilities	Part of supervisor manual.	Misa / Tom / Tina	In Progress	
	4.2.3	Announcement of reorganization (Human Resources Department reorg)	To make sure all HR staff are aware of the updated organization structure		Misa / Tom / Tina	Complete	
5	Stakeholder Relationships						
21	5.1	Provide high level resources and trainings so principals have a clearer understanding of the grievance and allegation processes	To make sure principals have a clear understanding of the Allegation and Grievance process and how they fit into the process	This should be part of the communication plan and then ongoing operations.			
	5.2	Clarify roles and responsibilities of HR, principals, and Directors of Schools	Directors of Schools will be assigned to HR Managers and will be working directly with them on cases.	This will be included in the roles/responsibility chart	Misa	Complete	
	5.3	Develop clearer procedures for handling issues related to employees represented by the IUOE	To make sure staff are clear on their responsibilities for handling issues with employees represented by the IUOE	Will this be covered in the processes listed above? Once the CBA's are written consistently, accurately, and the processes are mapped and communicated will this be considered complete?	Tom		
22	5.4	Build a stronger more productive relationship with all unions in the District. LER should focus on establishing consistent practices and clear expectations for all involved parties	To create a partnership with unions to support employees represented by unions and work together to address problems and issues.	Identifying inconsistencies in CBA's will help established clearer expectations. Suggestions for other improvements would be hold focus group session with union representatives, conduct a LER brainstorming session to identify areas for improvement, introduce standard consistent communications.	Clover / Misa / Tom	In Progress	
6	Training						
	6.1	External Training	To support SPS staff	This is training for employees outside of the HR department			
	6.1.1	Train supervisor on Revise Supervisor Manual	To make sure supervisors are aware of the most up to date information contained in the Supervisor Manual	Training for supervisors			

16	6.1.2	Supervisor Training Component Built - clear expectations, training, and resources to ensure staff have the support and capacity to adequately manage their workloads					
	6.1.3	Get time on SLI agenda and provide training at SLI					
	6.2	Internal Training	To support HR staff	This is training for employees within the HR department			
11	6.2.1	Conduct cross-training among Department employees to ensure adequate and consistent coverage of key functions and duties	To make sure that HR can continue to perform work if primary staff member is no longer able to conduct the work	This will require a formal plan to first cross-train and then to maintain knowledge transfer. This should be included in the roles and responsibility chart.			
12	6.2.2	Offer regular high quality training on topics including conflict resolution difficult conversations, implicit bias, and cultural competency.					
	6.2.3	Provide clear expectations, training and resources to ensure staff have the support and capacity to adequately manage their workload					
	6.3	Training for staff on how to intake and triage cases as they come in					
7	Calendars for next school year						
	7.1	School year calendar per CBA			Clover / Misa	complete needs Board approval	on task
	7.2	Various Work Year Calendars approved for all union/workgroups			Misa / Lisa / Tom	To be done after calendar approved	on task
	7.3	Equity Calendar per CBA			Clover / Misa	Complete	on task
	7.4	Early Release calendar with various collaboration days			Clover / Misa	To be done after calendar approved	on task

QUICK REFERENCE CHECK

TOPIC: Ensuring Student Safety through Key HR Employment Processes

WHAT:

This document outlines critical hiring, rehiring, transfer, termination and Do Not Rehire processes aimed at ensuring student and staff safety and well-being.

OVERVIEW:

Seattle Public Schools hires, transfers and rehires hundreds of employees each school year. To ensure that the District only hires/rehires candidates who meet a high bar of professionalism, conduct and overall performance, the SPS HR department has laid out standard procedures and protocols that must be followed by staff before extending an offer of employment to any candidate (internal or external).

Hire Processes:

- Application:
 - **All applicants** (new hires, rehires and transfers) applying for employment with SPS must complete an online application through the NeoGov Applicant Tracking system. Exceptions to this include hourly hires at the school level (please see hourly hire process).
 - In addition to position-specific application questions, each application will include standard Districtwide questions that cover employment eligibility, disclosure of previous performance issues, investigations, terminations/non-renewals, license revocation, resignation in lieu of investigation/discipline/termination/performance improvement, demotion and criminal background. These questions are mandatory and must be answered.
 - Applications should be screened and interviews conducted based on procedures outlined in relevant CBAs and HR guidelines.

- Pre-Screening Application Review:
 - Hiring managers may request that Human Resources review applications to filter out applicants that answer these Districtwide questions in such a way that would not allow them to advance in the application process. Hiring managers should be advised that this will cause a slowdown in seeing candidates, but they will only receive applications of candidates who submit acceptable answers to the questions.
 - If a hiring manager opts to receive applications as they are submitted (auto-referral), they will be responsible for reviewing the Districtwide questions. If a candidate answers yes to questions about performance, investigations, terminations/non-renewal, license revocation, resignation in lieu of investigation/discipline/termination/performance improvement, the hiring manager should not consider them to advance

in the process without clearance from the HR Business Partner or Senior Analyst. Hiring managers will NOT be able to see the criminal history disclosure, which will be checked by HR prior to extending the offer of employment. Candidates may not be eligible to be hired upon this review, which will be communicated by HR to the hiring manager.

- HR Business Partners, Analysts and Sr. Analysts must review the criminal background questions and the barred from applying/do not rehire status for all candidates, ***both internal and external at all times, without exception***. This includes new hires, rehires, transfers, promotions, or moving from a substitute position to an FTE position and an FTE position to a substitute position.
- The HR review process for Districtwide questions including criminal background will be brought to the appropriate Directors in HR (Director of Employee and Association Relations/Director of Labor Relations and the Director of Talent Management) to determine if the candidate can be moved forward. Upon request, candidates may be required to submit court documentation or other pertinent documentation for proper clearance. It is not the responsibility of the District to track down documentation. If an agreement among the Directors is not made, it will be escalated to the Executive Director of HR Strategy and Operations or the Chief of HR for a decision.
- HRBPs/Sr. Analysts/Analysts should also do a check on OSPI's certification website (<https://eds.ospi.k12.wa.us/eCertWa/NormalPages/Summary.aspx>) to ensure that the applicant does not have any disciplinary actions on their state record.
- References
- SPS requires that external applicants submit three professional references (internal applicants are only required to submit one, but the most recent internal supervisor should be contacted if not listed). Professional references are references that can speak firsthand to the work quality and professionalism of the applicant. Personal references will not be considered. Ideally one to two of the references for external candidates would be previous supervisors or leaders in their current or previous organization(s). One must be the most-recent supervisor. If the applicant wishes to conduct a confidential job search and does not want their most recent supervisor contacted before being offered and accepting the job, that is allowed. However, the most recent supervisor must be contacted before the offer/acceptance is finalized as a condition of employment.
- In some instances, employers may – as a matter of policy – not be allowed to give detailed references. If an employer will only give dates of employment, the hiring manager should make every effort to find out if the response is a standard response dictated by company policy or if the

response is a special circumstance related to the employee. The hiring manager should ask, "Does your company have a policy of only providing dates of employment for all former employees?" If the answer is no, that should be noted on the reference form and disclosed to the HRBP/Sr. Analyst/Analyst in HR.

- Hiring managers will be required to attest that they contacted the required number and type of references when submitting a candidate to be recommended for hire. If the most recent supervisor is not contacted due to a confidential search, the offer will be made contingent upon this final reference check.
- Fingerprinting and Records of Arrest and Prosecution (RAP) Sheet Review
 - All Seattle Public Schools applicants who are recommended for hire must submit to a fingerprint background check as a condition of hire per WAC 392.300.
 - Applicants whose fingerprint records return a RAP sheet, will have their history reviewed and approved by the Labor and Employee Relations staff.
 - Seattle Public Schools has a 10-year standard for criminal background review. If an applicant has an arrest/charge/conviction that is NOT related to child abuse or child sexual misconduct or any violent crime or anything directly related to their job performance, that is older than 10 years, they are eligible for hire. If the conviction is less than 10 years old, it will be reviewed by Labor and Employee Relations staff to determine whether the candidate is eligible for rehire.

Rehire Processes:

- The same application, review of application, references checking, fingerprinting and RAP sheet review processes apply to rehires to Seattle Public Schools.
- Eligibility for Rehire:
 - If a former employee has **any** misconduct or discipline or performance issues, and they leave either voluntarily or not, they go on one of the rehire lists as outlined below.
 - Ineligible for Rehire Status will be flagged on the employee record if an employee has a finding in any of these areas:
 - Sexual harassment/assault
 - Formal discrimination
 - Formal retaliation
 - Boundary violation
 - Theft
 - Anyone below the performance criteria on their evaluation or who has a rating of "1" on any competency in the non-represented evaluation tool.
 - Anyone who does not successfully complete their probationary period.

- Conditional Rehire Status will be flagged on the employee record if an employee:
 - Signs a settlement agreement outlining conditional rehire (e.g., If someone leaves the district due to performance, but comes back three years or more later with a satisfactory evaluation, we may consider them for rehire)
 - Resigns in lieu of investigation, they are not eligible for rehire until and if the investigation is concluded. May move individual to Ineligible for Rehire, depending on outcome of investigation.
 - Had significant and ongoing documented attendance-related issues that did not improve over time
 - Had significant and ongoing documented classroom discipline, management issues that did not improve over time
 - Has a documented record of staff to staff verbal confrontations, insubordination, job performance issues
 - Has a first incident - minor misuse of district time, technology or equipment or minor complaints by staff, students or parents/guardians
 - Had documented minor interpersonal conflicts (unless HIB Report/Complaint submitted)
 - Had a breach of their contract (see below for process)
- LER review of Former Employees
 - If an Ineligible or Conditional flag is not present on an employee, until all systems are updated, HRBPs/Sr. Analysts/Analysts will be required to have all former SPS employees reviewed by LER using the new form - LER Employment History Check before extending an offer of employment.

Breach of Contract:

- In order to treat employees consistently and fairly, principals will no longer be allowed to release employees from contracts. HR will make the decision upon review of the above information.
- When person leaves for good cause (see below), SPS will release them from their contract. Good cause may include but is not limited to:
 - Extenuating circumstances such as family or personal health reasons. In these instances, the person will be eligible for rehire. HR will accept the resignation and send the release of contract letter to the employee.
 - Poor performance – if the person voluntarily resigns and is not meeting the performance schedule. In these instances, the employee is not eligible for rehire; HR will accept the resignation and send the release of contract letter to the employee.

- Discipline or misconduct issues – if the person voluntarily resigns and has documented disciplinary issues. In these instances, the employee is not eligible for rehire; HR will accept the resignation and send the release of contract letter to the employee.
- Other instances of good cause may be considered on a case-by-case basis.
- When person leaves without good cause, HR will send a letter notifying the employee that they are NOT released from their contract, but that HR will work to fill the position within 30 days. If:
 - The employee leaves anyway, SPS will report to the Office of Professional Practice (OPP).
 - The position is filled within 30 days, SPS will release and send the release of contract letter.
 - If the position is not filled within 30 days, SPS will not release the employee.
- If any employee signs an employment contract in June and finds employment in another district between the time of signing the contract and July 31, SPS will release the person from the contract per agreement with SEA. After July 31, the same breach of contract rules and procedures will be followed as outlined above.

Separation Processes:

- Notification:
 - Employees should fill out a Notice of Separation informing the district of their intent to resign or retire.
 - An email from a District email address or a letter with the employee’s signature notifying SPS of the intent to retire or resign is an acceptable form of notification.
 - If the notification of retirement or resignation is given to someone other than an employee in the Human Resources department, the notification must immediately be sent to hrseparations@seattleschools.org, otherwise it may not be processed and the employee may be overpaid.
- Acceptance of Resignation:
 - HR staff who directly receive a resignation notice from an employee may accept the employee’s notice in writing on behalf of the District. If the employee does not provide a date of resignation, the HR staff must request a formal date from the employee when responding with the District’s acceptance of the resignation. Once the resignation is accepted and a date is provided by the employee, the HR staff will then notify the HR Assistant so that the normal separations processes can be implemented.
 - Any time a complaint is filed against an employee or the employee has documented performance or disciplinary issues, LER staff will mark the person as conditional rehire in SAP until the investigation is complete and

the employee is cleared. If they resign during this process, the HR Assistant responsible for entering terminations will check for this flag. If the employee is flagged in SAP, the HR Assistant will take the separation paperwork to LER leadership. This will prompt a letter, accepting the resignation, but notifying the person that if or until the investigation is completed (and they are cleared), the person is ineligible for rehire.

- If no flag is found, HR will notify the employee that it acknowledges receipt of the intent to resign/retire. If breach of contract, the process for breach of contract will be followed.
- If there is no breach of contract, the employee's resignation/retirement will be accepted and processed.

QUICK REFERENCE CHECK

TOPIC: Hire/Rehire/Termination/Do Not Rehire/Breach of Contract Processes

WHAT:

This document outlines critical hiring, rehiring, termination and Do Not Rehire processes aimed at ensuring student and staff safety and well-being.

OVERVIEW:

Seattle Public Schools hires and rehires hundreds of employees each school year. To ensure that the District only hires/rehires candidates who meet a high bar of professionalism, conduct and overall performance, the SPS HR department has laid out standard procedures and protocols that must be followed by staff before extending an offer of employment to any candidate.

New Hire Processes:

- Application:
 - All applicants applying for employment with SPS must complete an online application through the NeoGov Applicant Tracking system. Exceptions to this include hourly hires at the school level (please see hourly hire process).
 - In addition to position-specific application questions, each application will include standard Districtwide questions that cover employment eligibility, disclosure of previous performance issues, investigations, terminations/non-renewals, license revocation, resignation in lieu of investigation/termination/performance improvement, demotion and criminal background. These questions are mandatory and must be answered.
 - Applications should be screened and interviews conducted based on procedures outlined in relevant CBAs and HR guidelines.

- Pre-Screening Application Review:
 - Hiring managers may request that Human Resources review applications to filter out applicants that answer these Districtwide questions in such a way that would not allow them to advance in the application process. Hiring managers should be advised that this will cause a slow down in seeing candidates, but they will only receive applications of candidates who submit acceptable answers to the questions.
 - If a hiring manager opts to receive applications as they are submitted (auto-referral), they will be responsible for reviewing the Districtwide questions. If a candidate answers yes to questions about performance, investigations, terminations/non-renewal, license revocation, resignation in lieu of investigation/termination/performance improvement, the hiring manager should not consider them to advance in the process

without clearance from the HR Business Partner or Senior Analyst. Hiring managers will NOT be able to see the criminal history, which will be checked by HR prior to extending the offer of employment. Candidates may not be eligible to be hired upon this review, which will be communicated by HR to the hiring manager.

- The HR review process for Districtwide questions will be brought to the Director of Employee and Association Relations and the Director of Talent Management to determine if the candidate can be moved forward. If an agreement among the two managers is not made, it will be escalated to the Executive Director of HR Strategy and Operations or the Chief of HR for a decision.

- **References**

- SPS requires that applicants submit three professional references. Professional references are references that can speak firsthand to the work quality and professionalism of the applicant. Personal references will not be considered. Preferably, one to two of the references would be previous supervisors or leaders in the organization. One must be the most-recent supervisor. If the applicant wishes to conduct a confidential job search and does not want their most recent supervisor contacted before being offered and accepting the job, that is allowed. However, the most recent supervisor must be contacted before the offer/acceptance is finalized as a condition of employment.
 - In some instances, employers may – as a matter of policy – not be allowed to give detailed references. If an employer will only give dates of employment, the hiring manager should make every effort to find out if the response is a standard response dictated by company policy or if the response is a special circumstance related to the employee. The hiring manager should ask, “Does your company have a policy of only providing dates of employment for all former employees?” If the answer is no, that should be noted on the reference form and disclosed to the HRBP/Sr. Analyst/Analyst in HR.
 - Hiring managers will be required to submit a Reference Checking Worksheet when submitting a candidate to be recommended for hire. The hiring manager will attest that they contacted three professional references including the most recent supervisor. If the most recent supervisor is not contacted due to a confidential search, the offer will be made contingent upon this final reference check.
- **Fingerprinting and Records of Arrest and Prosecution (RAP) Sheet Review**
 - All Seattle Public Schools applicants who are recommended for hire and who may have regular unsupervised access to children must submit to a fingerprint background check as a condition of hire per WAC 392.300.
 - Applicants whose fingerprint records return a RAP sheet, will have their history reviewed and approved by the Labor and Employee Relations staff.
 - Seattle Public Schools has a 10-year standard for criminal background review. If an applicant has an arrest/charge/conviction that is NOT related to child abuse

or child sexual misconduct or any violent crime or anything directly related to their job performance, that is older than 10 years, they are eligible for hire.

Rehire Processes:

- The same application, review of application, references checking, fingerprinting and RAP sheet review processes apply to rehires to Seattle Public Schools.
- Eligibility for Rehire:
 - If a former employee has **any** misconduct or discipline or performance issues, and they leave either voluntarily or not, they go on one of the rehire lists as outlined below.
 - Ineligible for Rehire Status will be flagged on the employee record if an employee has a finding in any of these areas:
 - Sexual harassment/assault
 - Formal discrimination
 - Formal retaliation
 - Boundary violation
 - Theft
 - Anyone below the performance criteria on their evaluation or who has a rating of “1” on any competency in the non-represented evaluation tool.
 - Anyone who does not successfully complete their probationary period.
 - Conditional Rehire Status will be flagged on the employee record if an employee:
 - Signs a settlement agreement outlining conditional rehire (e.g., If someone leaves the district due to performance, but comes back three years or more later with a satisfactory evaluation, we may consider them for rehire)
 - Resigns in lieu of investigation, they are not eligible for rehire until and if the investigation is concluded. May move individual to Ineligible for Rehire, depending on outcome of investigation.
 - Had significant and ongoing attendance-related issues that did not improve over time
 - Had significant and ongoing classroom discipline, management issues that did not improve over time
 - Has a record of staff to staff verbal confrontations, insubordination, job performance issues
 - Has a first incident - minor misuse of district time, technology or equipment or minor complaints by staff, students or parents/guardians
 - Had minor interpersonal conflicts (unless HIB Report/Complaint submitted)
 - Had a breach of their contract (see below for process)

- LER review of Former Employees
 - If a Ineligible or Conditional flag is not present on an employee, until all systems are updated, HRBPs/Sr. Analysts/Analysts will be required to have all former SPS employees reviewed by LER using the new form - LER Employment History Check before extending an offer of employment.

Breach of Contract:

- Principals will no longer be allowed to release employees from contracts. HR will make the decision upon review of the above information.
- When person leaves for good cause (see below), we will release them from their contract. Good cause may include:
 - Extenuating circumstances such as family or personal health reasons (will use professional judgment to determine). In these instances, the person will be eligible for rehire. HR will accept the resignation and send the release of contract letter to the employee.
 - Poor performance – if the person voluntarily resigns and is not meeting the performance schedule. In these instances, the employee is not eligible for rehire; HR will accept the resignation and send the release of contract letter to the employee. **DO WE WANT TO INCLUDE A LINE THAT THEY ARE INELIGIBLE FOR REHIRE?**
 - Discipline issues – if the person voluntarily resigns and has documented disciplinary issues. In these instances, the employee is not eligible for rehire; HR will accept the resignation and send the release of contract letter to the employee. **DO WE WANT TO INCLUDE A LINE THAT THEY ARE INELIGIBLE FOR REHIRE?**
 - Other instances of good cause may be considered on a case-by-case basis.
- When person leaves without good cause, HR will send a letter notifying the employee that they are NOT released from their contract but that HR will work to fill the position within 30 days. If:
 - The employee leaves anyway, SPS will report to OPP
 - The position is filled within 30 days, SPS will release and send the release of contract letter.
 - If the position is not filled within 30 days, SPS will not release the employee.

Separation Processes:

- Notification:
 - Employees should fill out a Notice of Separation informing the district of their intent to resign or retire.
 - An email from a District email address or a letter with the employee's signature notifying SPS of the intent to retire or resign is an acceptable form of notification.

- If the notification of retirement or resignation is given to someone other than an employee in the Human Resources department, the notification must immediately be sent to hrseparations@seattleschools.org, otherwise it may not be processed and the employee may be overpaid.
- Acceptance of Resignation:
 - Any time a complaint is filed against an employee or the employee has documented performance or disciplinary issues, LER staff will mark the person as conditional rehire in SAP until the investigation is complete and the employee is cleared. If they resign during this process, the HR Assistant responsible for entering terminations will check for this flag. If the employee is flagged in SAP, the HR Assistant will take the separation paperwork to LER leadership. This will prompt a letter, accepting the resignation, but notifying the person that if or until the investigation is completed (and they are cleared), the person is ineligible for rehire.
 - If no flag is found, HR will notify the employee that it acknowledges receipt of the intent to resign/retire. If breach of contract, the process for breach of contract will be followed.
 - If there is no breach of contract, the employee's resignation/retirement will be accepted and processed.



*Guidance for Handling Employee Misconduct
and Conducting Internal Investigations*

*Seattle Public Schools
Human Resources*

Message from Chief Human Resources Officer

As a leader in the Seattle School District, you have the responsibility and authority to supervise employees and take appropriate steps if employees engage in misconduct. In fact, chances are good that when you are faced with allegations of employee misconduct, you will need to conduct investigations. These allegations may include misreporting of hours worked, making false statements, withholding needed information, and abusive or intimidating behavior. Other allegations could include more complicated misconduct such as theft, drug/alcohol use, discrimination, threats, assaults, sexual harassment and inappropriate contact with students. These allegations should be reported to HR and resolved in consultation with the Employee/Labor Relations Department. We will work with you to determine the level of investigation and your involvement.

The purpose of this booklet is to provide you with the guidelines and confidence you need to perform your own investigation, make conclusions, and manage employee behavior following the outcome of your investigation. It is critical that you handle employee misconduct issues promptly and properly. Because handling employee misconduct issues can become complex, we recommend that you contact your Employee/Labor Relations Department and your supervisor to discuss issues of misconduct before you proceed on your own.

Please let us know how our department can support your commitment to leadership in managing your employees and providing a quality education for all students.

Thank you for your continued support,



Clover Codd
Chief Human Resources Officer
clodd@seattleschools.org
206-282-0282

Disclaimer: The information within this Handbook serves all Seattle Public School District Employees regardless of worksite or union. The information contained within this handbook serves as a guideline only; no promises of specific treatment in any or every situation are intended or implied. All Managers, Supervisors, School-Based or Central Office based, are advised to review the below material and consult with their Labor & Employee Association Relations support team. Sound legal advice requires an understanding of all the facts of a particular situation.

WHAT IS EMPLOYEE MISCONDUCT?

Employee misconduct concerns inappropriate employee behavior, possible violation of work rules, policies and procedures, or willful failure to perform responsibilities. Employee misconduct is generally reviewed/investigated and resolved close to the time that it has been brought to the District's attention.

In many situations it is appropriate for you or an appropriate designee to conduct the investigation. Other times, the situation may call for a central office-based investigator to conduct the investigation. There may also be times when the allegation is so serious, or the issue is so complicated that an outside investigator is needed. Always consult with your LER manager.

Employee misconduct and performance issues may sometimes overlap, however because the District handles these as separate processes, it is important to determine if the issue is performance or misconduct. Performance is generally assessed as part of the annual evaluation process. A person's job description and evaluative criteria help to determine if it is a performance problem.

WHO IS RESPONSIBLE FOR HANDLING EMPLOYEE MISCONDUCT?

- In general, worksite supervisors will handle investigations for the following types of situations, – generally **Category A, B** offenses (see Appendix A) – however you should still consult with your Employee/Labor Relations manager for appropriate handling. Classroom discipline, supervision of students, attendance issues
 - Staff-staff verbal confrontations, insubordination, job performance
 - First incident – minor misuse of district time, technology, or equipment
 - First incident – minor complaints by staff, students, or parents/guardians
 - Minor interpersonal conflicts (employee-employee, employee-student, employee-parent)
- These situations – generally **Category B, C**, offenses (see Appendix A) – should be handled in close consultation with your Employee/Labor Relations Manager as the investigation may be conducted by a central office-based investigator. Harassment, Intimidation, Bullying complaint (Policy 5207)

- Formal retaliation complaint (Policy 5245)
- Boundary violation allegation (Policy 5253)
- Theft of district property/resources
- Lastly, the following situations – generally **Category D** offenses (see Appendix A) – are considered serious acts of misconduct, will be investigated by central office-based investigators, and may effectively disqualify an employee from continued employment with the Seattle School District as we may move to termination without prior progressive discipline. Sexual misconduct with staff, students, children (Policy 5006)
 - Any sexual harassment/sexual assault complaint where Respondent is a staff member (3208)
 - Crimes against children (Policy 5006)
 - Conviction of crimes under RCW 28A.400.322 or a crime that directly relates to the position held by the employee or impacts the employee’s ability to perform his or her job duties (Policy 5281)
 - Physical touching of students (Policy 5281)
 - Inappropriate physical force with staff or students (such as dragging, pushing, hitting) (Policy 5281)
 - Physical injury of children (Policy 5006)
 - Inappropriate derogatory terms used against staff, students (I.e., use of “N” word)
 - Formal discrimination complaint (Policy 3210 or 5010)
 - Pornography or inappropriate materials on district technology (violation of network user agreement)

These lists of types of employee misconduct are not exhaustive, many others can be found within SPS Board Policies No. 5006, Unprofessional Conduct of Staff and 5281 Staff Disciplinary Action & Discharge.

Additionally, the Employee Misconduct Matrix (Appendix A) is a tool which will serve as a visualization of how progressive discipline is used to address the above employee behaviors that tend to generate an investigation and/or disciplinary action. The matrix also accounts for different levels of severity of these employee behaviors. This tool will serve as an excellent reference when assessing your employee misconduct issues.

KEY STEPS IN HANDLING A MISCONDUCT COMPLAINT/CONCERN

Step 1: TAKE THE COMPLAINT & GATHER THE INITIAL ALLEGATION INFORMATION ABOUT THE COMPLAINT

Make sure you have initial information about the complaint/allegations. This information includes the WHO, WHAT, WHEN, WHERE, WHY & HOW:

- WHO?** Name and phone number(s) of complainant. Additional information about other persons potentially involved (accused, witnesses, etc.)
- WHAT?** What happened?
- WHEN?** Date/time incident occurred
- WHERE?** School/building and specific location where incident occurred
- WHY?** Why did this occur? (if applicable...)
- HOW?** How did it happen?

Note: At this point you are just gathering allegation information. If it is an issue concerning sexual assault, theft, etc., law enforcement may need to be called / involved and you do not want to interfere with their investigation.

Step 2: CONTACT HUMAN RESOURCES

AS SOON AS YOU RECEIVE A COMPLAINT OR CONCERN OF MISCONDUCT:

Contact your supervisor and/or Employee/Labor Relations team for consultation. Refer to the Employee/Labor Relations division of work document to know who supports you.

If you need immediate consultation and your Employee/Labor Relations team is not available, contact the Director of Employee and Association Relations or General Counsel's office.

Director of Employee and Association Relations

206.650.4086

General Counsel

206.252.0110

TOGETHER WITH YOUR SUPERVISOR AND/OR YOUR EMPLOYEE/LABOR RELATIONS TEAM:

Determine what rules, policies, or standards may have been violated.

- Review District Board Policies, Superintendent Procedures, your building or department rules/guidelines, SPS Code of Conduct, and the employee's Collective Bargaining Agreement (if applicable).

- Contact Employee/Labor Relations if you are not sure whether a specific rule, policy, or standard is involved.
- Know the rights of the employee AND PROVIDE NOTICE (if applicable). Maintain strict confidentiality and make sure that you are aware of possible representation rights and due process language in the employee's collective bargaining agreement. For example, SEA represented employees have specific language in their collective bargaining agreements about providing notice of a complaint within 10 days. See Human Resources Webpage/Collective Bargaining Agreement for the appropriate collective bargaining agreements.

Note: You will need to provide the employee notice that a complaint has been received about them and that you are investigating (See Letter Template in Appendix).

CONSIDER ADMINISTRATIVE LEAVE:

- Know when “Administrative Leave” may be appropriate. Under certain circumstances, an employee may be placed on "Administrative Leave" with pay while an investigation is being conducted.
- The purpose of the leave is to ensure a fair and impartial investigation, ensure the education environment is not interrupted, and/or to protect the safety of students or staff. Cases of employee misconduct involving inappropriate action toward a student or other employees may be more easily investigated if the person accused of the misconduct is removed from the work site. Removal also eliminates any possibility that the investigation may be tainted by the accused. Employees who are placed on Administrative Leave are paid their full salary and benefits until the investigation is concluded and/or they are released to return to work (depending on employee type).

ONLY HUMAN RESOURCES IS AUTHORIZED TO PLACE AN EMPLOYEE ON ADMINISTRATIVE LEAVE.

Please see “Employee Administrative Leave Checklist for District Administrators” (Appendix F) for guidance when HR – Central Office has approved this action.

DETERMINE WHO SHOULD INVESTIGATE

In many situations it is appropriate for you or an appropriate designee to conduct the investigation. Other times, the situation may call for a central office-based investigator to conduct the investigation. There may also be times when the HR management determines an outside investigator is needed.

Who investigates will be determined through consultation with you and your Employee/Labor Relations team. *(Refer to Page 3 & Appendix A)*

NOTIFY APPROPRIATE OUTSIDE AGENCIES

Try not to discuss the issue with anyone other than those who “need to know.”
Determine if the following people/agencies need to be notified:

- SPS Security Department
- SPS Communications Department
- Child Protective Services*
- Seattle Police Department*
- Parents or guardians
- Others....

*See guidelines in the SPS Security Quick Reference Guide about when to contact the authorities (Assaults, Crimes, Sexual Assault, Child Abuse, Threats of Violence).

If the matter is to be handled internally by a central office-based investigator, then that investigator will handle Step 3. If it is determined that the school/program should handle the investigation, then see Step 3 below.

Step 3: PLAN/CONDUCT THE INVESTIGATION

If you have determined that the allegations may constitute misconduct, proceed with an investigation based on consultation with LER staff.

A. Objective of an Investigation (or fact finding)

1. To gather relevant information in a fair, objective, and impartial manner regarding the incident(s) in order to make factual findings and to assist in HR determining whether policy violation or misconduct occurred.
2. Relevant information includes information that can either prove (inculpatory evidence) or disprove (exculpatory evidence) an allegation. An impartial investigator pursues both inculpatory and exculpatory evidence and verification of the same.

B. Investigation Steps – (Note that this is not a prescribed list of steps. The following details overall best practices when conducting an investigation.)

1. Before outlining an investigative plan:
 - a. Review applicable District policy
 - b. Review applicable collective bargaining agreements to identify any notice requirements for conducting interviews
 - c. Review notice letters, complaint forms, emailed report/complaint that outline the specific allegations and/or incident
2. Develop an investigative plan (IP) as a guide – Since an investigation is a fluid process, it may be helpful – but not required – to write an IP. Regardless of whether a written IP is developed, the lines of inquiry during the investigation should be

continuously assessed while gathering information to ensure a thorough investigation has been conducted.

- a. Identify the lines of inquiry based on the allegation
 - i. Example – in a complaint of staff to staff harassment, the investigation makes factual findings, at minimum, regarding these two lines of inquiry: a) what happened between the parties and b) what impact there may have been to the education and/or work environment.
 - b. Based on the lines of inquiry, develop an investigative plan, which includes:
 - i. List of interviewees, including order of interviews – At a minimum the following persons should be interviewed, with the Respondent, in general, being the last party interviewed:
 1. Complainant and/or reporting party
 2. Aggrieved or victim, if different from complainant
 3. Persons you identify as potential witnesses
 - i. When interviewing students, if you have questions regarding notification of parent/guardian prior to interview, contact LER manager
 4. Respondent (or accused)
 - ii. List of documentary and physical evidence to gather and review – Documentary and physical evidence is information gathered from emails, security camera footage, text messages, online profiles, PowerSchool, personnel files, etc.
3. Conduct the investigation - Conduct the investigation from an objective, third-party approach. Discard assumptions. For example, the fact that an employee has been warned in the past about similar actions does not make them automatically culpable in the current incident.
- a. Gather documentary and physical evidence, which is based list created from investigative plan
 - i. All materials gathered should be maintained in a secure location, with the anticipation that these materials will be provided to Human Resources
 - b. Interview relevant persons
 - i. Schedule interview at a mutually agreed upon time but without any undue delay.
 1. Refer to any relevant collective bargaining agreement regarding right to representation
 2. Weingarten Rights - In 1975, the U.S. Supreme Court in NLRB v. Weingarten, Inc., extended certain rights to union employees regarding investigations. These rights may be summarized as follows:
 - i. Individual employees have the right to refuse to submit, without union representation, to an investigatory interview, which the employee reasonably believes may

result in disciplinary action. This arises only in situations where the employee requests representation.

- ii. The employee may forego this guaranteed right and, if preferred, participate in an interview unaccompanied by a union representative.
 - iii. The standard practice in the Seattle School District is to recognize that the employee has a right to request union representation in all meetings or interviews that may lead to disciplinary action. The supervisor will grant the employee's request to be represented by the union if the meeting/interview will not be delayed more than seventy-two hours (72) hours. Both parties may agree to an extension of these limits. If necessary, contact the union representative yourself to eliminate unnecessary delays. For employees represented by unions other than SEA, there is no specified timeframe for union representative availability. Refer to the employee's collective bargaining agreement (if applicable.)
- ii. Determine location of interview – take into consideration any environmental needs and/or limitations the space presents
 1. Provide necessary accommodations when requested
 - iii. Determine note-taking strategies, as the interview must be memorialized
 1. Notes of interview must include date, time, and location of interview; full name of interviewer, person interviewed, and any other persons present
 2. Be aware that investigatory notes are subject to disclosure under public records request
 - iv. Determine whether another person will be present with you during the interview, especially with respondent interview
 - v. Decide what questions will be asked of which interviewee. It helps to create an initial question guide to ensure you are addressing all lines of investigative inquiry
 1. Develop open ended questions and limit questions that only require “yes/no” response (closed question) –
 - i. What happened? (“What happened next” can be used to prompt interviewee to continue the narrative)
 - ii. Where did it happen?
 - iii. How did it happen?
 - iv. Who was present? Who else may know or have information about what happened?
 - v. Who did or said what?

- vi. Why do you think it happened?
- vii. What steps, if any, could have been taken to avoid, prevent?
- viii. Have there been other similar incidents which you have observed? If so, please describe (use same strategy of “What, when, where, who, why” questions)
- ix. Effective closure questions:
 - 1. Was there a question you were expecting to be asked that was not asked? If so, what is the question and what is your response?
 - 2. Is there anything else you believe I should know? If so, what?
- vi. General “do’s” and “dont’s” when interviewing –
 - 1. Do not interview witnesses in groups, as each person’s statement must be taken independently in order to facilitate corroboration of fact or factual finding.
 - 2. At the start of the interview, provide any necessary disclosures (i.e. the failure to provide all relevant information or truthful responses is subject to discipline), including information that any notes are subject to disclosure based on public records request
 - 3. Clearly explain the purpose of the interview and the information you are seeking from the interviewee.
 - i. At the outset, allow the interviewee to explain incident in its entirety and limit your interruptions.
 - ii. Ask for clarification when necessary.
 - iii. Review question guide to ensure each essential question has been answered before concluding interview
 - iv. Refrain from sharing what other interviewees have disclosed unless you are interviewing respondent and are seeking a response to a specific assertion or allegation made against the respondent
 - 4. Schedule sufficient time for the interview so as not to create unnecessary time pressure
 - 5. Put the interviewee at ease by employing a conversational style during the interview
 - 6. Allow for reasonable breaks when requested or when you deem appropriate (i.e. interviewee becomes overly emotional where they cannot continue without a break; interviewee becomes mildly confrontational)
 - i. Discontinue the interview if you feel or are physically threatened.
 - 7. Do not make threats or use coercion or intimidation when interviewing. Keep in mind your role is to gather information.

8. Do not discuss your opinion. Do not forecast the outcome or provide a conclusion. The conclusion is determined after all tangible evidence and interviews are completed. Additionally, you may not be the ultimate decision-maker – that determination may rest with HR management.
9. Do not promise confidentiality or anonymity as these are official District investigations, which can be subject to further adjudication (i.e. grievance, arbitration, lawsuit).
10. Allow opportunity for interviewee to provide any follow-up information by giving interviewee your contact information (i.e. email address, telephone number)
11. After interview, review and finalize the notes as soon as feasible. Make sure notes are legible, accurate, and represent what was said during the interview by each party.

Step 4: REPORT THE RESULTS OF THE INVESTIGATION

Once the investigation is complete, you need to prepare and sign an investigative report. That report should include an analysis of the results of the investigation. When reviewing your notes, ask yourself if the witnesses were credible. Are the documents reliable? Do you feel that you have learned what really happened? Draw your conclusions regarding the facts, identifying the evidence that substantiates your conclusion. Verify anything that needs to be verified and make sure the conclusion and recommendation are reasonable.

Step 5: DETERMINE THE APPROPRIATE ACTION

A. Review Findings and Consider Past Practice

Principals and administrators may impose counseling, a documented oral warning or written reprimand in consultation with your Employee/Labor Relations team. A suspension or termination must be issued by Human Resources or, in the case of teachers, the Superintendent.

The Employee Misconduct Matrix (Appendix A) is a guideline to promote consistency across the District, but it is only a guideline. Discipline can be adjusted to be more or less severe depending on the situation. If you have enough objective evidence of misconduct and you are deciding the level of discipline, you should consider the following:

- Whether there is enough objective evidence of misconduct
- The seriousness of the conduct at issue
- Whether the wrongdoer has a history of misconduct
- Has there been previous discipline for similar offenses?
- How has the District handled similar offense by other employees?

- The goal of the discipline (e.g., to correct the problem, to punish the wrongdoer, to satisfy the work force that appropriate action has been taken, to maintain a consistent response to such conduct, etc.)
- Whether there are other mitigating factors

It is wise to discuss your thoughts about how to handle the misconduct with your Employee/Labor Relations Manager. Decision making about employee misconduct should be undertaken carefully and methodically, with a view toward someday having to defend the decision in a public forum. In fact, before deciding upon any discipline, you should consider the elements of "Just Cause" for discipline.

B. Elements of Just and Sufficient Cause for Discipline

Generally, a common understanding has developed in the field of labor/management relations that just cause requires:

1. Notice to the grievant of the rules to be followed and the consequences of non-compliance;
2. Proof that the grievant engaged in the alleged misconduct;
3. Procedural regularity in the investigation of the misconduct; and
4. Reasonable and even-handed application of discipline, including progressive discipline when appropriate.

Before deciding upon any disciplinary action, you should consider the following factors that a court or arbitrator may consider when reviewing the discipline imposed *

Notice: Did the employer give the employee forewarning of the possible or probable disciplinary consequences of the employee's conduct?

Reasonable Rule: Was the employer's rule or managerial order reasonable related to the orderly, efficient and safe operations of the company's business?

Investigate: Did the employer, before administering discipline to an employee, make an effort to discover whether the employee did in fact violate or disobey a rule or order of management?

Fair Investigation: Was the employer's investigation conducted fairly and objectively?

Sufficient Evidence: During the course of the investigation, did the employer obtain substantial evidence as proof that the employee was guilty as charged?

No Discrimination: Has the employer applied its rules, orders and penalties evenhandedly and without discrimination to all employees?

Appropriate Penalty: Was the degree of discipline administered by the employer fair?

C. Progressive Discipline - What Is It?

The Seattle School District utilizes a system of progressive discipline to hold teachers and staff members accountable to their job responsibilities and our collective commitment to create safe, inclusive and welcoming environments for all. This process requires setting clear expectations and performance standards and managing behaviors that fall out of line with those expectations by creating opportunities for improvement.

Progressive discipline is founded on the principle of rehabilitation it involves using the least severe action necessary to correct behavior. If the undesirable behavior continues, the process continues with more stringent measures being imposed until the behavior is corrected or the employee is terminated. In other words, the discipline is progressive and is directly related to the seriousness of the offense and the employee's history.

That said, depending upon the facts and circumstances involved, more egregious behavior may warrant a more significant initial disciplinary action. In other words, while progressive discipline may be utilized by the Seattle School District, it is by no means “binding” on the District or on the supervisor. There are circumstances where the employee's behavior is so serious that deviating from progressive discipline may be the only option available.

D. The Steps in Progressive Discipline

Things to Consider:

- Steps 1 & 2 **MAY BE** conducted at the *Building/Work Location Level*.
- Step 3 **MAY BE** conducted at the building level in consultation with Employee/Labor Relations.
- Step 4 **MUST BE** conducted at the *District level*.

Steps may vary depending on which union represents a certain employee. Below are the steps in the SEA CBA. Please consult the employee's specific CBA or your Employee/Labor Relations team for more specific information about progressive discipline steps.

Notifying of Expectation (Not Disciplinary): ensuring staff understand expectations and how they align with District Policies and our commitments to students, staff, and parents.

Letter of Counseling (Step 1): *Counseling is not considered a disciplinary action.* It is an important step in the disciplinary process. When counseling the employee regarding his or her behavior, be sure to do the following:

1. explain the purpose of the discussion,
2. state the problem,
3. ask the employee to comment on the stated problem,
4. clarify the issue,
5. suggest a solution,
6. express confidence in the employee and in the plan, follow up
7. document the discussion and maintain in a building file for the employee

Do not hesitate to refer the employee to Employee Assistance Program (EAP).

A letter of Counseling is not disciplinary, so it should not be provided if there was a finding of misconduct.

Documented Oral Warning or Written Warning (Step 2): If you have decided that an oral warning is the appropriate disciplinary action to take, your discussion with the employee should:

1. Define the problem,
2. Set goals for correcting the problem,
3. Set timelines for results,
4. Clearly state the consequences if the problem is not corrected
5. Express confidence in the employee.

Document the oral warning in a letter reiterating your discussion with the employee and your expectations regarding their future behavior. Follow up with the employee by reviewing their progress in meeting your expectations.

Written Reprimand (Step 3): A written reprimand should include the following:

1. Reference the specifics of the problem,
2. Clearly state the expectations,
3. Identify consequences that will occur if change isn't made.

Disciplinary letters need to advise the employee of the appeal process through their collective bargaining agreement and provide a venue to allow for rebuttal and consideration of any information that the employee provides relating to his or her conduct. Letters of written reprimand shall be provided in consultation with the Employee/Labor Relations Department. Place the written reprimand in the building file and forward a copy of the letter to Employee/Labor Relations to be placed in the employee's personnel file.

Suspension or Termination (Step 4): None of these actions may be taken by a supervisor without involvement by the Employee/Labor Relations Manager.

Any disciplinary action that affects an employee's employment status or salary entitles the person to participate in a meeting, called a "Loudermill" meeting. It provides them with a final opportunity to provide additional information related to the allegations prior to a final decision regarding the imposition of discipline.

NOTE: Employees should be allowed union or legal representation at a Loudermill meeting or at any meeting that may result in discipline being imposed.

E. Avoid Discipline Downfalls

- DO analyze the results of your investigation. In reviewing the notes, ask yourself: Were the witnesses credible? Do you know what happened based on what you have learned?
- DO determine the outcome. If you have reasonable evidence that the alleged misconduct did occur, then document the disciplinary actions taken. If you have reasonable evidence that the alleged action did not occur, then tell the employee, who was the focus of the investigation, that the results do not substantiate the complaint/suspicion. Reiterate the policy, if applicable. Remind the employee that retaliation against the complainant or witnesses is prohibited. If the investigative results are unclear, follow the steps for unsubstantiated claims/suspicions. Consider a second level investigation, if appropriate, or continue to monitor the workplace.
- DO begin using oral warnings and written reprimands as soon as it becomes apparent that counseling is not correcting the problem. DON'T wait too long to start formal discipline/ hoping that counseling alone will resolve misconduct.
- DO repeat or even skip steps in the progressive discipline process if the misconduct is severe. DON'T assume that the corrective discipline steps must always be taken or taken in order.
- DO realize that while the standards of conduct must be uniform for all, the disciplinary action for violating the rules may vary according to prior disciplinary record. DON'T be "buffaloed" by the claim that all employees must be disciplined alike.
- DO stay calm, clear and professional when a situation becomes tense and firmly let the employee know you expect improvement. DON'T aggravate the situation by becoming angry or abusive.

- DO incorporate information about oral and written reprimands and prior problems into the written reprimand document. DON'T forget to document even the beginning steps of discipline.
- DO point out, in subsequent documents, that the employee is demonstrating a pattern of disobeying rules or policies. DON'T treat each instance of improper conduct as an isolated occurrence.
- DO keep your supervisor or Employee/Labor Relations Manager informed of disciplinary measures taken, even though you can "go at it alone" through the written reprimand phase of the corrective discipline process.
- DO follow up on complaints and, if valid, appropriately discipline the employee for misconduct or neglect of duty.
- DO refer employees to the Employee Assistance Program and document the fact that you did so.
- DO use common sense at all times. DON'T hesitate to ask questions or request help!

Step 6: IMPOSE APPROPRIATE ACTION

- Provide your Employee/Labor Relations Manager with a draft of your proposed letter before you meet with the employee to impose the discipline.
- Your Employee/Labor Relations Manager will advise you on necessary and/or suggested revisions to the letter.
- Make sure to wrap up the issue. Route copies of letters as appropriate, set up additional training or EAP referrals, etc.

NOTES

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APPENDICES

Appendix A: Employee Misconduct Matrix

Appendix B: Incident Report Template

Appendix C: Letter of Counseling Template (Generic)

Appendix D: Documented Oral Warning Letter Template (Generic)

Appendix E: Written Reprimand Letter Template (Generic)

Appendix F: Employee Administrative Leave Checklist

Appendix G: Fit for Duty – Drug & Alcohol-Free Protocol

Appendix H: Fit for Duty Protocol Checklist

Appendix I: Responding to Sexual Misconduct

APPENDIX A: EMPLOYEE MISCONDUCT MATRIX

Please note, there are employee behaviors not covered in the matrix below. However, all SPS employees are expected to comply with District policies and procedures. This matrix should be used as a tool along with communication with Labor & Employee Association Relations.

Progressive Discipline	
Letter of Counseling (LOC)	Not Disciplinary (notifying of expectations) ¹
Documented Oral Warning (DOW) or Written Warning (WW)	1 st Level
Written Reprimand (WR)	2 nd Level
Suspension (S)	3 rd Level
Termination (T)	4 th Level

Progressive Behavioral Categories			
Category A	Category B	Category C	Category D
<p>Conduct violation in a single incident that has a minimal negative impact on the operations or the reputation of the Seattle School District.</p> <p><u>May Result In:</u></p> <ul style="list-style-type: none"> - Letter of Counseling - Documented Oral Warning or Written Warning 	<p>Conduct violation that has more than minimal impact on the operations or reputation of the Seattle School District or that negatively impacts relationships or creates a safety concern with students, families, staff or the public. This includes repeated acts from Category A within a reasonable period of time.</p> <p><u>May Result In:</u></p> <ul style="list-style-type: none"> - Documented Oral Warning or Written Warning - Written Reprimand 	<p>Conduct violation that has a pronounced negative impact on the operations or reputation of the Seattle School District or that negatively impacts relationships or creates a safety concern with students, families, staff or the public. This includes repeated acts from Category A or B. A single sanction or a combination of the below listed sanctions may be deemed appropriate.</p> <p><u>May Result In:</u></p> <ul style="list-style-type: none"> - Written Reprimand - Suspension 	<p>Conduct violations that are contrary to the core values of the Seattle School District and involve a substantial risk of the safety of students, families, staff or the public. This includes repeated acts from other categories. This includes acts of serious misconduct or acts of criminal conduct. This also involves any conduct that will effectively disqualify and employee from continued employment with the Seattle School District.</p> <p><u>May Result In:</u></p> <ul style="list-style-type: none"> - Suspension - Termination

¹Some non-SEA CBAs may describe LOCs as disciplinary, but typically they are not subject to arbitration and not placed in the personnel file. However, the intent is the same, which is to clarify expectations with the employee and put them on notice that similar infractions will lead to more formal discipline.

Even for first offenses, this matrix is not meant to be an exact guide. Discipline levels may be more or less severe if there are unique facts. These are typical levels of discipline for first offenses of the identified type of misconduct/policy violation. Repeated acts of the same or similar violations will lead to higher levels of discipline. This chart is meant to serve as a guide on the typical level of discipline for first offenses of the identified type of misconduct/policy violation to ensure that we are appropriately, fairly, and consistently upholding SPS standards.

Employee Conduct / Policy Violation	Supervisor/ Work Site Response	Human Resources / Central Office Response	Category			
			A	B	C	D
Attendance						
Concerns or Pattern	Must		X			
Failure to follow directive	Must		X			
Harassment, Intimidation, and Bullying (HIB)**						
Involving Staff	Can	Can	X	X		
Involving Student	Can	Can	X	X		
Insubordination						
Disregard of Direction from Supervisor	Must			X		
Disregard of District Policies	Must			X		
Vulgar/Profane Language or Action						
In the Classroom	Must			X		
At a District/School Sponsored Activity (in the Community)	Must			X		
Sexual Harassment*						
Involving a Student		Must			X	
Involving Staff		Must			X	
Discrimination (Intentional or Other)						
Involving a Student	Can	Can		X	X	
Involving Staff	Can	Can		X	X	

Unprofessional Boundaries*						
Social Media / Technology Use		Must			X	X
Personal Space / Physical Boundaries		Must			X	X
Inappropriate Physical Intervention*						
Means of Discipline		Must			X	X
Against Student IEP		Must			X	X

*Office of Professional Practice (OPP) Referral and/or Police Report Required

** For 5207 HIB Reports/Complaints, HR reserves the right to determine the assignment of investigator. Specifically, HR may assign a central-office based investigator or assign the investigation to a building administrator/worksite supervisor.

APPENDIX B : INCIDENT REPORT TEMPLATE

This form is to be completed by a principal, manager or supervisor when an incident involves a staff person and requires an investigation. Answer each question as completely as you can, attach signed witness statements and all relevant correspondence, including emails. Forward the completed form with attachments to your Employee/Labor Relations manager.

Date incident occurred:

Date incident reported:

School/building and specific location where incident occurred:

Name and phone number(s) of administrator in charge at location:

Name and phone number(s) of person(s) reporting the incident:

Name and phone number(s) of person receiving the report:

Description of incident and/or allegations:

Name and phone number(s) of person(s) accused:

Name and phone number(s) of any alleged victim(s):

Name and phone number(s) of witnesses:

Was the Seattle Police Department notified? Yes No n/a

Was Child Protective Services notified? Yes No n/a

Was Employee/Labor Relations notified? Yes No

Comments:

APPENDIX C: LETTER OF COUNSELING TEMPLATE (GENERIC)



Date

Delivered via email [insert work email address]

Employee Name

Title

School

RE: Letter of Counseling

Dear [First and/or Last Name],

The purpose of this letter is to clarify my expectations regarding [insert brief description of behavioral issue – i.e. your professionalism around staff and students].

If an investigation was conducted with no findings include language to the effect of:

Thank you for meeting with me and [insert additional parties present, and their titles] on [insert date] to discuss concerns that were raised about [insert behavioral description – i.e. your professionalism around staff and students]. Specifically, it was alleged that you [insert specific allegations].

[Document Investigative findings including Employee response]

During our meeting we discussed these allegations and you responded to each of them [include detailed responses to each allegation].

Based on the investigative findings, I cannot conclude based on the preponderance of evidence standard that you [insert summary of allegations], however, as we discussed in our meeting I would like to ensure you have a clear understanding of my expectations going forward. In accordance with Board Policy No. [insert policy number and title], any future [insert behavior] will not be tolerated.

If no investigation was conducted and this letter is solely to clarify expectations include language to the effect of:

By way of background, on [insert date(s)] I was made aware of [insert brief yet specific description of employee conduct]. In accordance with Board Policy No. [insert policy number and title], this behavior will not be tolerated.

Note whether letter/adherence to expectations will be used as evaluation evidence (SEA employee specific – if you met the 5-day notice period):

Additionally, I would like to call your attention to Component [insert component identifier] of the Danielson Framework for Teaching (*or applicable rubric if not teacher*), [insert the name of the component]. Proficient performance in [insert component identifier] is defined in part as [insert the relevant rubric language]. This includes ensuring that you [insert specific

action/behavior] as evidence of satisfactory performance. Please take note that Component **[insert component identifier]**, describes unsatisfactory performance in part as **[insert the rubric language for unsatisfactory performance]**.

Lastly include behavioral directives/expectations in all counseling letters:

In the future I am directing that you **[insert directives, i.e. contribute to the District’s commitment to ensure a welcoming and inclusive educational environment for all students...]**. I am also directing you to refrain from... **[list all directives that ensure future employee behavior relevant to the current issue will not be tolerated]**.

Failure to adhere to these expectations may result in progressive disciplinary action and may also be evidence of unsatisfactory performance. Please let me know if there are any forms of assistance that will help you adhere to these expectations. Absent such request, I will assume that you understand and are prepared to meet the above expectations as outlined in this letter.

Sincerely,

[Administrator/Assistant Principal/Supervisor Name]
[Title, School/Department name]

cc: **[Principal if applicable]**
[LER Manager], Manager, Labor and Employee Relations

APPENDIX D: DOCUMENTED ORAL WARNING LETTER TEMPLATE (GENERIC)

Date

Delivered via USPS/Certified Mail (Return Receipt Requested)

Employee Name

Address

City, WA Zip



RE: Documented Oral Warning

Dear [First and/or Last Name],

The purpose of this letter is to document a formal warning regarding [insert brief description of behavioral issue – i.e. your professionalism around staff and students], and to clarify my expectations going forward in accordance with the following District Board Policies:

- [insert list of relevant District Board Policies
- i.e. District Board Policy No. 5281 – Staff Disciplinary Action and Discharge,
- District Board Policy No. 5207 – Prohibition of Harassment, Intimidation and Bullying (HIB), related to Adults, and
- District Board Policy No. 3207 – Prohibition of HIB, related to Students.]

Document Allegations:

By way of background, on [insert date(s) you learned of alleged behaviors] I was made aware of concerns regarding [insert behavioral description – i.e. your professionalism around staff and students]. Specifically, it was alleged that you [insert specific allegations].

Document Investigative Findings:

I conducted an investigation into this matter and have made the following findings. [Insert summary of findings leading up to employee response].

[Insert summary of employee response]

On [insert date], I met with you in the presence of [insert name of Union Representative, Union Representative]. Also present during this meeting were [insert additional parties present, and their titles]. During our meeting we discussed the allegations and you responded to each of them [include detailed responses to each allegation].

[Insert summary of conclusions]

Based on the preponderance of evidence standard, I have determined that you [summarize conclusions regarding employee alleged behavior and why you are making those conclusions, i.e. why does the preponderance of evidence lead you to conclude the employee committed the misconduct].

Summarize Policy Violations:

[Insert relevant District Board Policy language and describe why the Employee's behavior is in violation of each policy]

District Board Policy No. [insert policy number], [insert policy title] states in relevant part [insert relevant quote “” or summary from policy]. Your behavior clearly violated this policy by the fact that you [insert determination/justification(s) regarding how employee behavior violated policy]. This is unacceptable and will not be tolerated.

[repeat above paragraph as needed for each policy violation – and/or consolidate if/when appropriate i.e. if policy language for more than one policy and justification for violation of those policies is similar, still citing each relevant policy and how they were violated]

Summarize Previous Coaching/Counseling/Discipline/etc where expectations were outlined to deter employee from engaging in current behaviors:

This is not the first time you have been made aware of the District’s expectation that you [insert expected behavior]. On [insert date] you received a [insert previous form of communicated expectations i.e. Coaching, Counseling Letter, etc] for [insert behavioral summary], that directed you to [reiterate previous expectations].
[repeat above paragraph as needed]

Note whether disciplinary letter will be used as evaluation evidence (SEA employee specific – if you met the 5-day notice period):

Additionally, I would like to call your attention to Component [insert component identifier] of the Danielson Framework for Teaching (*or applicable rubric if not teacher*), [insert the name of the component]. Proficient performance in [insert component identifier] is defined in part as [insert the relevant rubric language]. I consider your [insert specific action/behavior] to evidence unsatisfactory performance in Component [insert component identifier], described in part as [insert the rubric language for unsatisfactory performance].

Lastly include/reiterate behavioral directives/expectations:

In the future I am directing that you [insert directives, i.e. contribute to the District’s commitment to ensure a welcoming and inclusive educational environment for all students...]. I am also directing you to refrain from... [list all directives that ensure future employee behavior relevant to the current issue will not be tolerated].

Failure to adhere to these expectations may result in progressive disciplinary action and may also be evidence of unsatisfactory performance. Please let me know if there are any forms of assistance that will help you adhere to these expectations. Absent such request, I will assume that you understand and are prepared to meet the above expectations as outlined in this letter.

Sincerely,

[Administrator/Assistant Principal/Supervisor Name]
[Title, School/Department name]

cc: [Principal if applicable]
[LER Manager], Manager, Labor and Employee Relations

APPENDIX E: WRITTEN REPRIMAND LETTER TEMPLATE (GENERIC)



Date

Delivered via USPS/Certified Mail (Return Receipt Requested)

Employee Name
Address
City, WA Zip

RE: Written Reprimand

Dear [First and/or Last Name],

This letter serves as a Written reprimand for [insert brief description of behavioral issue – i.e. your professionalism around staff and students] in accordance with the following District Board Policies:

- [insert list of relevant District Board Policies
- i.e. District Board Policy No. 5281 – Staff Disciplinary Action and Discharge,
- District Board Policy No. 5253 – Maintaining Professional Staff/Student Boundaries, and
- District Board Policy No. 3207 – Prohibition of Harassment, Intimidation and Bullying, related to Students.]

Document Notification of Investigation and Allegations:

By way of background, on [insert date employee was notified of District investigation into allegations], you were informed the District was investigating allegations that you [insert behavioral description – i.e. your professionalism around staff and students]. Specifically, it was alleged that you [insert specific allegations].

Document Investigative Findings:

Based on information that was reported to the District by witnesses and based on the investigation which included interviews with you, the District found that you engaged in the following specific behaviors:

- [insert bulleted list of findings
- i.e. for at least a period of two weeks, you were in communication with three former BHIS students on their personal telephones and/or social media accounts;
- you did not tell students it was inappropriate to communicate with them via personal telephone numbers or social media accounts;
- you hugged multiple students front-to-front.]

[Insert summary of conclusions]

Based on the preponderance of evidence standard, I have determined that you [summarize conclusions regarding employee alleged behavior and why you are making those conclusions].

Summarize Policy Violations:

[Insert relevant District Board Policy language and describe why the Employee’s behavior is in violation of each policy]

District Board Policy No. **[insert policy number]**, **[insert policy title]** states in relevant part **[insert relevant quote “” or summary from policy]**. Your behavior clearly violated this policy by the fact that you **[insert determination/justification(s) regarding how employee behavior violated policy]**. This is unacceptable and will not be tolerated; **[insert explanation regarding why this is unacceptable by the District]**.

[repeat above paragraph as needed for each policy violation – and/or consolidate if/when appropriate i.e. if policy language for more than one policy and justification for violation of those policies is similar, still citing each relevant policy and how they were violated]

Summarize Previous Coaching/Counseling/Discipline/etc where expectations were outlined to deter employee from engaging in current behaviors:

This is not the first time you have been made aware of the District’s expectation that you **[insert expected behavior]**. On **[insert date]** you received a **[insert previous form of communicated expectations i.e. Coaching, Counseling Letter, etc]** for **[insert behavioral summary]**, that directed you to **[reiterate previous expectations]**.

[repeat above paragraph as needed]

Note whether disciplinary letter will be used as evaluation evidence (SEA employee specific – if you met the 5-day notice period):

Additionally, I would like to call your attention to Component **[insert component identifier]** of the Danielson Framework for Teaching (*or applicable rubric if not teacher*), **[insert the name of the component]**. Proficient performance in **[insert component identifier]** is defined in part as **[insert the relevant rubric language]**. I consider your **[insert specific action/behavior]** to evidence unsatisfactory performance in Component **[insert component identifier]**, described in part as **[insert the rubric language for unsatisfactory performance]**.

Lastly include/reiterate behavioral directives/expectations:

In the future I am directing that you **[insert directives, i.e. contribute to the District’s commitment to ensure a welcoming and inclusive educational environment for all students...]**. I am also directing you to refrain from... **[list all directives that ensure future employee behavior relevant to the current issue will not be tolerated]**.

Failure to adhere to these expectations may result in progressive disciplinary action and may also be evidence of unsatisfactory performance. Please let me know if there are any forms of assistance that will help you adhere to these expectations. Absent such request, I will assume that you understand and are prepared to meet the above expectations as outlined in this letter.

Sincerely,

[Administrator/Assistant Principal/Supervisor Name]
[Title, School/Department name]

cc: **[Principal if applicable]**
[LER Manager], Manager, Labor and Employee Relations



*Guidance for Handling Employee Misconduct
and Conducting Internal Investigations*

*Seattle Public Schools
Human Resources*

Message from Chief Human Resources Officer

As a leader in the Seattle School District, you have the responsibility and authority to supervise employees and take appropriate steps if employees engage in misconduct. In fact, chances are good that when you are faced with allegations of employee misconduct, you will need to conduct investigations. These allegations may include misreporting of hours worked, making false statements, withholding needed information, and abusive or intimidating behavior. Other allegations could include more complicated misconduct such as theft, drug/alcohol use, discrimination, threats, assaults, sexual harassment and inappropriate contact with students. These allegations should be reported to HR and resolved in consultation with the Employee/Labor Relations Department. We will work with you to determine the level of investigation and your involvement.

The purpose of this booklet is to provide you with the guidelines and confidence you need to perform your own investigation, make conclusions, and manage employee behavior following the outcome of your investigation. It is critical that you handle employee misconduct issues promptly and properly. Because handling employee misconduct issues can become complex, we recommend that you contact your Employee/Labor Relations Department and your supervisor to discuss issues of misconduct before you proceed on your own.

Please let us know how our department can support your commitment to leadership in managing your employees and providing a quality education for all students.

Thank you for your continued support,



Clover Codd
Chief Human Resources Officer
clodd@seattleschools.org
206-282-0282

Disclaimer: The information within this Handbook serves all Seattle Public School District Employees regardless of worksite or union. The information contained within this handbook serves as a guideline only; no promises of specific treatment in any or every situation are intended or implied. All Managers, Supervisors, School-Based or Central Office based, are advised to review the below material and consult with their Labor & Employee Association Relations support team. Sound legal advice requires an understanding of all the facts of a particular situation.

WHAT IS EMPLOYEE MISCONDUCT?

Employee misconduct concerns inappropriate employee behavior, possible violation of work rules, policies and procedures, or willful failure to perform responsibilities. Employee misconduct is generally reviewed/investigated and resolved close to the time that it has been brought to the District's attention.

In many situations it is appropriate for you or an appropriate designee to conduct the investigation. Other times, the situation may call for a central office-based investigator to conduct the investigation. There may also be times when the allegation is so serious, or the issue is so complicated that an outside investigator is needed. Always consult with your LER manager.

Employee misconduct and performance issues may sometimes overlap, however because the District handles these as separate processes, it is important to determine if the issue is performance or misconduct. Performance is generally assessed as part of the annual evaluation process. A person's job description and evaluative criteria help to determine if it is a performance problem.

WHO IS RESPONSIBLE FOR HANDLING EMPLOYEE MISCONDUCT?

- In general, worksite supervisors will handle investigations for the following types of situations, – generally **Category A, B** offenses (see Appendix A) – however you should still consult with your Employee/Labor Relations manager for appropriate handling. Classroom discipline, supervision of students, attendance issues
- Staff-staff verbal confrontations, insubordination, job performance
- First incident – minor misuse of district time, technology, or equipment
- First incident – minor complaints by staff, students, or parents/guardians
- Minor interpersonal conflicts (employee-employee, employee-student, employee-parent)
- These situations – generally **Category B, C**, offenses (see Appendix A) – should be handled in close consultation with your Employee/Labor Relations Manager as the investigation may be conducted by a central office-based investigator. Harassment, Intimidation, Bullying complaint (Policy 5207)

- Formal retaliation complaint (Policy 5245)
- Boundary violation allegation (Policy 5253)
- Theft of district property/resources
- Lastly, the following situations – generally **Category D** offenses (see Appendix A) – are considered serious acts of misconduct, will be investigated by central office-based investigators, and may effectively disqualify an employee from continued employment with the Seattle School District as we may move to termination without prior progressive discipline. Sexual misconduct with staff, students, children (Policy 5006)
- Any sexual harassment/sexual assault complaint where Respondent is a staff member (3208)
- Crimes against children (Policy 5006)
- Conviction of crimes under RCW 28A.400.322 or a crime that directly relates to the position held by the employee or impacts the employee’s ability to perform his or her job duties (Policy 5281)
- Physical touching of students (Policy 5281)
- Inappropriate physical force with staff or students (such as dragging, pushing, hitting) (Policy 5281)
- Physical injury of children (Policy 5006)
- Inappropriate derogatory terms used against staff, students (I.e., use of “N” word)
- Formal discrimination complaint (Policy 3210 or 5010)
- Pornography or inappropriate materials on district technology (violation of network user agreement)

These lists of types of employee misconduct are not exhaustive, many others can be found within SPS Board Policies No. 5006, Unprofessional Conduct of Staff and 5281 Staff Disciplinary Action & Discharge.

Additionally, the Employee Misconduct Matrix (Appendix A) is a tool which will serve as a visualization of how progressive discipline is used to address the above employee behaviors that tend to generate an investigation and/or disciplinary action. The matrix also accounts for different levels of severity of these employee behaviors. This tool will serve as an excellent reference when assessing your employee misconduct issues.

KEY STEPS IN HANDLING A MISCONDUCT COMPLAINT/CONCERN

Step 1: TAKE THE COMPLAINT & GATHER THE INITIAL ALLEGATION INFORMATION ABOUT THE COMPLAINT

Make sure you have initial information about the complaint/allegations. This information includes the WHO, WHAT, WHEN, WHERE, WHY & HOW:

- WHO?** Name and phone number(s) of complainant. Additional information about other persons potentially involved (accused, witnesses, etc.)
- WHAT?** What happened?
- WHEN?** Date/time incident occurred
- WHERE?** School/building and specific location where incident occurred
- WHY?** Why did this occur? (if applicable...)
- HOW?** How did it happen?

Note: At this point you are just gathering allegation information. If it is an issue concerning sexual assault, theft, etc., law enforcement may need to be called / involved and you do not want to interfere with their investigation.

Step 2: CONTACT HUMAN RESOURCES

AS SOON AS YOU RECEIVE A COMPLAINT OR CONCERN OF MISCONDUCT:

Contact your supervisor and/or Employee/Labor Relations team for consultation. Refer to the Employee/Labor Relations division of work document to know who supports you.

If you need immediate consultation and your Employee/Labor Relations team is not available, contact the Director of Employee and Association Relations or General Counsel's office.

Director of Employee and Association Relations

206.650.4086

General Counsel

206.252.0110

TOGETHER WITH YOUR SUPERVISOR AND/OR YOUR EMPLOYEE/LABOR RELATIONS TEAM:

Determine what rules, policies, or standards may have been violated.

- Review District Board Policies, Superintendent Procedures, your building or department rules/guidelines, SPS Code of Conduct, and the employee's Collective Bargaining Agreement (if applicable).
- Contact Employee/Labor Relations if you are not sure whether a specific rule, policy, or standard is involved.

- Know the rights of the employee AND PROVIDE NOTICE (if applicable). Maintain strict confidentiality and make sure that you are aware of possible representation rights and due process language in the employee’s collective bargaining agreement. For example, SEA represented employees have specific language in their collective bargaining agreements about providing notice of a complaint within 10 days. See Human Resources Webpage/Collective Bargaining Agreement for the appropriate collective bargaining agreements.

Note: You will need to provide the employee notice that a complaint has been received about them and that you are investigating (See Letter Template in Appendix).

CONSIDER ADMINISTRATIVE LEAVE:

- Know when “Administrative Leave” may be appropriate. Under certain circumstances, an employee may be placed on "Administrative Leave" with pay while an investigation is being conducted.
- The purpose of the leave is to ensure a fair and impartial investigation, ensure the education environment is not interrupted, and/or to protect the safety of students or staff. Cases of employee misconduct involving inappropriate action toward a student or other employees may be more easily investigated if the person accused of the misconduct is removed from the work site. Removal also eliminates any possibility that the investigation may be tainted by the accused. Employees who are placed on Administrative Leave are paid their full salary and benefits until the investigation is concluded and/or they are released to return to work (depending on employee type).

ONLY HUMAN RESOURCES IS AUTHORIZED TO PLACE AN EMPLOYEE ON ADMINISTRATIVE LEAVE.

Please see “Employee Administrative Leave Checklist for District Administrators” (Appendix F) for guidance when HR – Central Office has approved this action.

DETERMINE WHO SHOULD INVESTIGATE

In many situations it is appropriate for you or an appropriate designee to conduct the investigation. Other times, the situation may call for a central office-based investigator to conduct the investigation. There may also be times when the HR management determines an outside investigator is needed.

Who investigates will be determined through consultation with you and your Employee/Labor Relations team. *(Refer to Page 3 & Appendix A)*

NOTIFY APPROPRIATE OUTSIDE AGENCIES

Try not to discuss the issue with anyone other than those who “need to know.”
Determine if the following people/agencies need to be notified:

- SPS Security Department
- SPS Communications Department
- Child Protective Services*
- Seattle Police Department*
- Parents or guardians
- Others....

*See guidelines in the SPS Security Quick Reference Guide about when to contact the authorities (Assaults, Crimes, Sexual Assault, Child Abuse, Threats of Violence).

If the matter is to be handled internally by a central office-based investigator, then that investigator will handle Step 3. If it is determined that the school/program should handle the investigation, then see Step 3 below.

Step 3: PLAN/CONDUCT THE INVESTIGATION

If you have determined that the allegations may constitute misconduct, proceed with an investigation based on consultation with LER staff.

A. Objective of an Investigation (or fact finding)

1. To gather relevant information in a fair, objective, and impartial manner regarding the incident(s) in order to make factual findings and to assist in HR determining whether policy violation or misconduct occurred.
2. Relevant information includes information that can either prove (inculpatory evidence) or disprove (exculpatory evidence) an allegation. An impartial investigator pursues both inculpatory and exculpatory evidence and verification of the same.

B. Investigation Steps – (Note that this is not a prescribed list of steps. The following details overall best practices when conducting an investigation.)

1. Before outlining an investigative plan:
 - a. Review applicable District policy
 - b. Review applicable collective bargaining agreements to identify any notice requirements for conducting interviews
 - c. Review notice letters, complaint forms, emailed report/complaint that outline the specific allegations and/or incident
2. Develop an investigative plan (IP) as a guide – Since an investigation is a fluid process, it may be helpful – but not required – to write an IP. Regardless of whether a written IP is developed, the lines of inquiry during the investigation should be

continuously assessed while gathering information to ensure a thorough investigation has been conducted.

- a. Identify the lines of inquiry based on the allegation
 - i. Example – in a complaint of staff to staff harassment, the investigation makes factual findings, at minimum, regarding these two lines of inquiry: a) what happened between the parties and b) what impact there may have been to the education and/or work environment.
 - b. Based on the lines of inquiry, develop an investigative plan, which includes:
 - i. List of interviewees, including order of interviews – At a minimum the following persons should be interviewed, with the Respondent, in general, being the last party interviewed:
 1. Complainant and/or reporting party
 2. Aggrieved or victim, if different from complainant
 3. Persons you identify as potential witnesses
 - i. When interviewing students, if you have questions regarding notification of parent/guardian prior to interview, contact LER manager
 4. Respondent (or accused)
 - ii. List of documentary and physical evidence to gather and review – Documentary and physical evidence is information gathered from emails, security camera footage, text messages, online profiles, PowerSchool, personnel files, etc.
3. Conduct the investigation - Conduct the investigation from an objective, third-party approach. Discard assumptions. For example, the fact that an employee has been warned in the past about similar actions does not make them automatically culpable in the current incident.
- a. Gather documentary and physical evidence, which is based list created from investigative plan
 - i. All materials gathered should be maintained in a secure location, with the anticipation that these materials will be provided to Human Resources
 - b. Interview relevant persons
 - i. Schedule interview at a mutually agreed upon time but without any undue delay.
 1. Refer to any relevant collective bargaining agreement regarding right to representation
 2. Weingarten Rights - In 1975, the U.S. Supreme Court in NLRB v. Weingarten, Inc., extended certain rights to union employees regarding investigations. These rights may be summarized as follows:
 - i. Individual employees have the right to refuse to submit, without union representation, to an investigatory interview, which the employee reasonably believes may

result in disciplinary action. This arises only in situations where the employee requests representation.

- ii. The employee may forego this guaranteed right and, if preferred, participate in an interview unaccompanied by a union representative.
 - iii. The standard practice in the Seattle School District is to recognize that the employee has a right to request union representation in all meetings or interviews that may lead to disciplinary action. The supervisor will grant the employee's request to be represented by the union if the meeting/interview will not be delayed more than seventy-two hours (72) hours. Both parties may agree to an extension of these limits. If necessary, contact the union representative yourself to eliminate unnecessary delays. For employees represented by unions other than SEA, there is no specified timeframe for union representative availability. Refer to the employee's collective bargaining agreement (if applicable.)
- ii. Determine location of interview – take into consideration any environmental needs and/or limitations the space presents
 - 1. Provide necessary accommodations when requested
 - iii. Determine note-taking strategies, as the interview must be memorialized
 - 1. Notes of interview must include date, time, and location of interview; full name of interviewer, person interviewed, and any other persons present
 - 2. Be aware that investigatory notes are subject to disclosure under public records request
 - iv. Determine whether another person will be present with you during the interview, especially with respondent interview
 - v. Decide what questions will be asked of which interviewee. It helps to create an initial question guide to ensure you are addressing all lines of investigative inquiry
 - 1. Develop open ended questions and limit questions that only require “yes/no” response (closed question) –
 - i. What happened? (“What happened next” can be used to prompt interviewee to continue the narrative)
 - ii. Where did it happen?
 - iii. How did it happen?
 - iv. Who was present? Who else may know or have information about what happened?
 - v. Who did or said what?

- vi. Why do you think it happened?
- vii. What steps, if any, could have been taken to avoid, prevent?
- viii. Have there been other similar incidents which you have observed? If so, please describe (use same strategy of “What, when, where, who, why” questions)
- ix. Effective closure questions:
 - 1. Was there a question you were expecting to be asked that was not asked? If so, what is the question and what is your response?
 - 2. Is there anything else you believe I should know? If so, what?
- vi. General “do’s” and “dont’s” when interviewing –
 - 1. Do not interview witnesses in groups, as each person’s statement must be taken independently in order to facilitate corroboration of fact or factual finding.
 - 2. At the start of the interview, provide any necessary disclosures (i.e. the failure to provide all relevant information or truthful responses is subject to discipline), including information that any notes are subject to disclosure based on public records request
 - 3. Clearly explain the purpose of the interview and the information you are seeking from the interviewee.
 - i. At the outset, allow the interviewee to explain incident in its entirety and limit your interruptions.
 - ii. Ask for clarification when necessary.
 - iii. Review question guide to ensure each essential question has been answered before concluding interview
 - iv. Refrain from sharing what other interviewees have disclosed unless you are interviewing respondent and are seeking a response to a specific assertion or allegation made against the respondent
 - 4. Schedule sufficient time for the interview so as not to create unnecessary time pressure
 - 5. Put the interviewee at ease by employing a conversational style during the interview
 - 6. Allow for reasonable breaks when requested or when you deem appropriate (i.e. interviewee becomes overly emotional where they cannot continue without a break; interviewee becomes mildly confrontational)
 - i. Discontinue the interview if you feel or are physically threatened.
 - 7. Do not make threats or use coercion or intimidation when interviewing. Keep in mind your role is to gather information.

8. Do not discuss your opinion. Do not forecast the outcome or provide a conclusion. The conclusion is determined after all tangible evidence and interviews are completed. Additionally, you may not be the ultimate decision-maker – that determination may rest with HR management.
9. Do not promise confidentiality or anonymity as these are official District investigations, which can be subject to further adjudication (i.e. grievance, arbitration, lawsuit).
10. Allow opportunity for interviewee to provide any follow-up information by giving interviewee your contact information (i.e. email address, telephone number)
11. After interview, review and finalize the notes as soon as feasible. Make sure notes are legible, accurate, and represent what was said during the interview by each party.

Step 4: REPORT THE RESULTS OF THE INVESTIGATION

Once the investigation is complete, you need to prepare and sign an investigative report. That report should include an analysis of the results of the investigation. When reviewing your notes, ask yourself if the witnesses were credible. Are the documents reliable? Do you feel that you have learned what really happened? Draw your conclusions regarding the facts, identifying the evidence that substantiates your conclusion. Verify anything that needs to be verified and make sure the conclusion and recommendation are reasonable.

Step 5: DETERMINE THE APPROPRIATE ACTION

A. Review Findings and Consider Past Practice

Principals and administrators may impose counseling, a documented oral warning or written reprimand in consultation with your Employee/Labor Relations team. A suspension or termination must be issued by Human Resources or, in the case of teachers, the Superintendent.

The Employee Misconduct Matrix (Appendix A) is a guideline to promote consistency across the District, but it is only a guideline. Discipline can be adjusted to be more or less severe depending on the situation. If you have enough objective evidence of misconduct and you are deciding the level of discipline, you should consider the following:

- Whether there is enough objective evidence of misconduct
- The seriousness of the conduct at issue
- Whether the wrongdoer has a history of misconduct
- Has there been previous discipline for similar offenses?
- How has the District handled similar offense by other employees?

- The goal of the discipline (e.g., to correct the problem, to punish the wrongdoer, to satisfy the work force that appropriate action has been taken, to maintain a consistent response to such conduct, etc.)
- Whether there are other mitigating factors

It is wise to discuss your thoughts about how to handle the misconduct with your Employee/Labor Relations Manager. Decision making about employee misconduct should be undertaken carefully and methodically, with a view toward someday having to defend the decision in a public forum. In fact, before deciding upon any discipline, you should consider the elements of "Just Cause" for discipline.

B. Elements of Just and Sufficient Cause for Discipline

Generally, a common understanding has developed in the field of labor/management relations that just cause requires:

1. Notice to the grievant of the rules to be followed and the consequences of non-compliance;
2. Proof that the grievant engaged in the alleged misconduct;
3. Procedural regularity in the investigation of the misconduct; and
4. Reasonable and even-handed application of discipline, including progressive discipline when appropriate.

Before deciding upon any disciplinary action, you should consider the following factors that a court or arbitrator may consider when reviewing the discipline imposed *

Notice: Did the employer give the employee forewarning of the possible or probable disciplinary consequences of the employee's conduct?

Reasonable Rule: Was the employer's rule or managerial order reasonable related to the orderly, efficient and safe operations of the company's business?

Investigate: Did the employer, before administering discipline to an employee, make an effort to discover whether the employee did in fact violate or disobey a rule or order of management?

Fair Investigation: Was the employer's investigation conducted fairly and objectively?

Sufficient Evidence: During the course of the investigation, did the employer obtain substantial evidence as proof that the employee was guilty as charged?

No Discrimination: Has the employer applied its rules, orders and penalties evenhandedly and without discrimination to all employees?

Appropriate Penalty: Was the degree of discipline administered by the employer fair?

C. Progressive Discipline - What Is It?

The Seattle School District utilizes a system of progressive discipline to hold teachers and staff members accountable to their job responsibilities and our collective commitment to create safe, inclusive and welcoming environments for all. This process requires setting clear expectations and performance standards and managing behaviors that fall out of line with those expectations by creating opportunities for improvement.

Progressive discipline is founded on the principle of rehabilitation it involves using the least severe action necessary to correct behavior. If the undesirable behavior continues, the process continues with more stringent measures being imposed until the behavior is corrected or the employee is terminated. In other words, the discipline is progressive and is directly related to the seriousness of the offense and the employee's history.

That said, depending upon the facts and circumstances involved, more egregious behavior may warrant a more significant initial disciplinary action. In other words, while progressive discipline may be utilized by the Seattle School District, it is by no means “binding” on the District or on the supervisor. There are circumstances where the employee's behavior is so serious that deviating from progressive discipline may be the only option available.

D. The Steps in Progressive Discipline

Things to Consider:

- Steps 1 & 2 **MAY BE** conducted at the *Building/Work Location Level*.
- Step 3 **MAY BE** conducted at the building level in consultation with Employee/Labor Relations.
- Step 4 **MUST BE** conducted at the *District level*.

Steps may vary depending on which union represents a certain employee. Below are the steps in the SEA CBA. Please consult the employee’s specific CBA or your Employee/Labor Relations team for more specific information about progressive discipline steps.

Notifying of Expectation (Not Disciplinary): ensuring staff understand expectations and how they align with District Policies and our commitments to students, staff, and parents.

Letter of Counseling (Step 1): *Counseling is not considered a disciplinary action.* It is an important step in the disciplinary process. When counseling the employee regarding his or her behavior, be sure to do the following:

1. explain the purpose of the discussion,
2. state the problem,
3. ask the employee to comment on the stated problem,
4. clarify the issue,
5. suggest a solution,
6. express confidence in the employee and in the plan, follow up
7. document the discussion and maintain in a building file for the employee

Do not hesitate to refer the employee to Employee Assistance Program (EAP).

A letter of Counseling is not disciplinary, so it should not be provided if there was a finding of misconduct.

Documented Oral Warning or Written Warning (Step 2): If you have decided that an oral warning is the appropriate disciplinary action to take, your discussion with the employee should:

1. Define the problem,
2. Set goals for correcting the problem,
3. Set timelines for results,
4. Clearly state the consequences if the problem is not corrected
5. Express confidence in the employee.

Document the oral warning in a letter reiterating your discussion with the employee and your expectations regarding their future behavior. Follow up with the employee by reviewing their progress in meeting your expectations.

Written Reprimand (Step 3): A written reprimand should include the following:

1. Reference the specifics of the problem,
2. Clearly state the expectations,
3. Identify consequences that will occur if change isn't made.

Disciplinary letters need to advise the employee of the appeal process through their collective bargaining agreement and provide a venue to allow for rebuttal and consideration of any information that the employee provides relating to his or her conduct. Letters of written reprimand shall be provided in consultation with the Employee/Labor Relations Department. Place the written reprimand in the building file and forward a copy of the letter to Employee/Labor Relations to be placed in the employee's personnel file.

Suspension or Termination (Step 4): None of these actions may be taken by a supervisor without involvement by the Employee/Labor Relations Manager.

Any disciplinary action that affects an employee's employment status or salary entitles the person to participate in a meeting, called a "Loudermill" meeting. It provides them with a final opportunity to provide additional information related to the allegations prior to a final decision regarding the imposition of discipline.

NOTE: Employees should be allowed union or legal representation at a Loudermill meeting or at any meeting that may result in discipline being imposed.

E. Avoid Discipline Downfalls

- DO analyze the results of your investigation. In reviewing the notes, ask yourself: Were the witnesses credible? Do you know what happened based on what you have learned?
- DO determine the outcome. If you have reasonable evidence that the alleged misconduct did occur, then document the disciplinary actions taken. If you have reasonable evidence that the alleged action did not occur, then tell the employee, who was the focus of the investigation, that the results do not substantiate the complaint/suspicion. Reiterate the policy, if applicable. Remind the employee that retaliation against the complainant or witnesses is prohibited. If the investigative results are unclear, follow the steps for unsubstantiated claims/suspicions. Consider a second level investigation, if appropriate, or continue to monitor the workplace.
- DO begin using oral warnings and written reprimands as soon as it becomes apparent that counseling is not correcting the problem. DON'T wait too long to start formal discipline/ hoping that counseling alone will resolve misconduct.
- DO repeat or even skip steps in the progressive discipline process if the misconduct is severe. DON'T assume that the corrective discipline steps must always be taken or taken in order.
- DO realize that while the standards of conduct must be uniform for all, the disciplinary action for violating the rules may vary according to prior disciplinary record. DON'T be "buffaloed" by the claim that all employees must be disciplined alike.
- DO stay calm, clear and professional when a situation becomes tense and firmly let the employee know you expect improvement. DON'T aggravate the situation by becoming angry or abusive.

- DO incorporate information about oral and written reprimands and prior problems into the written reprimand document. DON'T forget to document even the beginning steps of discipline.
- DO point out, in subsequent documents, that the employee is demonstrating a pattern of disobeying rules or policies. DON'T treat each instance of improper conduct as an isolated occurrence.
- DO keep your supervisor or Employee/Labor Relations Manager informed of disciplinary measures taken, even though you can "go at it alone" through the written reprimand phase of the corrective discipline process.
- DO follow up on complaints and, if valid, appropriately discipline the employee for misconduct or neglect of duty.
- DO refer employees to the Employee Assistance Program and document the fact that you did so.
- DO use common sense at all times. DON'T hesitate to ask questions or request help!

Step 6: IMPOSE APPROPRIATE ACTION

- Provide your Employee/Labor Relations Manager with a draft of your proposed letter before you meet with the employee to impose the discipline.
- Your Employee/Labor Relations Manager will advise you on necessary and/or suggested revisions to the letter.
- Make sure to wrap up the issue. Route copies of letters as appropriate, set up additional training or EAP referrals, etc.

NOTES

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APPENDICES

Appendix A: Employee Misconduct Matrix

Appendix B: Incident Report Template

Appendix C: Letter of Counseling Template (Generic)

Appendix D: Documented Oral Warning Letter Template (Generic)

Appendix E: Written Reprimand Letter Template (Generic)

Appendix F: Employee Administrative Leave Checklist

Appendix G: Fit for Duty – Drug & Alcohol-Free Protocol

Appendix H: Fit for Duty Protocol Checklist

Appendix I: Responding to Sexual Misconduct

APPENDIX A: EMPLOYEE MISCONDUCT MATRIX

Please note, there are employee behaviors not covered in the matrix below. However, all SPS employees are expected to comply with District policies and procedures. This matrix should be used as a tool along with communication with Labor & Employee Association Relations.

Progressive Discipline	
Letter of Counseling (LOC)	Not Disciplinary (notifying of expectations) ¹
Documented Oral Warning (DOW) or Written Warning (WW)	1 st Level
Written Reprimand (WR)	2 nd Level
Suspension (S)	3 rd Level
Termination (T)	4 th Level

Progressive Behavioral Categories			
Category A	Category B	Category C	Category D
<p>Conduct violation in a single incident that has a minimal negative impact on the operations or the reputation of the Seattle School District.</p> <p><u>May Result In:</u></p> <ul style="list-style-type: none"> - Letter of Counseling - Documented Oral Warning or Written Warning 	<p>Conduct violation that has more than minimal impact on the operations or reputation of the Seattle School District or that negatively impacts relationships or creates a safety concern with students, families, staff or the public. This includes repeated acts from Category A within a reasonable period of time.</p> <p><u>May Result In:</u></p> <ul style="list-style-type: none"> - Documented Oral Warning or Written Warning - Written Reprimand 	<p>Conduct violation that has a pronounced negative impact on the operations or reputation of the Seattle School District or that negatively impacts relationships or creates a safety concern with students, families, staff or the public. This includes repeated acts from Category A or B. A single sanction or a combination of the below listed sanctions may be deemed appropriate.</p> <p><u>May Result In:</u></p> <ul style="list-style-type: none"> - Written Reprimand - Suspension 	<p>Conduct violations that are contrary to the core values of the Seattle School District and involve a substantial risk of the safety of students, families, staff or the public. This includes repeated acts from other categories. This includes acts of serious misconduct or acts of criminal conduct. This also involves any conduct that will effectively disqualify and employee from continued employment with the Seattle School District.</p> <p><u>May Result In:</u></p> <ul style="list-style-type: none"> - Suspension - Termination

¹Some non-SEA CBAs may describe LOCs as disciplinary, but typically they are not subject to arbitration and not placed in the personnel file. However, the intent is the same, which is to clarify expectations with the employee and put them on notice that similar infractions will lead to more formal discipline.

Even for first offenses, this matrix is not meant to be an exact guide. Discipline levels may be more or less severe if there are unique facts. These are typical levels of discipline for first offenses of the identified type of misconduct/policy violation. Repeated acts of the same or similar violations will lead to higher levels of discipline. This chart is meant to serve as a guide on the typical level of discipline for first offenses of the identified type of misconduct/policy violation to ensure that we are appropriately, fairly, and consistently upholding SPS standards.

Employee Conduct / Policy Violation	Supervisor/ Work Site Response	Human Resources / Central Office Response	Category			
			A	B	C	D
Attendance						
Concerns or Pattern	Must		X			
Failure to follow directive	Must		X			
Harassment, Intimidation, and Bullying (HIB)**						
Involving Staff	Can	Can	X	X		
Involving Student	Can	Can	X	X		
Insubordination						
Disregard of Direction from Supervisor	Must			X		
Disregard of District Policies	Must			X		
Vulgar/Profane Language or Action						
In the Classroom	Must			X		
At a District/School Sponsored Activity (in the Community)	Must			X		
Sexual Harassment*						
Involving a Student		Must			X	
Involving Staff		Must			X	
Discrimination (Intentional or Other)						
Involving a Student	Can	Can		X	X	
Involving Staff	Can	Can		X	X	

Unprofessional Boundaries*						
Social Media / Technology Use		Must			X	X
Personal Space / Physical Boundaries		Must			X	X
Inappropriate Physical Intervention*						
Means of Discipline		Must			X	X
Against Student IEP		Must			X	X

*Office of Professional Practice (OPP) Referral and/or Police Report Required

** For 5207 HIB Reports/Complaints, HR reserves the right to determine the assignment of investigator. Specifically, HR may assign a central-office based investigator or assign the investigation to a building administrator/worksite supervisor.

APPENDIX B : INCIDENT REPORT TEMPLATE

This form is to be completed by a principal, manager or supervisor when an incident involves a staff person and requires an investigation. Answer each question as completely as you can, attach signed witness statements and all relevant correspondence, including emails. Forward the completed form with attachments to your Employee/Labor Relations manager.

Date incident occurred:

Date incident reported:

School/building and specific location where incident occurred:

Name and phone number(s) of administrator in charge at location:

Name and phone number(s) of person(s) reporting the incident:

Name and phone number(s) of person receiving the report:

Description of incident and/or allegations:

Name and phone number(s) of person(s) accused:

Name and phone number(s) of any alleged victim(s):

Name and phone number(s) of witnesses:

Was the Seattle Police Department notified? Yes No n/a

Was Child Protective Services notified? Yes No n/a

Was Employee/Labor Relations notified? Yes No

Comments:

APPENDIX C: LETTER OF COUNSELING TEMPLATE (GENERIC)



Date

Delivered via email [insert work email address]

Employee Name

Title

School

RE: Letter of Counseling

Dear [First and/or Last Name],

The purpose of this letter is to clarify my expectations regarding [insert brief description of behavioral issue – i.e. your professionalism around staff and students].

If an investigation was conducted with no findings include language to the effect of:

Thank you for meeting with me and [insert additional parties present, and their titles] on [insert date] to discuss concerns that were raised about [insert behavioral description – i.e. your professionalism around staff and students]. Specifically, it was alleged that you [insert specific allegations].

[Document Investigative findings including Employee response]

During our meeting we discussed these allegations and you responded to each of them [include detailed responses to each allegation].

Based on the investigative findings, I cannot conclude based on the preponderance of evidence standard that you [insert summary of allegations], however, as we discussed in our meeting I would like to ensure you have a clear understanding of my expectations going forward. In accordance with Board Policy No. [insert policy number and title], any future [insert behavior] will not be tolerated.

If no investigation was conducted and this letter is solely to clarify expectations include language to the effect of:

By way of background, on [insert date(s)] I was made aware of [insert brief yet specific description of employee conduct]. In accordance with Board Policy No. [insert policy number and title], this behavior will not be tolerated.

Note whether letter/adherence to expectations will be used as evaluation evidence (SEA employee specific – if you met the 5-day notice period):

Additionally, I would like to call your attention to Component [insert component identifier] of the Danielson Framework for Teaching (*or applicable rubric if not teacher*), [insert the name of the component]. Proficient performance in [insert component identifier] is defined in part as [insert the relevant rubric language]. This includes ensuring that you [insert specific

action/behavior] as evidence of satisfactory performance. Please take note that Component **[insert component identifier]**, describes unsatisfactory performance in part as **[insert the rubric language for unsatisfactory performance]**.

Lastly include behavioral directives/expectations in all counseling letters:

In the future I am directing that you **[insert directives, i.e. contribute to the District’s commitment to ensure a welcoming and inclusive educational environment for all students...]**. I am also directing you to refrain from... **[list all directives that ensure future employee behavior relevant to the current issue will not be tolerated]**.

Failure to adhere to these expectations may result in progressive disciplinary action and may also be evidence of unsatisfactory performance. Please let me know if there are any forms of assistance that will help you adhere to these expectations. Absent such request, I will assume that you understand and are prepared to meet the above expectations as outlined in this letter.

Sincerely,

[Administrator/Assistant Principal/Supervisor Name]
[Title, School/Department name]

cc: **[Principal if applicable]**
[LER Manager], Manager, Labor and Employee Relations

APPENDIX D: DOCUMENTED ORAL WARNING LETTER TEMPLATE (GENERIC)

Date

Delivered via USPS/Certified Mail (Return Receipt Requested)

Employee Name
Address
City, WA Zip



RE: Documented Oral Warning

Dear [First and/or Last Name],

The purpose of this letter is to document a formal warning regarding [insert brief description of behavioral issue – i.e. your professionalism around staff and students], and to clarify my expectations going forward in accordance with the following District Board Policies:

- [insert list of relevant District Board Policies
- i.e. District Board Policy No. 5281 – Staff Disciplinary Action and Discharge,
- District Board Policy No. 5207 – Prohibition of Harassment, Intimidation and Bullying (HIB), related to Adults, and
- District Board Policy No. 3207 – Prohibition of HIB, related to Students.]

Document Allegations:

By way of background, on [insert date(s) you learned of alleged behaviors] I was made aware of concerns regarding [insert behavioral description – i.e. your professionalism around staff and students]. Specifically, it was alleged that you [insert specific allegations].

Document Investigative Findings:

I conducted an investigation into this matter and have made the following findings. [Insert summary of findings leading up to employee response].

[Insert summary of employee response]

On [insert date], I met with you in the presence of [insert name of Union Representative, Union Representative]. Also present during this meeting were [insert additional parties present, and their titles]. During our meeting we discussed the allegations and you responded to each of them [include detailed responses to each allegation].

[Insert summary of conclusions]

Based on the preponderance of evidence standard, I have determined that you [summarize conclusions regarding employee alleged behavior and why you are making those conclusions, i.e. why does the preponderance of evidence lead you to conclude the employee committed the misconduct].

Summarize Policy Violations:

[Insert relevant District Board Policy language and describe why the Employee's behavior is in violation of each policy]

District Board Policy No. [insert policy number], [insert policy title] states in relevant part [insert relevant quote “” or summary from policy]. Your behavior clearly violated this policy by the fact that you [insert determination/justification(s) regarding how employee behavior violated policy]. This is unacceptable and will not be tolerated.

[repeat above paragraph as needed for each policy violation – and/or consolidate if/when appropriate i.e. if policy language for more than one policy and justification for violation of those policies is similar, still citing each relevant policy and how they were violated]

Summarize Previous Coaching/Counseling/Discipline/etc where expectations were outlined to deter employee from engaging in current behaviors:

This is not the first time you have been made aware of the District’s expectation that you [insert expected behavior]. On [insert date] you received a [insert previous form of communicated expectations i.e. Coaching, Counseling Letter, etc] for [insert behavioral summary], that directed you to [reiterate previous expectations].
[repeat above paragraph as needed]

Note whether disciplinary letter will be used as evaluation evidence (SEA employee specific – if you met the 5-day notice period):

Additionally, I would like to call your attention to Component [insert component identifier] of the Danielson Framework for Teaching (*or applicable rubric if not teacher*), [insert the name of the component]. Proficient performance in [insert component identifier] is defined in part as [insert the relevant rubric language]. I consider your [insert specific action/behavior] to evidence unsatisfactory performance in Component [insert component identifier], described in part as [insert the rubric language for unsatisfactory performance].

Lastly include/reiterate behavioral directives/expectations:

In the future I am directing that you [insert directives, i.e. contribute to the District’s commitment to ensure a welcoming and inclusive educational environment for all students...]. I am also directing you to refrain from... [list all directives that ensure future employee behavior relevant to the current issue will not be tolerated].

Failure to adhere to these expectations may result in progressive disciplinary action and may also be evidence of unsatisfactory performance. Please let me know if there are any forms of assistance that will help you adhere to these expectations. Absent such request, I will assume that you understand and are prepared to meet the above expectations as outlined in this letter.

Sincerely,

[Administrator/Assistant Principal/Supervisor Name]
[Title, School/Department name]

cc: [Principal if applicable]
[LER Manager], Manager, Labor and Employee Relations

APPENDIX E: WRITTEN REPRIMAND LETTER TEMPLATE (GENERIC)



Date

Delivered via USPS/Certified Mail (Return Receipt Requested)

Employee Name
Address
City, WA Zip

RE: Written Reprimand

Dear [First and/or Last Name],

This letter serves as a Written reprimand for [insert brief description of behavioral issue – i.e. your professionalism around staff and students] in accordance with the following District Board Policies:

- [insert list of relevant District Board Policies
- i.e. District Board Policy No. 5281 – Staff Disciplinary Action and Discharge,
- District Board Policy No. 5253 – Maintaining Professional Staff/Student Boundaries, and
- District Board Policy No. 3207 – Prohibition of Harassment, Intimidation and Bullying, related to Students.]

Document Notification of Investigation and Allegations:

By way of background, on [insert date employee was notified of District investigation into allegations], you were informed the District was investigating allegations that you [insert behavioral description – i.e. your professionalism around staff and students]. Specifically, it was alleged that you [insert specific allegations].

Document Investigative Findings:

Based on information that was reported to the District by witnesses and based on the investigation which included interviews with you, the District found that you engaged in the following specific behaviors:

- [insert bulleted list of findings
- i.e. for at least a period of two weeks, you were in communication with three former BHIS students on their personal telephones and/or social media accounts;
- you did not tell students it was inappropriate to communicate with them via personal telephone numbers or social media accounts;
- you hugged multiple students front-to-front.]

[Insert summary of conclusions]

Based on the preponderance of evidence standard, I have determined that you [summarize conclusions regarding employee alleged behavior and why you are making those conclusions].

Summarize Policy Violations:

[Insert relevant District Board Policy language and describe why the Employee’s behavior is in violation of each policy]

District Board Policy No. **[insert policy number]**, **[insert policy title]** states in relevant part **[insert relevant quote “” or summary from policy]**. Your behavior clearly violated this policy by the fact that you **[insert determination/justification(s) regarding how employee behavior violated policy]**. This is unacceptable and will not be tolerated; **[insert explanation regarding why this is unacceptable by the District]**.

[repeat above paragraph as needed for each policy violation – and/or consolidate if/when appropriate i.e. if policy language for more than one policy and justification for violation of those policies is similar, still citing each relevant policy and how they were violated]

Summarize Previous Coaching/Counseling/Discipline/etc where expectations were outlined to deter employee from engaging in current behaviors:

This is not the first time you have been made aware of the District’s expectation that you **[insert expected behavior]**. On **[insert date]** you received a **[insert previous form of communicated expectations i.e. Coaching, Counseling Letter, etc]** for **[insert behavioral summary]**, that directed you to **[reiterate previous expectations]**.

[repeat above paragraph as needed]

Note whether disciplinary letter will be used as evaluation evidence (SEA employee specific – if you met the 5-day notice period):

Additionally, I would like to call your attention to Component **[insert component identifier]** of the Danielson Framework for Teaching (*or applicable rubric if not teacher*), **[insert the name of the component]**. Proficient performance in **[insert component identifier]** is defined in part as **[insert the relevant rubric language]**. I consider your **[insert specific action/behavior]** to evidence unsatisfactory performance in Component **[insert component identifier]**, described in part as **[insert the rubric language for unsatisfactory performance]**.

Lastly include/reiterate behavioral directives/expectations:

In the future I am directing that you **[insert directives, i.e. contribute to the District’s commitment to ensure a welcoming and inclusive educational environment for all students...]**. I am also directing you to refrain from... **[list all directives that ensure future employee behavior relevant to the current issue will not be tolerated]**.

Failure to adhere to these expectations may result in progressive disciplinary action and may also be evidence of unsatisfactory performance. Please let me know if there are any forms of assistance that will help you adhere to these expectations. Absent such request, I will assume that you understand and are prepared to meet the above expectations as outlined in this letter.

Sincerely,

[Administrator/Assistant Principal/Supervisor Name]
[Title, School/Department name]

cc: **[Principal if applicable]**
[LER Manager], Manager, Labor and Employee Relations



Employee Administrative Leave Checklist

An employee can only be placed on Administrative Leave with approval from the Chief Human Resource Officer.

SEATTLE
PUBLIC
SCHOOLS

Please see the below guidance and support to ensure a smooth transition for yourself, the employee, and the classroom. Complete this document and maintain for your records.

Employee Information

Name: _____ Job Title: _____

Date Human Resources Approved of Administrative Leave (Effective Leave Date): _____

Reason for Administrative Leave: _____

Inform employee that they are being placed on Administrative Leave. Provide the employee with the Labor Relations generated Administrative Leave letter and associated FAQ sheet. The FAQ will provide the employee answers regarding the administrative leave. The letter should provide them information on who to call if they have further questions. This includes: No access to District property or District sponsored events.

Obtain Employee's Personal Contact Information. Explain that we will be shutting down their District email and that is why we will need personal information to get ahold of them.

Email Address: _____

Phone Number: _____

Contact Substitute Office, if a substitute is needed/and available to cover the absence for the employee on leave. When Human Resources puts in the paperwork for the administrative leave, the funding for that employee will move to HR's budget to free up your budget for the substitute.

Direct Employee to Collect Essential Personal Belongings. Stay with the employee and allow them a few minutes to collect essential belongings such as their purse, wallet, keys, phone. This is a temporary status, so they do not need to box up all their belongings.

Employee may NOT take with them any District Property so you should temporarily gather from them:

District Laptop

ID Badge

District Keys

Any Work-Related Items (USB's, Books, Notepads)

Escort Employee Off District Property - Notify Labor Relations Manager after Employee has left

- LER Manager will Complete Action Notice
- LER will suspend Badge, Network Access and Notify Security Office, as necessary

Consult with LER Manager to determine if it is appropriate and/or necessary to provide families with information regarding the Administrative Leave.

Upon Completion of this Form: Copy and Send to Labor Relations Manager



Administrator Guidance: Fit for Duty Protocol– Drug-Free Schools, Community & Workplace

[School Board Policy 5201](#) prohibits employees from reporting to work under the influence of a controlled substance and/or using, selling a controlled substance on District property.

A public employer may require an employee to take a drug test when there is reasonable suspicion that the employee has violated the employer’s drug policy.

Reasonable suspicion means a belief that an employee is under the influence or has used drugs or alcohol in violation of the employer’s policy, drawn from specific, objective, and articulated facts and reasonable inferences drawn from those facts considering experience.

- Among other things, such facts and inferences may be based upon:
 - Observable phenomena while at work, such as direct observation of drug or alcohol use or physical sign or symptoms or manifestations of behavior that reasonably indicate the individual is under the influence of a drug or alcohol
 - Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance
 - A report of drug or alcohol use, provided by a reliable and credible source
 - Evidence that an individual has tampered with a drug or alcohol test during employment with the current covered employer
 - Information that an employee has caused, contributed to or been involved in an accident while at work
 - Evidence that an employee has used, possessed, sold, solicited or transferred drugs or used alcohol while working or while on the covered employer’s premises or while operating the covered employer’s vehicle, machinery or equipment

Violation of this Protocol by Any Employee Can Result in a Reference to OPP under the below Category:

- Acts of Unprofessional Conduct ([WAC 181-87](#))
 - Alcohol or controlled substance abuse ([WAC 181-87-055](#))
 - Under the influence on school premises/school-sponsored activity involving children (requires prior notification to educator and opportunity to seek assistance).
 - Possession, use, or consumption on school premises/school sponsored activity of a Schedule 1 or Schedule 2 controlled substance.
 - Consumption of an alcoholic beverage on school premises/school sponsored activity involving students if violation of WA law or SPS policy.
 - Possession of marijuana or marijuana-infused product on school premises/school sponsored activity involving students if violation of WA law or SPS policy.
 - Furnishing alcohol or controlled substance to students ([WAC 181-87-085](#))

Appendix H: Fit for Duty Protocol Checklist



Checklist for District Administrators - Fit for Duty Protocol

Guidance for reporting an employee¹ who manifests signs, symptoms, or other behaviors that reasonably suggest the person may be under the influence.

If you smell the odor of intoxicants or other drugs or observe symptoms, try to get another administrator to observe the employee/staff member as well; if that is not possible, and you're concerned about what you've observed, follow the below guidance:

Prior to Contacting Human Resources/Labor Relations:

Gather Information

Observations: What do you smell with respect to any odor of intoxicant or drug? Was the employee late to work? What are any physical signs to indicate the individual is under the influence (examples – disheveled appearance, watery or bloodshot eyes)

Detailed Behaviors: Are their actions unusual or inappropriate to the setting? Is there a difference in speech (e.g. slurring), how they walk, their level of coherence and/or consciousness (e.g. appear dazed or “spacey”, seem to be on verge of passing out); are they vomiting?

Document time & events: What time did you notice these behaviors? Since first noticed, have the behaviors lessened or increased

Preserve the scene, if applicable: Do not offer them coffee or a place to sleep.

Do Not send the employee home: direct the individual to remain in an appropriate place.

Keep employee contained, if applicable: Have someone monitor them, make sure they are not around students unsupervised and do not allow them to get in their vehicle to leave if you suspect they are under the influence.

If medical care is necessary (i.e. if person loses consciousness): call 911

If the employee insists on leaving the building in their vehicle, the administrator should let the employee know that they will be contacting SPD and reporting that the employee appears to be under the influence and has left the building operating a vehicle. The administrator may be asked for the license plate number of the vehicle.

Questions to Consider asking the employee

Have you been drinking alcohol?

When was the last time you consumed alcohol? Amount?

Have you taken any prescription and/or other drugs/substances?

Are there any prescription drugs/substances on personal and/or District property?

Contact Labor Relations Manager

Labor Relations department will arrange for a drug/alcohol test, as appropriate and contact District Security to arrange an escort.

Testing Options:

- Alcohol
- 10 Panel Drug
- DOT 10 Panel Drug and Alcohol

Labor Relations Contacts District Safety and Security Office

A school administrator will accompany the employee and Safety and Security Specialist to the testing facility. If Safety and Security staff cannot remain with the employee at the testing facility, the administrator will remain with the employee until the testing has concluded. At the conclusion of testing, make sure the employee is driven home/is able to drive home before releasing.

¹ **Non-Represented employees, Hourly Staff, volunteers** do not need to be tested; with satisfactory evidence can move forward to End of Assignment in consultation with Labor Employee Relations Manager/Director

Employee refusal to remain in place/follow instruction is subject to progressive discipline. If an employee is refusing to be tested, work with your Labor Relations Manager for appropriate next steps.

Test results will be sent to Central Office - Labor Relations LER manager will provide appropriate follow-up, for both Negative and Positive test results

Returning to Work Following Testing:

Discuss with appropriate Labor Relations Manager to determine course of action to take while waiting for testing results and after results have been provided.

Potential Actions Include:

- Administrative Leave until test results are received
- Work Conference with Supervisor prior to returning to work
- Assessment with Employee Assistance Program (EAP)
- Suspension or Termination

Appendix I: Responding to Sexual Misconduct



Responding to Allegations of Sexual Misconduct: School Leaders & Administration

All educators and staff are held responsible for and will report to a school leader (i.e. Principal, Assistant Principal) any suspicion or allegation of sexual misconduct by a staff member toward a student.

Reports to a school leader may include, but not be limited to:

- Any sexually exploitive act with or to a student. Sexually exploitive acts include, but are not limited to:
 - Any sexual advance, verbal, written or physical.
 - Sexual intercourse, as defined in RCW 9A.44.010.
 - Sexual contact, i.e., the intentional touching of the sexual or other intimate parts of a student except to the extent necessary and appropriate to attend to the hygienic or health needs of the student.¹
- Any activities determined to be grooming behavior for purposes of establishing an emotionally intimate or sexual relationship
- Indecent exposure
- Sexual harassment of another
- Commission of a criminal sex offense
- Sexual abuse or sexual exploitation of any minor (in dependency or domestic relations proceeding)
- Suspicion and /or observation of unprofessional boundaries with a student ([Policy No. 5253](#))
- Electronic communication (e.g. text messages, social media posts or direct messages) that is deemed unprofessional and in violation of maintaining professional boundaries

Beginning an Investigation

- **Determine the appropriate school leader to obtain preliminary information of the alleged incident**
 - If school has both Principal and Assistant Principal, Principal and Assistant Principal(s) should discuss who will be taking the lead on the school-based response. Factors to consider when determining as to which school building leader will be responsible include, but are not limited to:
 - Type of incident
 - Number of students involved
 - Extensiveness of impact to school community (i.e. individual students, classroom, grade-level, entire school)
 - If it is determined that an assistant principal will be the primary school leader responsible, all communications should still “cc” the school principal.

¹ Note that no student can consent to any form of sexual activity with a school employee. See RCW 9A.44.093. Consequently, allegations which include assertions of sexual contact between a staff member and a student would be construed as an allegation of sexual assault for purpose of a district investigation.

- **Contact the appropriate Labor Relations Manager**
 - Inform the Labor Relations Manager of the allegations
 - It will be determined if it is appropriate for a school-based investigation, or if a central-office based investigator will take over
 - Discuss the next steps with Labor Relations
- **Contact Title IX Office**
 - For specific incidents that include allegations of conduct of a sexual nature by a staff member toward a student (i.e. sexual intercourse, sexual contact, sexual harassment, etc.), the Title IX Office **MUST** be contacted – 252-0367 or title.ix@seattleschools.org. Therefore, out of an abundance of caution, it is recommended that Title IX Office is contacted for any incidents of this nature.
- **Determine whether outside agency/ies need to be notified**
 - Review “Quick Reference Guide” (i.e. Safety & Security red flip folder) for information regarding reporting of child abuse and sexual assault of a child
 - Seattle Police Department – when alleged aggressor is not a family/household member
 - Child Protective Services – when alleged aggressor is a family/household member
- **Review "District Administrator Guidance for Handling Employee Misconduct and Conducting Internal Investigations"**
 - After consultation with Labor Relations Manager (and Title IX Office, as appropriate), if it is determined that response/investigation of the report will be school-based, this document provides guidance steps

Notifying Families and the SPS Community (as applicable)

- Even in those instances when a central office based investigator is assigned to conduct an investigation, school leader may still need to develop broad-based communications to the school community. Always consult with Labor Relations (and Title IX Office,) and Communications Department on what is appropriate to share with school families and the surrounding SPS community. **If needed, develop communication plan for staff, students, and families. For any written communication, consider language translation needs for students, staff, and families**
 - Common messaging
 - Information
 - Shared at the same time and determine audience/recipients (i.e. only families involved, classroom, grade level, all school, etc.)
 - Identify specific staff in the building for students, families, and staff to access for supportive measures
- **Family (ies) involved are contacted to ensure accurate information is collected within 48 hours**
 - For incidents that fall within Title IX policy (i.e. sexual harassment, sexual assault), specific notifications **MUST** be made to family of alleged victim.
 - The Title IX Office will need to work with the school’s primary lead on those formal notifications.

- Determine what information can be shared with families, grade level and/or school-wide
 - Connect with Public Affairs & Communications for support for broad-based communication, including school-wide communication at 206-252-0200 or publicaffairs@seattleschools.org
- **Identify other community supports/resources that can partner/help the school in this work**
 - Community-based organizations – Health & Counseling Services if student(s) receive services
 - Counselor or identified adult support
 - Special Education Department or 504 Coordinator for those aggrieved students who are qualified students with disabilities
 - Safety & Security (if needed)
 - District PBIS and Coordinated Health Team
- **School leader provides timely and accurate information to the school community/staff (e.g., emergency staff meeting, email to staff, letter home to families, family night, inform all students at the same point in time during the school day, etc.)**
 - Denouncing the act
 - Acknowledging the pain and the impact of the incident
 - Validating the pain and the impact of the incident
 - Student confidentiality must be adhered to
 - Develop plan and messaging for parents who need extra support and are seeking additional information (such as who to contact, how the front office staff should respond to calls, etc.)

Preparing the Appropriate Environment for Students and Staff

- **Determine system to identify and refer students/staff who may need additional supports. This may include:**
 - Contact the Behavior & Discipline Office to consult with Coordinated Health Services (206-252-0822)
 - Community circle meetings in class or in groups
 - Check-ins with identified staff members
- **Determine if an on-site support space is needed**
 - Establish location and materials needed, and staff members who will be available to be present and provide support
- **Notify other school sites as appropriate (i.e., proximity to the school, connection through social media, schools of siblings, etc.)**

Moving Forward

- **School leader will need to provide ongoing communication that is timely and accurate.**
 - Communicate with relevant parties the findings (follow guidelines from above)
 - These should be audience-specific communications – i.e. aggrieved student/family may receive more information than the general school community regarding findings
 - Consult with Human Resources and/or Legal regarding any limitations on disclosing corrective action, other information which may be considered confidential
 - Questions to consider when crafting communications –
 - How is the school community going to address any unintentional impact/harm?
 - What learning or action steps must happen for the whole school community to be able to move forward together?

- **Develop a plan for continued communication between administrators, staff, students, and families.**
 - Determine follow-up communications on a:
 - Weekly, Monthly or Yearly basis – set timeline

- **Schedule debrief meeting within one to two weeks and monthly to ensure school-wide supports are in place and monitored.**
 - Questions to consider when developing action plan regarding school-wide supports and tools:
 - What is are the systems that still need to be in place? What action steps have been completed? What action steps still need to be completed?
 - Is communication to staff and families clear, consistent, and timely?
 - What professional learning is needed? What are the steps being taken to implement any needed professional learning?
 - Examples include - trauma informed practices; responding to hate & bias for Educators; PBIS Systems, etc.

