

	<p style="text-align: center;">STAFF DISCIPLINARY ACTION & DISCHARGE</p>	<p>Policy No. 5281</p> <p>April 3, 2024</p> <p>Page 1 of 3</p>
---	--	--

Staff who fail to fulfill their job responsibilities or follow the reasonable directions of their supervisor; who conduct themselves on or off the job in ways that significantly impact their effectiveness on the job; engage in unprofessional conduct; or violate District policies or written rules, will be subject to discipline.

Behavior, conduct, or action that may generate disciplinary action or discharge may include, but is not limited to:

1. Violating District policies, guidelines, or workplace rules, including safety rules;
2. Insubordination;
3. Sexual misconduct;
4. Conviction of or pleading guilty to 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 their job duties;
5. Unprofessional conduct (defined in Board Policy No. 5006, Unprofessional Conduct of Staff);
6. Falsifying applications materials or District records, timesheets, or reports;
7. Intentional discrimination;
8. Intentionally damaging the property of the District or of another;
9. Vulgar or profane speech or actions;
10. Tardiness;
11. Absence without authorization or an approved excuse;
12. Illegal use or possession of controlled substances or drugs;
13. Use or possession of alcoholic beverages on school premises or at a school-sponsored student activity off the school premises;
14. Possession of an unauthorized weapon on District property;
15. Use of tobacco in violation of District policy;
16. Use of District supplies and equipment for personal betterment or financial gain;
17. Theft;
18. Inappropriate touching of students;
19. Inappropriate use of physical force on students;
20. Assault and fighting;

21. Harassing, bullying, and intimidating behavior, including the use of threats;
22. Inappropriate online socializing with students; and
23. Inappropriate use of the District network.

Discipline shall be reasonably appropriate to the circumstances and may include suspension or discharge. The District will follow any applicable due process and just cause or proper cause standards contained in collective bargaining agreements. The Superintendent or their designee is authorized to create a *District Guide to Handling Employee Misconduct*.

Abuse or Misconduct

In the event that allegations or charges are made against a staff member for misconduct with minors and/or students, the Superintendent or their designee will work with law enforcement and/or child protective services regarding the allegations or charges. Discharge or other adverse action affecting the contract status of certificated staff shall be instituted by the Superintendent or their designee in the manner prescribed by law.

When allegations of sexual, verbal, or physical abuse are made against an employee, the District shall make a determination whether the abuse or misconduct occurred. When there is reasonable cause to believe that a child has suffered abuse or neglect, the required school person(s) shall report the incident to the proper law enforcement agency or state agency as required under RCW 26.44.

If the District determines that sufficient information exists to conclude that the abuse or misconduct occurred and that the abuse or misconduct resulted in the employee's leaving their position at the District, the District must forward known information about the employee's sexual misconduct to prospective school district employers when contacted.

Pursuant to state law, the District is prohibited from entering into any contract, resignation agreement, or severance agreement that has the effect of suppressing information about verbal or physical abuse or sexual misconduct by a present or former employee. Neither shall the District expunge such information from the employee's personnel or investigative file. "Verbal abuse," "physical abuse," and "sexual misconduct" are defined in WAC 181-88.

State Professional Code of Conduct

In cases where the allegations involve violations of the state Professional Code of Conduct for certificated staff, the Superintendent shall file a report with the Office of Professional Practice in the state Superintendent's Office. When the district or Superintendent discharges, fails to renew the contract or permits a certificated staff member to resign for violating the Professional Code of Conduct,

the Superintendent shall notify the Office of Professional Practice of such termination of employment.

Adopted: April 2012

Revised: April 2024

Cross Reference: Policy Nos. 5006; 5050

Related Superintendent Procedure:

Previous Policies:

Legal References: RCW 28A.400.300 Hiring and discharge of employees — Leaves for employees — Seniority and leave benefits, retention upon transfers between schools; RCW 28A.400.340 Notice of discharge to contain notice or right to appeal if available; RCW 28A.405.300 Adverse change in contract status of certificated employee — Determination of probable cause — Notice — Opportunity for hearings; RCW 28A.405.310 Adverse change in contract status of certificated employee, including non-renewal of contract — Hearings — Procedure; RCW 28A.410.090 Revocation of authority to teach; RCW 28A.400.320 Mandatory termination of classified employees; RCW 28A.405.470 Mandatory termination of certified employees; RCW 28A.400.340 Notice of discharge to contain notice of right to appeal if available; WAC 181-86 Policies and procedures for administration of certification proceedings; WAC 181-87 Acts of Unprofessional Conduct; WAC 180-44-060 Drugs and alcohol — Use of as cause for dismissal
Management Resources: *WSSDA Policy & Legal News*, March 2019; October 2004