

REVISED POLICY - VOL. 29, NO. 2

STAFF DISCIPLINE

~~Teachers whose employment is regulated by the provisions of MCL §§38.71 through 38.191, inclusive, shall be disciplined, demoted or dismissed only for a reason that is not arbitrary or capricious. The Board shall not adopt, implement, or maintain a policy or standard for discipline, demotion, or dismissal of teachers that is different from the standard within Section 101 of the Michigan Teachers' Tenure Act.~~

~~The Superintendent or designee shall ensure that decisions regarding the discipline, demotion and dismissal of public employees whose employment is regulated by MCL §§38.71 through 38.191 are consistent with this policy and the legal authority cited above.~~

~~The development, content, standards, procedures, adoption and implementation of policies and procedures relating to the discipline, demotion and discharge of teachers, as well as administrative decisions concerning the discipline, demotion or dismissal of teachers, shall not be the subject of any terms and conditions within a collective bargaining agreement between the District and a collective bargaining representative of teachers.~~

~~The Superintendent or designee may develop and adopt administrative guidelines that detail the standards or procedures for the discipline, demotion, and/or dismissal of employees subject to this policy.~~

~~Whenever it becomes necessary to discipline a member of the staff, the Board of Education directs the Superintendent to shall utilize related procedures described in the current negotiated agreement, if applicable. All matters that could involve teacher discharge or suspension of fifteen (15) days or more without pay from the District must be dealt with in accordance with the Teacher Tenure Act.~~

~~() related procedures described in the current negotiated agreement, if applicable.~~

~~(x) the following principles and procedures.~~

A teacher may only be discharged, demoted or otherwise disciplined for a reason that is not arbitrary or capricious. In all instances, discipline, discharge and demotion shall occur in accordance with the statutory requirements under the Teacher Tenure Act and the Revised School Code.

The teacher shall be provided with oral or written notice of the issue or incident being investigated by the appropriate administrator.

(+) ~~appropriate administrator.~~

(+) ~~Superintendent.~~

The administrator/Superintendent shall conduct an investigation of any alleged act or omission by a teacher that could result in disciplinary action. The investigation shall include, at a minimum, interviews of appropriate persons and a meeting with the subject teacher and, if requested ~~or if required by the bargaining agreement,~~ his/her designated representative (either another employee or a union representative if part of a bargaining unit). The teacher shall be advised of the alleged act or omissions and provided an opportunity to respond to the complaint. Prior notice of this meeting shall be provided to the teacher for any discipline that will result in a suspension or loss of pay. The meeting shall not proceed without the teacher's designated representative; however, the meeting shall not be unduly delayed to secure the attendance of the teacher's preferred representative. The District may substitute another representative from the union to timely process the investigation.

After completion of the investigation, if discipline is to be imposed, the teacher shall receive written notice of the discipline and this notice shall also be placed in the teacher's file.

Discipline can include, but is not limited to:

- A. written warning;
- B. written reprimand;
- C. suspension (paid or unpaid);
- D. discharge.

The District does not have to apply discipline in a progressive manner, but, rather, may impose discipline consistent with seriousness of the teacher's conduct, as determined by the District. Additionally, nothing in this policy limits the District's right to take other appropriate action, such as placing a teacher on administrative leave during the pendency of an investigation or issuing a counseling memorandum, which is considered instructional, not disciplinary.

[x-] If it appears that disciplinary action beyond written reprimand may be necessary, the administrator should contact the Superintendent to discuss the disciplinary action that is to be taken.

- (-x) ~~**[only applicable if original investigation conducted by another administrator]**~~ Any disciplinary action that is not subject to Board review as described below may be submitted to the Superintendent for review within five (5) work days of the teacher's receipt of the written confirmation. The Superintendent is not required to conduct an independent investigation. S/He shall meet with the administrator who issued the discipline and with the teacher and his/her designated representative, if requested. The Superintendent may affirm, revise or reject any disciplinary action taken against a teacher and his/her decision is final.

~~[-x] The administrator's decision to impose any disciplinary action that is not subject to Board review, as described below, is final. The following disciplinary action is subject to Board review:~~

- ~~A. discharge of a tenured or probationary teacher;~~
- ~~B. demotion of a tenured teacher (which includes suspension for fifteen (15) or more consecutive days without pay or a reduction in compensation by more than equivalent of thirty (30) days compensation in one (1) school year);~~
- ~~C. non-renewal of a probationary teacher;~~
- ~~D. discharge, demotion or non-renewal of an administrator.~~

~~Using due process procedures, the Superintendent shall conduct an investigation, as appropriate to the situation, including providing the employee with reasonable notice and the opportunity to respond. If it appears that disciplinary action beyond verbal reprimand may be necessary, s/he should~~

~~(-) contact the school attorney to~~

~~determine the disciplinary action that should be taken and so inform the Board President who shall determine whether or not a report should be made to the Board in open session, unless a closed session is requested by the staff member.~~

~~A suspension without pay may be invoked. The length of the suspension will be at the discretion of the Superintendent according to the severity of the violation. The Board~~

~~(-) strongly recommends~~

~~(-) requires~~

~~that before such suspension is invoked the Superintendent contact the school attorney.~~

~~The Board requires that all disciplinary actions involving loss of pay and/or suspension be submitted to the Board for review~~

~~(-) prior to the action being taken.~~

~~(-) as soon as possible after the action has been taken.~~

~~The Superintendent should ascertain whether or not the staff member wishes such a report to be made in a closed session of the Board.~~

~~M.C.L. 38.74, et seq.~~

~~M.C.L. 38.101 et seq., 38.74, 380.1230d, 380.1535a~~

~~Approved 6/12/17~~

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