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3139 - STAFF DISCIPLINE

The Board retains the right and the responsibility to manage the workforce. When the discipline of a staff member becomes necessary, such action shall be consistent with the requirements of any applicable Board policy, and State and Federal law. The District Administrator may issue discipline when ~~she/he deems d~~ deemed appropriate; however, student performance on examinations may not form the basis for staff discipline. This policy does not cover decisions to terminate or nonrenew a staff member's employment ~~or accepting a staff member's resignation~~ (see Policy 3140 - Non-Renewal, Resignation, and Termination).

Investigation of Possible Criminal Activity

The District may be required to investigate potential wrongdoings on the part of its employees, and such wrongdoing in some cases may involve potential criminal conduct and/or co-occurring law enforcement investigation. Such investigations may still require that the employee truthfully answer questions relating to the activity, and refusal to answer may result in discipline up to and including termination. iminal conduct and/or co-occurring law enforcement investigation. Such investigations may still require that the employee truthfully answer questions relating to the activity, and refusal to answer may result in discipline up to and including termination. Employees required to respond to questions regarding potential criminal activity are permitted to do so without waiving any Constitutional rights against self-incrimination that may apply during the course of a criminal investigation. As appropriate, employees will be informed of this right, through what is often referred to as a "Garrity Warning". ~~Employees may be required to answer such questions. Failure to cooperate in an investigation may result in discipline, up to and including termination of the employee. In cases where this possible wrongdoing may involve criminal activity, the District shall inform~~ The Garrity Warning informs the employee the employee is required to respond to questions posed during the investigation and that answers to questions relating to the employee's conduct may be used by the District for determining appropriate discipline, but will not be provided to law enforcement officials in the course of their independent criminal investigation, unless otherwise required by law. ~~Employees must also be informed that refusal to answer questions may be considered in determining discipline.~~

Staff may be disciplined for violations of Board policy or for other failures to meet the expectations and obligations of their position. No staff member may be subject to arbitrary or capricious disciplinary action, or disciplinary action that is otherwise in violation of law ~~or public policy.~~

The District Administrator may issue discipline to staff members when ~~she/he deems~~ deemed appropriate. The level of discipline may range from oral reprimands to suspension ~~or termination~~ and may lead to termination consistent with Policy 3140 - Non-Renewal, Resignation, and Termination. ~~consistent with the process established for termination as set forth in Policy 3140.~~ The level of discipline shall be consistent with the seriousness of the offense as determined by the District Administrator.

Management efforts engaged to improve an employee's job performance or address specific performance concerns, including letters of direction, performance improvement plans, mandatory training, etc., are not disciplinary in nature and are not subject to this policy or to Policy 3340 - Grievance Procedure.

All instances of staff discipline are subject to the employee grievance procedure, set forth in Policy 3340 - Grievance Procedure.

Revised 3/13/18
Revised 12/11/18
TC 1/12/21

Legal

66.0509(1m)(a), Wis. Stats.

Franklin v. City of Evanston, 384 F.3d 838 (7th Cir. 2004)

Garrity v. New Jersey, 385 U.S. 493 (1967)

Last Modified by Coleen Frisch on September 28, 2023