

## **REGULATION FOR PROFESSIONAL STAFF DISCIPLINE**

When an employee's conduct or performance is such that it is inconsistent with good order and discipline, performance standards, instructions, policies, procedures, rules and regulations, or acceptable standards of conduct, Maggie L. Walker Governor's School must pursue actions which cause the employee's behavior to conform to acceptable standards.

### **A. The Progressive Discipline Process**

It is desirable that discipline follow a progressive process which attempts to correct unacceptable behavior or attitudes before it becomes necessary to discharge the employee. However, this approach to discipline is mitigated when it is clear that the action, violation, or offense is serious enough to warrant immediate suspension or discharge.

The progressive discipline approach involves consideration of disciplinary measures ranging from informal one-on-one personal counseling, verbal or written reprimands, reassigned, reduction in pay, probation, suspension, or dismissal. Determination of the appropriate form of discipline requires, among other things, a thorough analysis of facts and circumstances surrounding an incident/act, consideration of the employee's past performance and history of discipline, and the employee's willingness to conform to school standards.

### **B. Grounds for Discipline**

Disciplinary action may be taken against an employee for any behavior which, among other things, might discredit the school or its employees or might hinder the school from performing its function. Disciplinary action may range from oral reprimand through dismissal depending on factors to include, but not be limited to, the severity and/or pattern of the behavior. By way of illustration, but not by limitation, the following constitute reasonable grounds for discipline:

1. absence without permission, excessive absenteeism, or tardiness - failure to give proper notice of absence;
2. violating the school's nondiscrimination and/or sexual harassment policy;
3. neglect or unsatisfactory performance of duty;
4. incompetence or unwillingness to render satisfactory service - refusal to accept appropriate reassignment;
5. fighting or using obscene, abusive, or threatening language or gestures;
6. insubordination or breach of discipline;

7. reporting to or at work intoxicated or under the influence of non-prescribed drugs, alcohol, and illegal manufacture, possession, use, sale, distribution or transportation of drugs;
8. bringing or using alcoholic beverages on Maggie L. Walker Governor's School property or using alcoholic beverages while engaged in school business off the premises;
9. immorality;
10. conduct unbecoming an employee of the school;
11. noncompliance with school laws, regulations, and other personnel or departmental rules;
12. failure to report any felony or misdemeanor charge (including any traffic offense charged as a felony or misdemeanor) to the employee's supervisor within a reasonable period of time not to exceed five (5) calendar days immediately following any such charge, unless a lesser reporting period is set forth in another policy or regulation;
13. conviction of or a plea of guilty or no contest to any felony, misdemeanor, crime of moral turpitude or other criminal act, or placement on probation pursuant to the terms and conditions of Virginia Code § 18.2-251;
14. failure to report a conviction of or plea of guilty or no contest to any felony, misdemeanor, crime of moral turpitude or other criminal act, or placement on probation pursuant to the terms and conditions of Virginia Code § 18.2-251, to the employee's supervisor within a reasonable period of time not to exceed five (5) calendar days immediately following any such conviction or plea, unless a lesser reporting period is set forth in another policy or regulation;
15. theft of property from co-workers, students, or Maggie L. Walker Governor's School;
16. unauthorized possession of firearms on school premises or while on school business;
17. sexual molestation, physical or sexual abuse, or rape of a child;
18. negligent or willful damage of school property, waste of supplies or equipment, or personal use of school resources;
19. material falsification of application;
20. cheating or falsification of examination(s);
21. other good and just cause.

### **C. Specific Provisions for Professional Staff Discipline**

#### **1. Probation and Dismissal**

Teachers may be dismissed for incompetency, immorality, non-compliance with school laws and regulations, disability in accordance with State and federal law, conviction of a felony or a crime of moral turpitude or other good and just cause. "Incompetency" includes, but is not limited to, consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations.

A teacher shall be dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect, pursuant to Va. Code § 63.2-1505, and after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted. The fact of such finding, after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted, shall be grounds for the Regional School Board to recommend that the Board of Education revoke such person's license to teach.

In those instances when licensed personnel are dismissed due to a conviction of any felony; any offense involving the sexual molestation, physical or sexual abuse or rape of a child; any offense involving drugs; or due to having become the subject of a founded case of child abuse or neglect, the Regional School Board shall notify the Board of Education within 10 business days of such dismissal or the acceptance of such resignation.

If a current employee is dismissed because of information appearing on his/her criminal history record, the Regional School Board shall provide a copy of the information obtained from the Central Criminal Records Exchange to the employee.

No teacher shall be dismissed or placed on probation solely on the basis of the teachers' refusal to submit to a polygraph examination requested by the Regional School Board.

### **D. Suspension**

Employees may be suspended as provided for in this regulation.

### **E. Failure to Perform Nonemergency Health-Related Services**

With the exception of school administrative personnel and employees who have the specific duty to deliver health-related services, no licensed instructional employee, or clerical employee shall be disciplined, placed on probation, or dismissed on the basis of such employee's refusal to (i) perform nonemergency health-related services for students or (ii) obtain training in the administration of insulin and glucagon.

"Health-related services" means those activities which, when performed in a health care facility, must be delivered by or under the supervision of a licensed or certified professional.

**F. Effect of Probation Pursuant to Va. Code §18.2-251**

For purposes of this regulation, a court's placing an individual on probation pursuant to Va. Code § 18.2-251 shall be treated as a conviction and as a finding of guilt.

Adopted: March 20, 2014

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Cross Ref.:	
Policy No. 5020	Professional Staff Discipline
TBD	Professional Ethics
Policy No. 5011	Prohibition Against Harassment
Policy No. 5021	Professional Staff Grievance
TBD	Procedure for Adjusting Grievances: Teachers
Policy No.	Drug and Alcohol-Free Workplace
TBD	Appeal Process for Demotion and Dismissal Procedure for Support Positions
TBD	Employee Suspensions