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403 DISCIPLINE, SUSPENSION, AND DISMISSAL OF CHARTER SCHOOL EMPLOYEES

I. PURPOSE

The purpose of this policy is to achieve effective operation of the charter school's programs through the cooperation of all employees under a system of policies and rules applied fairly and uniformly.

II. GENERAL STATEMENT OF POLICY

The disciplinary process described herein is designed to utilize progressive steps, where appropriate, to produce positive corrective action. While the charter school intends that, in most cases, progressive discipline will be administered, the specific form of discipline chosen in a particular case and/or the decision to impose discipline in a manner otherwise, is solely within the discretion of the charter school.

III. DISCIPLINE

A. Violation of School Laws and Rules

The form of discipline imposed for violations of charter school laws and rules may vary from an oral reprimand to termination of employment or discharge depending upon factors such as the nature of the violation, whether the violation was intentional, knowing and/or willful and whether the employee has been the subject of prior disciplinary action of the same or a different nature. School laws and rules to which this provision applies include:

1. policies of the charter school;
2. directives and/or job requirements imposed by the administration and/or the employee's supervisor; and
3. federal, state, and local laws, rules, and regulations, including, but not limited to, the rules and regulations adopted by federal and state agencies.

B. Substandard Performance

An employee's substandard performance may result in the imposition of

discipline ranging from an oral reprimand to termination of employment or discharge. In most instances, discipline imposed for the reason of substandard performance will follow a progressive format and will be accompanied by guidance, help, and encouragement to improve from the Personnel Committee and a reasonable time for correction of the employee's deficiency.

C. Misconduct

Misconduct of an employee will result in the imposition of discipline consistent with the seriousness of the misconduct. Conduct that falls into this category includes, but is not limited to:

1. unprofessional conduct;
2. failure to observe rules, regulations, policies, and standards of the charter school and/or directives and orders from the Personnel Committee and any other act of an insubordinate nature;
3. continuing neglect of duties in spite of oral warnings, written warnings, and/or other forms of discipline;
4. personal and/or immoral misconduct;
5. use of illegal drugs, alcohol, or any other chemical substance on the job or any use off the job that impacts the employee's performance;
6. deliberate and serious violation of the rights and freedoms of other employees, students, parents, or other persons in the school community;
7. activities of a criminal nature relating to the fitness or effectiveness of the employee to perform the duties of the position;
8. failure to follow the canons of professional and personal ethics;
9. falsification of credentials and experience;
10. unauthorized destruction of charter school property;
11. other good and sufficient grounds relating to any other act constituting inappropriate conduct;
12. neglect of duty;
13. violation of the rights of others as provided by federal and state

laws related to human rights.

IV. FORMS OF DISCIPLINE

- A. The forms of discipline that may be imposed by the charter school include, but are not limited to:
 - 1. oral warning;
 - 2. written warning or reprimand;
 - 3. probation;
 - 4. disciplinary suspension, demotion, or leave of absence with pay;
 - 5. disciplinary suspension, demotion, or leave of absence without pay; and
 - 6. dismissal/termination or discharge from employment.
- B. Other forms of discipline, including any combination of the forms described in Paragraph A., above, may be imposed if, in the judgment of the Personnel Committee, another form of discipline will better accomplish the charter school's objective of stopping or correcting the offending conduct and improving the employee's performance.

V. PROCEDURES FOR ADMINISTERING POLICY

- A. When any form of discipline is imposed, the Personnel Committee will:
 - 1. Advise the employee of any inadequacy, deficiency, or conduct that is the cause of the discipline, either orally or in writing. If given orally, the Personnel Committee will document the fact that an oral warning was given to the employee, specifying the date, time, and nature of the oral warning.
 - 2. Provide directives to the employee to correct the conduct or performance.
 - 3. Forward copies of all writings for filing in the employee's personnel file.
 - 4. Allow a reasonable period of time, when appropriate, for the employee to correct or remediate the performance or conduct.
 - 5. Specify the expected level of performance or modification of conduct to be required from the employee.

6. Inform the Board Chair.

- B. The charter school retains the right to immediately discipline, terminate, or discharge an employee as appropriate, subject to relevant governing law and collective bargaining agreements when applicable.

Legal References: Minn. Stat. § 122A.44 (Contracting with Teachers)
Minn. Stat. § 122A.58 (Coaches)
Minn. Stat. Ch. 124E (Charter Schools)
Minn. Stat. § 197.46 *et seq.* (Veterans Preference Act)

Cross References: None