

# MIDDLETOWN AREA SCHOOL DISTRICT

SECTION: PROFESSIONAL EMPLOYEES

TITLE: DISCIPLINARY PROCEDURES

ADOPTED: October 14, 1991

REVISED: November 22, 2009

417. DISCIPLINARY PROCEDURES	
1. Purpose	Effective operation of the district's programs requires the cooperation of all employees in working together under a system of policies and rules applied fairly and uniformly to all employees. The orderly conduct of the district's business requires uniform compliance with these policies and rules, and uniform penalties and disciplinary procedures for violations.
2. Authority SC 510, 514	There shall be established procedures whereby professional employees shall be informed as to the disciplinary actions that are considered appropriate, and that are to be applied, for violation of district policies and regulations.
3. Delegation of Responsibility SC 1151, 1122	The Superintendent shall prepare and promulgate disciplinary rules for violations of district policies and rules which provide progressive penalties including, where appropriate, verbal warning, written warning, suspension, demotion or dismissal.
SC 1121, 1122, 1126, 1127, 1128, 1129, 1130 2 Pa. C.S.A. Sec. 551 et seq	In the event it is necessary to demote or dismiss, a hearing shall be provided as required by statute.
SC 1122, 1127	When charges are filed against a professional employee pursuant to the School Code, the Board, after hearing the case in accordance with the procedures established in the School Code, may vote to discharge any such employee or authorize a lesser punishment short of discharge such as a suspension without pay or lesser degrees of punishment.  The vote to discharge shall be by a two-thirds (2/3) vote of all members of the Board. A vote to provide a degree of punishment less than a discharge shall be by a majority of a quorum present at a meeting at which such vote is to be taken.

<p>4. Guidelines</p>	<p>The following standards shall apply to all professional personnel employed by the Middletown Area School District. These guidelines are not meant to be all-inclusive, nor are they intended to confer any property rights to any employee. These guidelines have been mutually agreed upon by the Association and the district through Meet and Discuss. These guidelines shall become effective immediately.</p> <p><u>Discipline Defined</u></p> <p>The term <b>discipline</b> or <b>disciplinary action</b> means any warning, any formal oral or written reprimand, a suspension of one (1) day or more, discharge or dismissal. The term shall not include an evaluation or rating.</p> <p><u>Basis For Discipline</u></p> <p>The Middletown Area School District reserves the right to discipline any employee for immorality, incompetence, unsatisfactory teaching performance, willful neglect of duties, intemperance, cruelty, conviction of or entry of a nolo contendere plea (plea of no contest) to a felony, physical or mental disability which substantially interferes with an employee's ability to perform essential functions of his/her employment and cannot otherwise be reasonably accommodated, advocating or participating in un-American or subversive doctrines, persistent and willful violation of the school laws of the Commonwealth and any other conduct constituting a violation of School Code. All disciplinary action shall be supported by substantial evidence.</p> <p>There are two (2) classifications of infractions under this document. Specific infractions which shall subject an employee to disciplinary action include but are not limited to the following:</p> <p>Level 1 – Procedural and Administrative</p> <ol style="list-style-type: none"> <li>1. Tardiness.</li> <li>2. Abuse or misuse of sick leave or other leave days in violation of school district policy.</li> <li>3. Leaving work site without permission before completing work day.</li> <li>4. Failure to submit required reports on time.</li> <li>5. Violation of published building/work site procedures.</li> <li>6. Violation of an oral or written directive given by a supervisor.</li> </ol>
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<p>SC 1122</p>	<p>7. Violation of a Middletown Area School District Board policy.</p> <p>Level 2 – Safety, Illegality, Dishonesty, Moral Turpitude</p> <ol style="list-style-type: none"> <li>1. Illegal gambling of any kind.</li> <li>2. Unauthorized use or misuse of school district property or equipment.</li> <li>3. Willful destruction of school district property, equipment or records.</li> <li>4. Misappropriation or stealing of property, equipment or funds belonging to the Middletown Area School District or any other person.</li> <li>5. Tampering with or falsifying Middletown Area School District records.</li> <li>6. Creating hazardous conditions endangering the health, safety or welfare of students, employees, or visitors.</li> </ol>
<p>Pol. 451</p>	<ol style="list-style-type: none"> <li>7. Illegal possession of a controlled substance.</li> </ol>
<p>Pol. 451</p>	<ol style="list-style-type: none"> <li>8. Possession of alcohol or being under the influence of a non-prescribed controlled substance or alcohol at work site or while on duty.</li> <li>9. Unauthorized use, possession or storage of any firearms, explosives or other dangerous weapons at the work site or while on duty.</li> <li>10. Intentional use of profane, vulgar or inappropriate language in the presence of students or visitors or while on duty.</li> <li>11. Any unprofessional action, behavior or conduct causing or having a tendency to cause physical or emotional harm to a student.</li> <li>12. Any action, behavior or conduct causing or tending to cause disruption to the Middletown Area School District.</li> </ol>
<p>Pol. 448</p>	<ol style="list-style-type: none"> <li>13. Sexual harassment of others.</li> <li>14. Willful violation of the district’s Acceptable Use Policy (AUP) for technology.</li> <li>15. Willful misuse of electronic devices or technology.</li> </ol>

Imposition Of Discipline

Discipline for a given offense shall be administered by the Middletown Area School District, exercising its sole discretion, in a level appropriate to the offense, with due regard to the employee's explanation for his/her conduct, the employee's length of service, the quality of the employee's service, and any other relevant mitigating or aggravating factors. The Middletown Area School District endorses the concept of progressive discipline, namely that the employer should administer discipline in a manner which will identify and correct improper employee conduct or behavior, and should impose disciplinary penalties in a progressive fashion.

Procedures For Imposing Discipline Or Disciplinary Action

The following disciplinary procedures will be imposed and will be documented for Level 1 offenses for a period of three (3) calendar years from the anniversary date of the most recent offense.

1. For the first offense, a formal oral warning or oral reprimand shall be documented in a memo and included in the employee's personnel file. The employee has the right to meet with his/her supervisor to discuss the oral reprimand.
2. For two (2) similar offenses or three (3) cumulative offenses under Level 1 a letter of reprimand is issued to an employee, and copies of the letter shall be provided to the employee, the employee's immediate supervisor, and the Superintendent for inclusion in the employee's personnel file. The employee has a right to meet with the supervisor and make a written response to the reprimand. In addition, the supervisor will contact the employee, in writing, to determine whether an Association representative will be involved in their meeting.
3. For three (3) similar offenses or four (4) cumulative offenses under Level 1 infractions, a one (1) to four (4) day suspension will require a pre-suspension conference with the Superintendent. The employee shall be provided with the charges and description of the evidence against the individual. The employee will have an opportunity to present his/her case before a suspension is imposed. For the fourth similar offense or five (5) cumulative offenses, a suspension of five (5) or more days or a dismissal, the employee will be entitled to a pre-suspension hearing before the Board. The Superintendent will impose discipline pending the outcome of the Board's hearing.

4. When the employer suspects or has reason to believe that an employee has engaged in any action, behavior or conduct which may give rise to discipline, the immediate supervisor or any other responsible official designated by the Superintendent shall conduct an investigation. Where appropriate, the Superintendent may temporarily relieve an employee of duties with pay, pending the results of an investigation. The investigation shall include at a minimum, the following:
  - a. Interview a sufficient number of witnesses to substantiate testimony to the action, behavior or conduct in question.
  - b. Obtaining a signed statement, wherever possible, from witnesses from whom testimony was received.
  - c. Interview of the employee.
5. The employee may be advised that an investigation is being made regarding his/her actions, behavior or conduct; and the employee shall be given an opportunity to have a representative present during an investigation interview. The employee shall be given an opportunity to explain his/her version of the events in question.
6. Following the investigation, a report will be completed, detailing the allegations, the results of the interview, a conclusion of the occurrence of events, and a recommendation as to corrective or disciplinary action to be taken. Corrective or disciplinary action shall then follow as appropriate. Suspensions will be without pay.
7. Under Level 2 infractions or any Level 1 infraction, the employer reserves the right to discharge, dismiss, or take any other appropriate disciplinary action for any other appropriate disciplinary action for any offense where the employer, in its sole discretion, finds such action to be justified based on the gravity of the offense or aggravating factors. Documentation of a Level 2 offense will be kept on an employee for a period of seven (7) years. Documentation will be kept on file for fifteen (15) years for any unprofessional action that causes physical or emotional harm to student(s).
8. A written request may be submitted by the employee to the Superintendent after three (3) years for a Level 1 infraction or seven (7) years for a Level 2 infraction requesting a review and the removal of a letter of reprimand. The decision is at the discretion of the Superintendent.

9. The district will comply with any state regulations imposed by the State Board of Education of PA Department of Education on reporting of offenses as required by state statutes.

References:

School Code – 24 P.S. Sec. 510, 514, 1121, 1122, 1126, 1127, 1128, 1129, 1130, 1151

Local Agency Law – 2 Pa. C.S.A. Sec. 551 et seq.

Board Policy – 448, 451