

I. PURPOSE

The purpose of this policy is to achieve the effective operation of NWSISD's programs through the cooperation of all staff members 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 NWSISD 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 NWSISD.

III. DISCIPLINE

A. Violation of NWSISD Laws and Rules.

The form of discipline imposed for violations of NWSISD 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. NWSISD laws and rules to which this provision applies include:

1. NWSISD policies;
2. directives and/or job requirements imposed by 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 employee's supervisor and 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 which falls into this category includes, but is not limited to:

1. unprofessional conduct;
2. failure to observe NWSISD rules, regulations, policies and standards and/or directives and orders of supervisors 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, which impacts on the employee's performance;
6. deliberate and serious violation of the rights and freedoms of other employees, students, parents or other persons in the NWSISD 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 NWSISD property, the property of NWSISD member school districts, or the site at which programs or activities are held;
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 NWSISD 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 administration, another form of discipline will better accomplish NWSISD's objective of stopping or correcting the offending conduct and improving the employee's performance.

V. PROCEDURES FOR ADMINISTERING POLICY

- A. In an instance where any form of discipline is imposed, the staff member's supervisor will:
1. Advise the staff member of any inadequacy, deficiency or conduct, which is the cause of the discipline, either orally or in writing. If given orally, the supervisor 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 staff member to correct the conduct or performance.
 3. Forward copies of all writings to the NWSISD's human resources generalist for filing in the employee's personnel file.
 4. Allow a reasonable period of time, when appropriate, for the staff member to correct or remediate the performance or conduct.
 5. Specify the expected level of performance or modification of conduct to be required from the staff member.
- B. NWSISD retains the right to immediately discipline, terminate or discharge a staff member as appropriate, subject to relevant governing law and collective bargaining agreements where applicable.

Legal References: Minn. Stat. § 122A.40 (Teachers)
Minn. Stat. § 122A.41 (Teacher tenure)
Minn. Stat. § 122A.58 (Coaches)
Minn. Stat. § 122A.44 (Contracting with teachers)
Minn. Stat. § 123B.02, Subd. 14 (Employees; contracts for services)
Minn. Stat. § 123B.143 (Superintendent)
Minn. Stat. § 123B.147 (Principals)
Minn. Stat. § 197.46 et seq. (Veterans Preference Act)

Cross References: MSBA Service Manual, Chapter 5, School Board—Staff Relationships

*Adopted: April 16, 2003
October 15, 2008*