

## DISCIPLINARY ACTION AND DISCHARGE

### Grounds for Disciplinary Action or Discharge

Staff who fail to fulfill their job responsibilities or follow the reasonable directions of their administrators or who conduct themselves on or off the job in ways that affect their effectiveness on the job may be subject to disciplinary action or discharge.

Behavior, conduct, or action that provides sufficient cause may warrant disciplinary action or discharge. Such behavior, conduct, or action may include but is not limited to:

- A. Incompetence;
- B. Inefficiency;
- C. Misappropriation or misuse of district property;
- D. Neglect of duty;
- E. Insubordination;
- F. Conviction/guilty plea of any crime which adversely affects the employee's ability to perform a job including any felony crime involving:
  - 1. The physical neglect of a child;
  - 2. The physical injury or death of a child;
  - 3. Sexual exploitation of a child;
  - 4. Sexual offenses;
  - 5. Promotion of a minor for prostitution purposes; or
  - 6. The sale or purchase of a minor child; [employees are required to report in writing to the superintendent any conviction or guilty plea of the above referenced crimes (and of any other crimes that are workplace related) within five days of conviction or guilty plea];
- G. Malfeasance;
- H. Misconduct;
- I. Inability to perform job functions;
- J. Willful violation of district policies and procedures or laws and regulations;
- K. Mistreatment, abuse or assault of fellow workers, students, or members of the public;
- L. Conflict of interest;
- M. Abuse of leave;
- N. Sexual harassment, verbal abuse, physical abuse or sexual misconduct;

- O. Manufacture, possession, distribution, sale or being under the influence of alcohol controlled, illegal, addictive or harmful substances including anabolic steroids;
- P. Conduct (whether on the job or off the job) that has a substantial negative impact on performance;
- Q. Mental or physical inability to perform the essential job duties;
- R. Intemperance;
- S. Intentional discrimination;
- T. Vulgar speech or actions;
- U. Use of habit forming drugs without pharmaceutical prescription by a doctor of medicine licensed to practice in the state of Washington;
- V. Use of alcoholic beverages on district premises or at a district sponsored activity off the district premises; or
- W. Use of district supplies and equipment for personal betterment or financial gain or other improper purposes.

In the event that allegations or charges are made against a staff member for misconduct with minors, the superintendent may contact the Child Protective Services central registry for evidence regarding whether the staff member is an adjudicated or admitted perpetrator of child abuse or neglect. Appropriate reports will also be made to law enforcement, the Office of the Superintendent of Public Instruction, and the student's parents or guardians, as required by law.

#### **Abuse and Sexual Misconduct**

The district will not enter into any contract that is contrary to law to suppress information about verbal or physical abuse or sexual misconduct by a present or former employee and will comply with all legal requirements regarding such misconduct.

#### **Suspension of Staff**

The superintendent/designee is authorized to suspend a staff member immediately as deemed appropriate.

#### **Cross References:**

5006 - Certification Revocation  
5240 - Evaluation of Staff  
5280 - Separation from Employment

#### **Legal References:**

RCW 28A.400.300 Hiring and discharge of employees —  
Written leave policies — Seniority and leave benefits of  
employees transferring between school districts and other  
educational employers

RCW 28A.400.320 Crimes against children — Mandatory termination of classified employees — Appeal — Recovery of salary or compensation by district

RCW 28A.400.340 Notice of discharge to contain notice of right to appeal if available

RCW 28A.405.300 Adverse change in contract status of certificated employee — Determination of probable cause — Notice — Opportunity for hearing

RCW 28A.405.310 Adverse change in contract status of certificated employee, including non-renewal of contract — Hearings — Procedure

RCW 28A.405.470 Crimes against children — Mandatory termination of certificated employees — Appeal — Recovery of salary or compensation by district

RCW 28A.410.090 Revocation or suspension of certificate or permit to teach — Criminal basis — Complaints — Investigation — Process

RCW 49.44.200 Personal social networking accounts — Restrictions on employer access - Definitions

Chapter 181-86 RCW Policies and procedures for administration of certification proceedings

WAC 181-87 Acts of Unprofessional Conduct

Management Resources:

2015 - December Issue

2014 - December Issue

2004 - October Issue