

POLICY

SOMERSET COUNTY
BOARD OF EDUCATION

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Subject: Disciplinary Procedures – Professionals Unit I & II Staff	Date Approved: March 21, 2000 October 17, 2006 Date Revised: September 19, 2006 Date Effective: March 21, 2000 October 17, 2006

1. PURPOSE

To establish discipline procedures for professional employees.

2. PROCEDURE

- A. Somerset County Public Schools will strive to assist professional staff in every way possible to adjust to their positions and to perform their duties satisfactorily. Every reasonable effort will be made to avoid the necessity of dismissing personnel at any level.
- B. In accordance with state laws and regulations, the Board of Education may dismiss any professional staff upon recommendation by the superintendent.
- C. The Board directs the superintendent to develop and implement regulations for the discipline of professional employees. Such regulations will provide progressive penalties including, where appropriate, verbal warnings, written warnings, letters of reprimand, and suspension or dismissal of tenured employees. In some circumstances, however, because of the seriousness of the employee's conduct or behavior, this action may be taken without following progressive penalties cited above.
- D. Employees may be suspended or dismissed for any of the following reasons:
 - (1) Immorality
 - (2) Misconduct in Office (including knowingly failing to report suspected child abuse in violation of §5-701 of the Family Law Article)
 - (3) Insubordination
 - (4) Incompetency
 - (5) Willful Neglect of Duty.
- E. The Superintendent of Schools may suspend and/or recommend dismissal of a professional employee pending final action by the Board on a recommendation for a longer suspension or for dismissal.
- F. Reasons for Imposing Discipline

- (1) Immorality: An act or course of conduct or behavior that offends the morals of the community and is not in keeping with the standards of behavior to the school environment.
- (2) The Somerset County Public Schools considers the following as examples of immoral conduct. The list does not include all types of prohibited conduct, but is intended to suggest the types of conduct that will not be condoned:
- (a) An act not in violation of standards of school environment.
 - (b) Abusive and/or vulgar language on the job.
 - (c) Inducing students to participate in/or commit an act or acts of immorality.
 - (d) Possession, use, distribution, or being under the influence of controlled or dangerous substances.
 - (e) Theft of school property or the property of others.
 - (f) Falsification of any school record or employment application.
 - (g) Possession or distribution of lewd, obscene, or pornographic materials on school issued property and personal property used in schools and other facilities of the Board.
- (3) Discipline - Any form of discipline may be imposed depending upon circumstances and the specific conduct involved.

G. Misconduct in Office - A transgression of a rule, regulation, or reasonable standard of conduct.

- (1) The Somerset County Public Schools considers the following as examples of misconduct. The list does not include all types of prohibited conduct, but is intended to suggest the types of conduct that will not be condoned:
- (a) Possession, use, distribution, or under the influence of alcoholic beverages on school grounds.
 - (b) Knowingly failing to report suspected cases of child abuse. (§5-701 of Family Law Article)
 - (c) Harassment and/or intimidation of students, staff or citizens at large including use of racial slurs and/or derogatory remarks.
 - (d) Misuse of school property.
 - (e) Misrepresentation regarding employee's benefits, privileges and other rules and regulations.
 - (f) Disclosing confidential information to unauthorized persons.
 - (g) Dating students or engaging in similar inappropriate conduct.
 - (h) Misuse of school funds.

- (i) Disorderly conduct on school property or while on duty to include: fighting, threatening, or attempting to inflict bodily harm on another person.
 - (j) Possession of firearms or other weapons on school property.
 - (k) Knowingly presenting false information of a material fact to the Board of Education.
- (2) The sale or use of tobacco in any form is prohibited in school buildings at all times. In addition, the sale or use of tobacco in any form is prohibited on school grounds during the official school day.
- (2) Discipline - Any form of discipline may be imposed depending upon the circumstances and the specific conduct involved.

H. Insubordination: Disobedience to lawful authority.

- (1) The Somerset County Public Schools considers the following as examples of insubordination. The list does not include all types of prohibited conduct, but is intended to suggest the types of conduct that will not be condoned:
- (a) Failure to perform all work or duties assigned by an administrator in charge.
 - (b) Failure to follow the written or verbal instruction of a supervisor.
- (2) Discipline - Any form of discipline may be imposed depending upon the circumstances and the specific conduct involved.

I. Incompetency: Failure to meet acceptable standards of performance.

- (1) The Somerset County Public Schools considers the following as examples of incompetency. The list does not include all types of conduct that will not be condoned:
- (a) Demonstrating a lack of basic skills.
 - (b) Failing to provide adequate student control.
 - (c) Failing to demonstrate adequate planning/preparation.
 - (d) Demonstrating an inability to communicate (written or oral) effectively.
- (2) Determination of incompetency shall be determined in the following manner:
- (a) The determination of the competency of a professional employee shall be documented over a period of time through assessment and observation.
 - (b) Should any condition prevail indicating deficiency on the part of an individual, informal or formal conferences shall be held. During such conference deficiencies should be noted and the individual shall be given directions for improvement and assistance. A written summary shall be provided to the employee stating the procedure and methods for improvement. Documentation must include dates of observations and conferences.
 - (c) The employee must be given an opportunity to correct deficiencies. The written

- (d) notice of deficiencies given the employee must include methods for improvement and by the date such improvement must occur.
- (e) When appropriate other administrative or supervisory assistance may be provided to counsel and assist and/or document the employee's performance.
- (f) The immediate supervisor must periodically reassess the original listing
- (g) of deficiencies, and must note the failure to improve. These observations and conferences must be documented to include dates, incidents, conferences, and other recommendations and suggestions.

(3) Discipline - Any form of discipline may be imposed depending upon the circumstances and the specific conduct involved.

J. Willful Neglect of Duty: Failure to follow Public School Law, Code of Maryland Regulations, policies and regulations of the district, directives or job requirements of the school system.

- (1) The Somerset County Public Schools considers the following as examples of willful neglect of duty. The list does not include all types of prohibited conduct but is intended to suggest the types of conduct that will not be condoned:
 - (a) Excessive absence.
 - (b) Excessive tardiness.
 - (c) Unauthorized absence or misuse of leave.
 - (d) Failure to follow specified course of studies adopted by the Board of Education.
 - (e) Failure to perform specific contracted services agreed upon through written agreements known as "extra pay for extra duty."

(2) Discipline - Any form of discipline may be imposed depending upon the circumstances and the specific conduct involved.

K. Forms of Discipline

- (1) Oral Warning - This is an oral statement to an employee indicating, but not necessarily limited to, specific conduct. A written record of such warning may be kept by the administrator or supervisor. The warning may be issued by an immediate supervisor or administrator.
- (2) Written Warning - This is a written statement to the employee indicating conduct which is in violation of a rule, regulation, or other requirements; the approximate time(s) of such violation's occurrence; whether the warning is a progressive warning after an oral warning, a clear and complete description of the deficiency or inadequacy of the employee; and suggestions for assistance, a plan of action, and a time line for improvement. The warning may be issued by an immediate supervisor or administrator.

- (3) Letter of Reprimand - A written statement which specifies that a specific action, behavior, or conduct has transpired; includes a statement that specifies that the letter is a reprimand, and provides for further action should correction not be taken. The statement should be signed by the employee and dated. The statement may be issued by an immediate supervisor or administrator. A copy should be sent to the Human Resources Office with a notation that a copy will be placed in the employee's personnel file.
- (4) Disciplinary Suspension. Administrative Leave, or Dismissal
- (a) Suspension
- The temporary disciplinary removal of an employee from his/her assignment.
 - This action may be recommended by the immediate supervisor or administrator to the Superintendent of Schools.
 - Suspension is to be preceded by written notice, and provisions for an informal opportunity to be heard by the superintendent except where immediate action is required because the employee's presence poses a continuing threat of disrupting the educational process.
 - The superintendent may suspend certificated personnel for cause but should only do so pending consideration by local Board of Education of dismissal or some longer suspension.
 - The employee will be sent a copy of the charges and given the opportunity to request a Board hearing within ten (10) calendar days. If a hearing is requested within the ten (10) days:
 - The Board of Education will hear the case and render a decision within twenty (20) calendar days following an appeal.
 - The individual may appear in person or be represented by counsel and may bring witness to the hearing.
- (b) The superintendent has the right to suspend from active duty an employee against whom formal civil or criminal charges have been filed until a decision is rendered. The employee's salary may or may not continue during such suspension.
- (c) Tenured professional personnel may appeal county Board suspensions or dismissal decisions to the State Board of Education.
- (5) Administrative Leave - The temporary removal of an employee, with or without pay, while an administrative investigation is being conducted which has resulted from charges or allegations against the employee.
- (a) During an investigation conducted under the auspices of the Human Resources Office, the Superintendent of Schools may place a professional employee on administrative leave, with or without pay, pending final action of the local or State Board of Education.

- (b) Should the local or State Board decide in favor of the individual, in cases where leave without pay has been enforced, the restoration of salary and position shall become effective immediately.

- (6) Dismissal - To discharge from employment.
 - (a) The recommendation for dismissal of a tenured teacher shall be made to the Board by the superintendent and shall be for cause.
 - (b) The employee will be sent a copy of the charges and given the opportunity to request a Board of Education hearing within ten (10) calendar days. If a hearing is requested within the ten (10) day period:
 - The Board of Education will hear the case and render a decision within twenty (20) calendar days following an appeal.
 - The individual may appear in person or be represented by counsel and may bring witnesses to the hearing.
 - (c) The superintendent shall present a recommendation for dismissal along with all documentation, evidence, and supportive data, including evidence that the employee has been duly notified of the impending dismissal.
 - (d) Tenured professional personnel may appeal the decision of county Board dismissal or action to the State Board of Education.

L. Guidelines and Procedures for Administering Discipline Policy

- (1) The specific form of discipline chosen in an individual case will be solely at the discretion of the superintendent or designee. However, every attempt will be made to follow the progressive forms of discipline where appropriate.

- (2) The removal of any correspondence from a personnel folder shall only be done with the permission of all parties involved.

- (3) The employee's personnel file shall be the repository of all official records used in the disciplinary proceeding. The employee shall have access to, and a copy of, all such records.

M. Procedures for Hearings and Appeals (Professional Employees)

- (1) When a person is placed on immediate suspension, the Superintendent of Schools will notify the employee in writing of the charges against them and provide the individual the opportunity to request a conference within ten (10) calendar days of the date of the letter. Should the individual fail to request a conference, or waive this right, the superintendent may implement disciplinary action as warranted, or recommend dismissal or further disciplinary action to the Board of Education.

- (2) Upon written receipt of a request for a conference, the superintendent shall schedule such a conference.
 - (a) The employee is to be notified in writing of the location, date and time.
 - (b) The employee may bring counsel or representation.
 - (c) The administrator(s), supervisor(s), or representatives of the Department of Human Resources shall present all documentation, evidence, supportive data, and investigative reports pertaining to the incident.
 - (d) The employee may present information and call witnesses specifically related to the incident which caused the suspension or placement on administrative leave.
 - (e) Within ten (10) calendar days following the conference, the Superintendent of Schools is to notify the employee by registered mail if disciplinary action is to be taken, the nature of the disciplinary action, the effective date(s) of such action, and the appeal process.
 - (f) Should the superintendent rule in favor of the individual in cases where leave or suspension without pay has been enforced, the restoration of salary and position shall become effective immediately.

- (3) Board Hearing of Appeals
 - (a) The employee shall have ten (10) calendar days from the date of the letter of disciplinary action to request a hearing with the Board of Education. This request shall be in writing and specifically cite the reasons for an appeal. No sooner than ten (10) days nor later than twenty (20) days of the superintendent's letter, the Board of Education will arrange a hearing to hear the individual's appeal and render a decision following the appeal.
 - (b) The individual shall have an opportunity to be heard before the county Board (or the hearing officer) in person or by counsel, and to bring witnesses to the hearing.
 - (c) The superintendent shall present his/her recommendation for disciplinary action along with all documentation, evidence, and supportive data, including evidence that the employee has been duly notified of the impending action. If the case is heard by a hearing officer, then the procedures in policy and regulations shall be followed.
 - (d) The decision of the Board of Education of Somerset County may be appealed to the State Board of Education.

Reference: Annotated Code of Maryland
6-201, 6-202