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Employee Discipline, Administrative Leave, and Orderly Termination

I. Purpose

The purpose and intent of the policies stated herein are to:

- a. Promote and maintain a high level of acceptable behavior on the part of all employees, with the ultimate goal of creating the most productive working climate for employees and the best possible learning environment for students.
- b. Correct remediable or substandard performance on the part of employees and, in those instances where such conduct is irremediable, pursue steps required for the orderly dismissal of such employee.
- c. Provide a meaningful level of communication with employees by which employees will know what is expected of them, to provide remediation where possible in those cases where it is needed, and to provide a process for discipline and discharge where that becomes necessary.
- d. Assure consistent application of rules, notifications of substandard work and ways it can be corrected, careful investigation of facts, open dialogue to give both sides an opportunity to state respective positions, and provide a level of discipline that is consistent with the level of the alleged infraction.

II. Definitions

- a. **“At-Will Employee”** means an individual employed by Valley Academy whose employment may be terminated at any time, with or without cause. Unless otherwise specifically classified, all employees of Valley Academy are At-Will employees.
- b. **“Unsatisfactory Performance”** means a deficiency in performing work tasks which may be: (a) due to insufficient or undeveloped skills, lack of knowledge or aptitude, poor attitude, or insufficient effort; and (b) remediated through training, study, mentoring, practice, or greater effort. Unsatisfactory Performance does not include conduct designated in Section IV below as a cause for disciplinary action.

III. Administrative Leave

- a. Valley Academy may place any Employee on paid administrative leave for health, safety, investigative, or other concerns. Administrative leave may be invoked when the Employee’s continued presence at work may negatively impact students, the school environment, or the operation of the school, or may otherwise be harmful to students or to the School. The decision to place an Employee on administrative leave, and the terms of such leave, is at the sole and absolute discretion of the Administration.
- b. Administrative leave may be invoked when further investigation is deemed necessary or advisable while Administration or others investigate or analyze situations in order to make a sufficiently informed decision concerning the employment or discipline of an Employee. In situations where allegations of serious misconduct against an Employee are determined to be more likely true than not, the Employee should not be placed on administrative leave but instead should be suspended without pay

during the course of investigation, as outlined in the procedures in Section V.

IV. Causes for Disciplinary Action

- a. Violation of school policy
- b. Conduct that may be harmful to students or to the School
- c. Improper or unlawful physical contact with students
- d. Dishonesty
- e. Theft
- f. Dangerous or disorderly conduct
- g. Immoral conduct
- h. Child sexual or physical abuse
- i. Commission or conviction of criminal act(s), including entering a plea of guilty or no contest, of a felony or misdemeanor reasonably related to the Employee's job
- j. Discrimination or harassment
- k. Use of School property for personal gain
- l. Negligent or willful damage to School property
- m. Negligent or willful waste of School supplies or equipment
- n. Falsification of information supplied to the School (such as applications, employment data, reports, required documents, test data, etc.)
- o. Neglect of duty, including but not limited to, unexcused absences, excessive tardiness, excessive absences, abuse of benefits (including sick leave, health insurance, etc.), and failure to supervise students
- p. Insubordination or failure to comply with directives from supervisors
- q. Failure to maintain certification/licensure
- r. Any violation of Utah State Board of Education Rule R277-217(2) – Prohibited Conduct by an Educator
- s. Any failure to comply with Utah State Board of Education Rule R277-217(3) – Required Conduct for an Educator

V. Disciplinary Actions

The school may elect to terminate or non-renew an at-will employee with or without cause at any time. An at-will employee does not have a right to verbal or written warnings, or other progressive discipline before termination unless the School elects to resolve issues through a process of disciplinary actions. Should Administration determine that it is in the best interests of the School to provide notice and warning to an employee prior to an employment action, the following processes may be used to help correct an employee's actions or performance. Proceeding with any of the following disciplinary actions does not prejudice the right of the School to proceed with Termination for Cause on the same facts that gave rise to the disciplinary action.

- a. **Verbal directive / written summary:** A verbal directive may be used by the immediate supervisor to assist the Employee in correcting the conduct in question at the lowest possible level. No record of a verbal directive is placed in the Employee's personnel file, but the supervisor may keep in a school/department file a written summary of each verbal directive to document attempts to assist the Employee in correcting the conduct in question.
- b. **Written warning and directive:** A written warning, which gives the Employee notice that his/her conduct is in question or in violation of policy, may be issued by the immediate supervisor or Administrators. This warning does not prejudice the right of the School to proceed with Termination for Cause on the same set of facts that gave rise to the warning or new facts should any misconduct continue. A copy of the written warning shall be placed in the Employee's personnel file.

- c. **Written reprimand and directive:** A written reprimand, which rebukes the Employee and warns that his/her contract is in danger of being terminated, may be issued by the immediate supervisor or Administrators. This warning does not prejudice the right of the School to proceed with Termination for Cause on the same set of facts or new facts should any misconduct continue. A copy of the written reprimand shall be placed in the Employee's personnel file.
- d. **Probation:** The Administration may place the Employee on probation. The Administration retains sole authority for determining the length and terms of the probation. Probation shall not prejudice the right of the School to proceed with Termination for Cause on the same facts that gave rise to the probation or new facts should any misconduct continue. A written record of the probation shall be placed in the Employee's personnel file.
- e. **Suspension:** The Administration may place the Employee on suspension without pay. The Administration retains sole authority for determining the duration of the suspension. An Employee may be suspended pending further investigation when allegations of misconduct are more likely true than not. An Employee may be suspended for the purpose of awaiting the outcome of criminal charges pending against the Employee. The fact that criminal charges against an Employee may be resolved in favor of the Employee shall not preclude the School from initiating further disciplinary action, including Termination, against the Employee based all or in part upon the same facts that gave rise to the criminal charges. An Employee may also be suspended for investigation of employee misconduct, as outlined in IV – Causes for Disciplinary Action. Suspension of an Employee shall not prejudice the right of the School to proceed with Termination for cause on the same facts that gave rise to the suspension or new facts should any misconduct continue. A written record of the suspension shall be kept in the Employee's personnel file.
- f. **Dismissal/Termination for cause:** An Employee may be dismissed for cause if other disciplinary action fails to cause correction of the Employee's misconduct or if the seriousness of the misconduct warrants Termination without prior corrective action.

VI. Disciplinary hearings

- a. **Upon being apprised of Employee misconduct or violation of School policy that may lead to disciplinary action, the administrator at the lowest appropriate level shall promptly and thoroughly investigate the alleged misconduct and document the findings. The affected Employee may, in the Administrator's discretion, may give the Employee written notice of the accusation, evidence of the misconduct, and the opportunity to present the Employee's side of the story to the supervisor for consideration prior to the disciplinary action.**