

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 significantly 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, laws, or regulations;
- K. Mistreatment, abuse or assault of fellow workers, students, or members of the public;
- L. Conflict of interest;

- M. Abuse of leave;
- N. Unlawful harassment, verbal abuse, physical abuse or sexual misconduct toward staff, students, or members of the public;
- 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 or harassment;
- 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;
- W. Use of district supplies and equipment for personal betterment or financial gain or other improper purposes;
- X. Falsification or omission of material information from district records or any report or statement required of or submitted by the employee. This includes, but is not limited to, providing false information to the district (i.e., timesheets, application materials, during formal investigations);
- Y. Engage in the obstruction of justice, which includes witness intimidation, retaliation, destruction of evidence, or engaging in conduct to compromise an investigation or inquiry of misconduct; or
- Z. Engage in any other conduct that lacks educational value/legitimate professional purpose and harms students.

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 the staff member as 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.

Nondisciplinary Dismissal

Nonrepresented classified employees and certificated administrators may be subject to nondisciplinary dismissal for behaviors such as, but not limited to, refusal to provide proof of vaccination or refusal to obtain a medical or religious accommodation. The option to use nondisciplinary dismissal does not obligate the district to do so or in any way limit or prevent the district from pursuing other responses as determined by the superintendent or designee.

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.

The district, or an individual acting on behalf of the district, shall not provide a recommendation of employment for a current or former employee, contractor, or agent that the district or individual acting on behalf of district knows or has probable cause to believe has engaged in sexual misconduct with a student or minor in violation of the law. District/school employees, contractors, and agents are also prohibited from providing a recommendation of employment to a current or former employee, contractor, or agent that the employees, contractors, or agents know or has probable cause to believe engaged in sexual misconduct with a student or minor in violation of the law. This does not prohibit the routine transmission of administrative or personnel files, but does prohibit doing more than that to help the current or former employee obtain new employment.

Suspension of Staff

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

Cross References:

Board Policy 5006 Certification Revocation

5240 - Evaluation of Staff

5280 - Separation from Employment

Legal References:

RCW 28A.400.300 Hiring and discharge of employees — Leaves for employees — Seniority and leave benefits, retention upon transfers between schools

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

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

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

28A.410.090 Revocation of authority to teach

28A.400.320 [Crimes against children — Mandatory termination of classified employees — Appeal — Recovery of salary or compensation by district](#)

28A.405.470 Mandatory termination of certified employees

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

[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](#)

WAC 181-86 Policies and procedures for administration of certification proceedings

181-87 Acts of Unprofessional Conduct

180-44-060 Drugs and alcohol — Use of as cause for dismissal

Management Resources:

Policy News, October 2004 Sexual Misconduct Definitions

[2019 - March 2019 - March Policy Issue](#)

[2015 - December Issue](#)

[2014 - December Issue](#)

Classification: Discretionary

Adoption Date:

Nespelem School District

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