

 <p>TUSD Tucson Unified School District Tucson, Arizona</p> <p>GOVERNING BOARD POLICY</p>	<p>POLICY TITLE: Rules for Disciplinary Action Against an Administrator</p>
	<p>POLICY CODE: GCOC</p>

For the purposes of this policy only, the term “administrator” applies to all employees covered by the Meet and Confer Agreement with Educational Leaders, Inc. (ELI)

I. INTRODUCTION

These rules are adopted to comply with Arizona Revised Statutes, A.R.S. §15-341. Every administrator employed by the District is responsible for knowing and complying with all policies, rules and regulations, including this policy, adopted by the Governing Board and all applicable State and Federal laws and regulations and for conducting himself/herself in a professional manner. The Governing Board, through its designees, may discipline administrators for any of the following reasons in accordance with the procedures set forth in this policy.

II. REASONS FOR DISCIPLINE

Administrators may be disciplined for cause, including, but not limited to, the following:

- A. Administrator conduct which is a violation of any of the applicable rules, regulations, and policies of the Governing Board or administrative regulations. Any other inappropriate or discriminatory behavior or actions constituting unprofessional conduct may be cause for discipline as though fully set forth herein.
- B. Administrator conduct which fails to comply with any of the applicable duties of employees set forth in Title 15 of the Arizona Revised Statutes.
- C. Insubordination. Insubordination is defined as failure to obey lawful orders of, or refusal to, comply with reasonable instructions or directions by the supervising administrator or the Governing Board in connection with the administrator's employment and/or job performance.
- D. Unprofessional conduct, including, but not limited to:
 1. Failure to enforce the personnel and educational management objectives of this District, as reflected in Governing Board Policies,

Administrative Regulations, applicable laws and instructions of the Superintendent and Governing Board.

2. Failure to hold employees in his/her supervision to account for misbehavior, inadequate performance, violation of Governing Board Policies, Administrative Regulations and applicable laws, or unprofessional conduct.
3. Conduct involving unauthorized physical abuse or punishment or repeated mental abuse of a pupil.
4. Conduct involving being under the influence of alcohol, or the use or abuse of illegal narcotics, habit-forming drugs or other illegal substances while on duty.
5. Conduct which would constitute a criminal offense, including, but not limited to, a minor criminal offense while on duty or on the school grounds. A minor criminal offense is defined as conduct which would constitute a Class 6 felony or a misdemeanor.
6. Conduct which fails to meet the requirements set forth in Governing Board Policies GBEA and GBEB.
7. Excessive unauthorized absences or excessive tardiness or early departure.
8. Dishonesty.
9. Conviction of a felony.
10. Misuse or unauthorized use of District property.

III. TYPES OF DISCIPLINE

- A. Written reprimand
- B. Suspension without pay for up to ten (10) days

IV. NON-DISCIPLINARY MEASURES

- A. These disciplinary rules do not apply to suspension without pay for greater than ten (10) days or dismissal of an administrator. Provisions for such actions are set forth in A.R.S. §15-531, *et seq.* Reasons for discipline contained in this policy may also serve, separate and apart from this policy, as a basis for dismissal.

- B. Not all administrative actions regarding an employee are considered “discipline” even though they may involve alleged or possible violations by the employee. This policy addresses only discipline and has no application to any of the following:
1. Letters or memoranda directed to an administrator containing directives or instructions for future conduct.
 2. Counseling of an administrator concerning expectations of future conduct.
 3. Decision not to offer a contract to an administrator for the following school year.

V. CRITERIA FOR SELECTING THE PROPER LEVEL OF DISCIPLINE

In determining which level of discipline shall be imposed, the supervising administrator shall consider the effect of the administrator's conduct or omissions in accordance with the following criteria. The supervising administrator may utilize a system of progressive discipline if appropriate or may initially impose more serious discipline if the administrator's conduct or omissions warrant it. The supervising administrator may consult with the Chief Human Resources Officer, or designee, and District Legal Counsel when considering discipline.

- A. The administrator negligently or unintentionally or incompetently fails to comply with one or more of the rules, regulations or policies of the Governing Board, the applicable statutory duties of administrators or any of the other applicable reasons for discipline on one or more occasions and the negligent conduct or omission results in the negligible or minor harm to pupils, school personnel or the school or school district.
- B. The administrator negligently or unintentionally or incompetently fails to comply with one or more of the rules, regulations or policies of the Governing Board, the applicable statutory duties of administrators or any of the other applicable reasons for discipline on one or more occasions and the negligent conduct or omission results in significant harm to pupils, school personnel or the school district or disrupts the orderly operation or management of the school or school district.
- C. The administrator willfully or intentionally engages in conduct which violates the rules, regulations and policies of the Governing Board or the applicable duties of administrators or any of the other reasons for discipline where the conduct results in or contributes to minor physical harm or abuse or mental harm to a pupil or pupils, to school personnel, financial loss to the school district or disrupts the orderly operation or management of the school or school district.

- D. The administrator willfully or intentionally engages in conduct which violates the rules, regulations and policies of the Governing Board or the applicable duties of administrators or any of the other reasons for discipline where the conduct results in or contributes to significant physical harm or abuse or mental harm to a pupil or pupils, to school personnel, significant financial loss to the school district, or significantly disrupts the orderly operation or management of the school or school district.

VI. PROCEDURE

A. General Provisions

1. Persons authorized to impose discipline: Any administrator who is the immediate or primary supervisor of the administrator is authorized to impose a written reprimand and suspension with pay. The Governing Board and Superintendent, or designee, are authorized to impose a written reprimand or suspension without pay. Only the Governing Board may dismiss an administrator.
2. Notice: Any person required by these rules to give written notice to any other person affected by these rules may do so by any means reasonably calculated to give the recipient actual knowledge of the notice within a reasonable amount of time. When time is calculated from the date a notice is received, the notice is deemed to be received on the date it is delivered or placed in the mail. If mailed, the time shall be extended by three calendar days.
3. Administrative discretion: In adopting these policies/procedures, it is the intention of the Governing Board that they be interpreted and applied in a reasonable fashion. The policies are not intended to restrict or eliminate the discretion traditionally afforded to administrators and the Board to determine whether discipline is appropriate. Administrators are therefore directed to continue to use reasonable discretion in determining whether a particular alleged rule violation merits discipline.
4. During the pendency of the hearing, the administrator or his/her representative or the supervising administrator shall not contact the hearing officer or any other administrator who may be designated to act as a hearing officer or hearing officer on appeal or any Governing Board member to discuss the merits of the supervising administrator's recommendation or charges and proposed discipline except as provided by these rules. No attempt shall be made during this period to discuss the merits of the charges with any potential hearing officer.

5. Right not to impose discipline: The Governing Board reserves the right not to discipline an administrator for conduct which violates these rules.
 6. Definition of work days: For the purposes of these rules, a work day is any day that the District's central administrative office is open for business, excluding work days during the winter vacation.
 7. Amendments: The Governing Board reserves the right to amend these rules in any way at any time. Any procedural amendments may be retroactive unless disadvantageous to an administrator who is subject to discipline; any substantive amendment shall be prospective only.
 8. Severability: If any provision of these rules is held to be invalid for any reason, that action shall not invalidate the remaining rules. If any provision of this policy conflicts with any provisions in any other policies adopted by the Governing Board, the provision of this policy shall prevail.
 9. Definitions for Various Administrators: For convenience, the administrator recommending discipline shall be referred to in this policy as the "Supervising Administrator." The administrator against whom the action is being taken will be referred to in this policy as the "Administrator." In the case of suspension without pay, the immediate supervisor of the supervising administrator shall be designated the hearing officer. When a decision is appealed, the hearing officer on appeal may be any administrator equal to or with higher supervisory authority than the administrator who presided at the initial hearing.
- B. Procedures to impose a written reprimand or suspension without pay for up to ten (10) days.
1. Upon a determination by the supervising administrator that there exists cause to impose discipline, the supervising administrator shall notify the administrator of his/her intent to impose discipline. The notice shall be in writing and shall be delivered in person or by First Class Mail. The notice shall include the following:
 - a. The conduct or omission of the administrator which constitutes the reason for discipline.
 - b. A reference to any statutes, rules, policies, duties or written objectives or directions violated, if applicable.

- c. A scheduled meeting time between the supervising administrator and the administrator to review evidence and hear testimony which the administrator may wish to present in his/her behalf. Such meeting shall be scheduled not less than two (2) nor more than ten (10) working days from the date the administrator receives the notice.
 - d. A statement of the disciplinary action the supervising administrator intends to impose, including if applicable, the number of days suspension with pay.
 - e. Copies of any available relevant documentation may be included with the notice.
2. At the meeting, the administrator may be accompanied by a representative of his/her own choice with whom the administrator may consult and from whom the administrator may seek advice.
3. At the meeting, the supervising administrator shall discuss with the administrator the conduct which warrants disciplinary action and shall provide the administrator with any available evidence and a copy of any relevant documentation which he/she possesses if not previously provided. The meeting will be conducted informally and the supervising administrator may consider any relevant evidence in making his/her determination.
4. Within two (2) working days following the meeting, the supervising administrator shall inform the administrator in writing of his/her decision. If the decision is to impose a written reprimand or suspension without pay for up to ten (10) days, a copy of the proposed discipline letter shall be enclosed. The decision shall state that a copy of the notice and discipline letter shall be placed in the administrator's personnel file and the date the letter of reprimand or suspension with pay shall be imposed unless the administrator files a written request for appeal within two (2) working days after the decision is delivered to the administrator. If the administrator requests an appeal of the supervising administrator's decision, the imposition of any discipline shall be suspended pending the outcome of the appeal.
5. Letters of reprimand and/or suspensions without pay for up to ten (10) days may be appealed in writing to the administrator at the next higher level of supervision or his/her designee (hearing officer on appeal). The appeal shall contain a brief statement of the basis or reasons for appealing the supervising administrator's decision. The hearing officer shall give the administrator notice of the date,

time and place of the hearing where the appeal will be considered. The hearing shall be scheduled within fifteen (15) working days following receipt of the request for an appeal hearing. At the appeal hearing, the administrator shall present arguments in support of the reasons for appealing the supervising administrator's decision. The administrator may be accompanied by a representative of his/her choice with whom the administrator may consult and from whom he/she may seek advice. The hearing officer on appeal shall review any record made by the supervising administrator of the initial hearing and may, in his/her discretion; inquire into the facts from the administrator or the supervising administrator.

6. At the close of the hearing or within any reasonable time thereafter, not to exceed ten (10) working days, the hearing officer shall render a decision upholding, overturning or modifying the supervising administrator's decision.

A copy of the decision on appeal shall be provided to the administrator, supervising administrator, Superintendent and Governing Board. If the decision is to uphold the discipline imposed, the decision shall state when the suspension without pay for up to ten (10) days shall begin and/or the letter of reprimand be placed in the administrator's personnel file. The imposition of discipline shall occur as soon as reasonably practicable. The decision of the hearing officer is final.

7. Emergency action: If, in the judgment of the supervising administrator, the conduct of the administrator warrants immediate removal from the school or place of work in order to protect the emotional, physical or educational welfare of the students or other employees, the supervising administrator may in his or her discretion immediately place administrator on Administrative Temporary Assignment in accordance with Governing Board Policy GCC1. The applicable notice and hearing shall be provided as soon as reasonably practicable following such emergency suspension.
8. If no further disciplinary actions occur for two (2) years, the administrator may, upon written application, have a letter of reprimand removed from his/her personnel file.

C. Discipline of the Superintendent

1. If it appears to the Governing Board that the Superintendent has engaged in conduct which warrants either a letter of reprimand or suspension without pay, the Governing Board shall appoint one of

its members or any other person to conduct the meeting described in Sections V.B.

2. The Superintendent is entitled to request an appeal of any decision rendered by the designated hearing officer. In such cases, the appeal shall be to the Governing Board or its designee in the manner specified in Sections V.B.5.

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LEGAL REF.: A.R.S. §15-341, 15-539

CROSS REF.: GBEA – Staff Ethics
GBEB – Staff Conduct
GCCCI – Administrative Temporary Assignment