



*Adopted: June 4, 1996*

*EMID 6067 Board Policy 403*

*Revised: November 16, 2005; December, 2014*

## **403 DISCIPLINE, SUSPENSION, AND DISMISSAL OF EMID EMPLOYEES**

### **I. PURPOSE**

The purpose of this policy is to achieve the effective operation of EMID's programs through the cooperation of all employees under a system of policies and rules applied fairly and uniformly.

### **II. GENERAL STATEMENT OF POLICY**

The disciplinary process described herein is designed to utilize progressive steps, where appropriate, to produce positive corrective action. While EMID intends that in most cases progressive discipline will be administered, the specific form of discipline chosen in a particular case and/or the decision to impose discipline in a manner otherwise, is solely within EMID's discretion.

### **III. DISCIPLINARY PROCEDURES**

#### **A. Violation of Educational Laws and Rules**

The form of discipline imposed for violations of educational laws and rules may vary from an oral reprimand to termination of employment or discharge depending upon factors such as the nature of the violation, whether the violation was intentional, knowing and/or willful and whether the employee has been the subject of prior disciplinary action of the same or a different nature. Educational laws and rules to which this provision applies include:

1. Board policies;
2. directives and/or job requirements imposed by administration and/or the employee's supervisor, and
3. federal, state and local laws, rules and regulations, including, but not limited to, the rules and regulations adopted by federal and state agencies.

#### **B. Substandard Performance**

An employee's substandard performance may result in the imposition of discipline ranging from an oral reprimand to termination of employment or discharge. In most instances, discipline imposed for the reason of substandard performance will follow a progressive format to be accompanied by guidance, help and encouragement to improve



from the employee's supervisor and reasonable time for correction of the employee's deficiency.

### C. Misconduct

Misconduct of an employee will result in the imposition of discipline consistent with the seriousness of the misconduct. Conduct which falls into this category includes, but is not limited to:

1. unprofessional conduct;
2. failure to observe EMID rules, regulations, policies and standards and/or directives and orders of supervisors and any other act of an insubordinate nature;
3. continuing neglect of duties in spite of oral warnings, written warnings and/or other forms of discipline;
4. personal and/or immoral misconduct;
5. use of illegal drugs, alcohol or any other chemical substance on the job or any use off the job which impacts the employee's performance;
6. deliberate and serious violation of the rights and freedoms of other employees, students, parents or other persons in the educational community;
7. activities of a criminal nature relating to the fitness or effectiveness of the employee to perform the duties of the position;
8. failure to follow the canons of professional and personal ethics;
9. falsification of credentials or experience;
10. unauthorized destruction, removal, or disposition of EMID property;
11. neglect of duty;
12. violation of the rights of others as provided by federal and state laws related to human rights;
13. any other good and sufficient grounds relating to any other act constituting inappropriate conduct.

## IV. FORMS OF DISCIPLINE

- A. The forms of discipline that may be imposed by EMID include, but are not limited to:
  1. oral warning,
  2. written warning or reprimand,
  3. probation,
  4. disciplinary suspension, demotion or leave of absence with pay,
  5. disciplinary suspension, demotion or leave of absence without pay, and
  6. dismissal/termination or discharge from employment.
  
- B. Other forms of discipline, including any combination of the forms described in paragraph A above, may be imposed if, in the judgment of the administration,



another form of discipline will better accomplish EMID’s objective of stopping or correcting the offending conduct and improving the employees’ performance.

## **V. PROCEDURES FOR ADMINISTERING POLICY**

- A.** In an instance where any form of discipline is imposed, the employee's supervisor will:
1. Advise the employee of any inadequacy, deficiency or conduct which is the cause of the discipline, either orally or in writing. If given orally, the supervisor will document the fact that an oral warning was given to the employee specifying the date, time and nature of the oral warning.
  2. Provide directives to the employee to correct the conduct or performance.
  3. Forward copies of all writings to the administrators in charge for filing in the employee's personnel file.
  4. Allow a reasonable period of time, when appropriate, for the employee to correct or remedies the performance or conduct.
  5. Specify the expected level of performance or modification of conduct to be required from the employee.
- B.** EMID retains the right at all times to immediately discipline, terminate or discharge an employee as appropriate, subject to relevant governing law.

***Legal References:*** Minn. Stat. § 122A.40 (Teachers – Employment; contracts; termination)  
Minn. Stat. 122A.41 (Teachers tenure)  
Minn. Stat. § 122A.58 (Coaches)  
Minn. Stat. § 122A.44 (Contracting with teachers)  
Minn. Stat. § 123B.02 Subd.14 (Employees; contract for services)  
Minn. Stat. § 123B.143 (Superintendent)  
Minn. Stat. § 123B.147 (Principals)  
Minn. Stat. § 197.46 et. seq. (Veterans Preference Act)

***Cross References:*** MSBA Service Manual, Chapter 3, Employees  
EMID Policy 524 (Computer Access and Internet Use and Safety)