

DISCIPLINARY ACTION AND DISCHARGE

Staff member(s) 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 affect their effectiveness on the job will be subject to disciplinary action or discharge. Behavior, conduct, or action that provides sufficient cause will warrant disciplinary action or discharge. Such behavior, conduct, or action could 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 staff member's ability to perform a job including any felony crime involving:
 - 1. The physical neglect of a student ;
 - 2. The physical injury or death of a student ;
 - 3. Sexual exploitation of a student ;
 - 4. Sexual offenses;
 - 5. Promotion of a minor for prostitution purposes; or
 - 6. The sale or purchase of a minor student ;[Staff members are required to report in writing to the Superintendent or designee any conviction or guilty plea of the above referenced crimes (and of any other crimes that are workplace related) within five (5) days of conviction or guilty plea];
- G. Malfeasance;
- H. Misconduct;
- A. Inability to perform job functions;
- J. Willful violation of district policies and procedures, laws, or regulations;
- K. Mistreatment, abuse or assault of fellow staff members , students, or individuals of the public;
- L. Conflict of interest;
- M. Abuse of leave;
- N. Unlawful harassment, verbal abuse, physical abuse or sexual misconduct toward staff member(s) , students, or individuals 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 or other controlled substances 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 staff member(s). 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 or designee will contact the Child Protective Services central registry for evidence regarding whether the staff member is 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/guardians, as required by law.

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 staff member and will comply with all legal requirements regarding such misconduct.

The Superintendent or designee on behalf of the district, will not provide a recommendation of employment for a current or former staff member, 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(s) in violation of the law. District staff member(s), contractors, and agents are also prohibited from providing a recommendation of employment to a current or former staff member, contractor, or agent that the staff member, contractors, or agents know or has probable cause to believe engaged in sexual misconduct with a student(s) 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 staff member obtain new employment.

Non-Disciplinary Dismissal

Employees may be subject to non-disciplinary dismissal for refusal to provide proof of a COVID-19 vaccine or refusal to obtain a medical or religious accommodation as stated in the Washington State Governor's Proclamation 21-14.

Suspension of Staff Member

The Superintendent or designee is authorized to suspend a staff member immediately as deemed appropriate.

Cross References:

5006 - Certification Revocation
5010 - Nondiscrimination and
Affirmative Action
5011 - Sexual Harassment
5015- Staff and Private Use of
Social Media
5020 - Collective Bargaining
5021 - Conflicts between Policy and
Bargaining Agreements
5050 - Contracts
5211 - Assignment, Reassignment
and Transfers
5215 - Assignment and Transfer of a
Certificated Administrative Staff
5230 - Job
Descriptions/Responsibilities
5240 - Evaluation of Staff
5251 - Conflicts of Interest
5252- Staff Participation in Political
Activities
5253 - Maintaining Professional
Boundaries between Employees and
Students
5260 - Personnel Records
5271 - Reporting Improper
Governmental Action
5280 - Separation from Employment

Legal References:

RCW 28A.400.300 Hiring and discharge of employees —Written
leave policies — Seniority and leave benefits of employees
transferring between school districts and other educational
employers
RCW 28A.400.320 Crimes against children — Mandatory
termination of classified employees — Appeal — Recovery of
salary or compensation by district
RCW 28A.400.340 Notice of discharge to contain notice of right
to appeal if available
RCW 28A.405.300 Adverse change in contract status of
certificated employee — Determination of probable cause —
Notice — Opportunity for hearing
RCW 28A.405.310 Adverse change in contract status of
certificated employee, including non-renewal of contract —
Hearings — Procedure

RCW 28A.405.470 Crimes against children — Mandatory termination of certificated employees — Appeal — Recovery of salary or compensation by district

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

Chapter 181-86 RCW Policies and procedures for administration of certification proceedings

WAC 181-87 Acts of Unprofessional Conduct

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