

Livingston School District

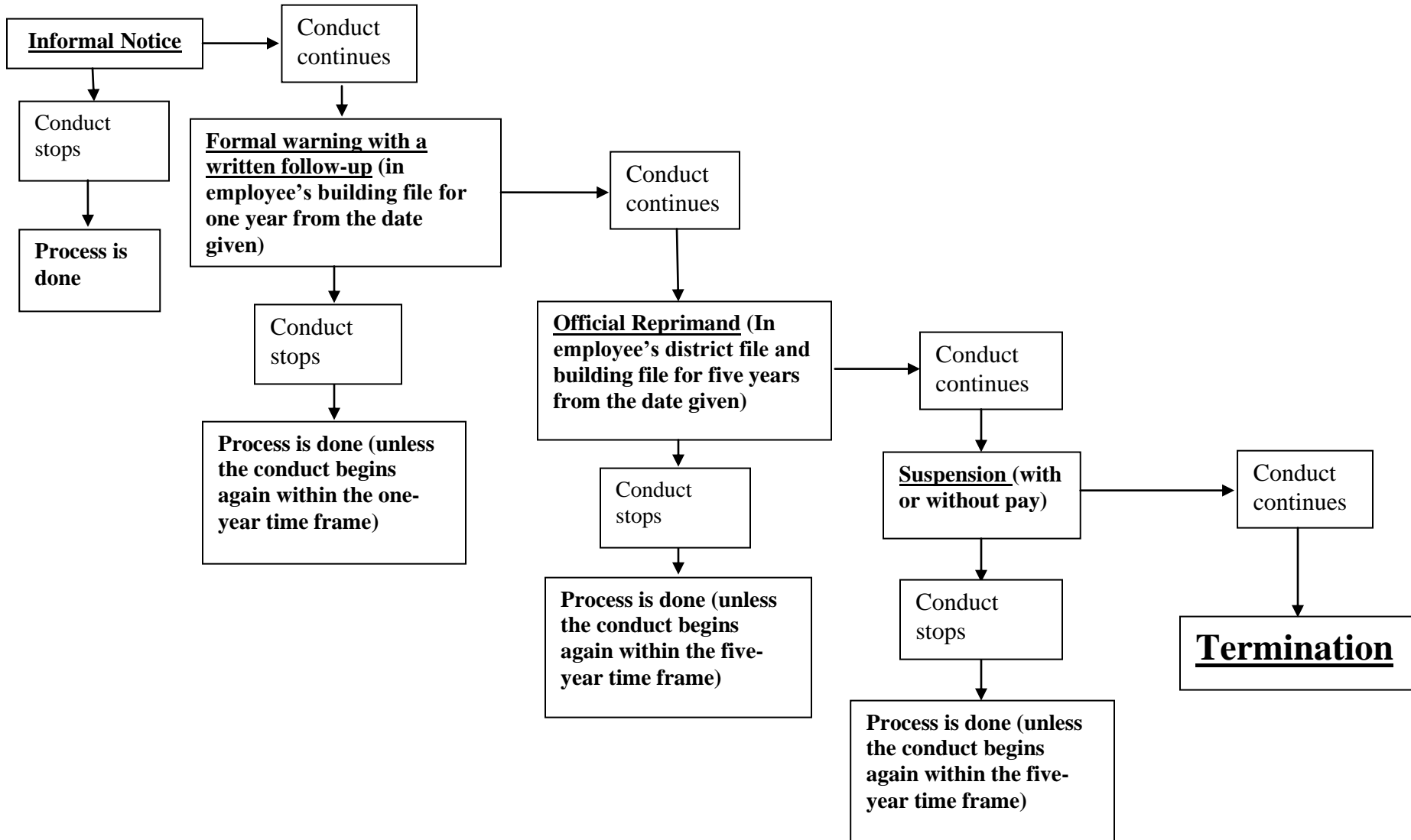
Administrative Guide to Corrective Action Steps and Staff Improvement

INTRODUCTION

It is the philosophy and intent of the Livingston School District to support and coach all employees toward best practice in their given field. In order for the district to have a safe quality learning environment for all students, it is essential that all employees reach a high standard of job performance. These corrective action steps are in place to support an employee toward that high standard of performance. The emphasis of Corrective Action is to be proactive in the prevention and correction of staff problems, not on punitive discipline. However, if an employee either through attitude or aptitude fails to meet performance standards, this tool is also in place to serve as due process for termination of employment.

PREVENTION: Your Most Effective Tool

1. Have I made the corrective action steps accessible?
2. Have I assured myself that all staff members have access to a copy of the staff handbook?
3. Am I reasonable and equitable in the application of the rules?
4. What law, rule, regulation, or policy has been violated?
5. Do I have cause to proceed with some kind of action?
6. What is the next step in due process?



Corrective actions may be entered into at the level fitting the severity of the infraction. For example, should an employee hit a student they would enter the Corrective Action process at Official Reprimand or above.

SUMMARY OF PROCEDURES FOR CORRECTIVE ACTION

1. Post the Rules

- Notice of where to access the employee negotiated agreements, board policies, and the staff handbook
- School or Department Procedures
- District Policies and Memos

Suggested Posting Sites

- Faculty Room, web site, or Mail Room
- Faculty Meeting
- Individual Handbooks

2. Keep Notes

- Your log of incidents and infractions
- Date, time, place, facts, witnesses
- Who did what, who said what
- Factual description of what happened
- Record of what you said, did

Please make sure that at all steps the employee is notified of the right to representation.

3. Give Informal Notice

- Informal counseling or discussion when a pattern develops or a situation requires notice
- The words “Informal Notice” must be used
- Find out what really happened
- Listen to employee’s side
- Communicate or clarify what is expected
- Make notes: date, time, place, facts, action taken
- Administrator/supervisor *may* summarize and give written follow-up or directives

4. Give Formal Warning (After failure of informal notice) (this conversation is followed up in writing)

- Investigate before you act
- Listen to employee’s side you may ask for a written statement
- Use the words “Formal Warning”
- State and explain the rule or clarify expectations
- Offer help
- Explain that failure to comply will warrant “Further Corrective Action”
- Make notes: date, time, place, facts, action taken
- A written “formal” warning with specifics should be given to the employee and a copy placed in the building file for one year from the date given
- The administrator/supervisor may confer with the Superintendent

Summary of Procedures for Corrective Action Continued

Please make sure that at all steps the employee is notified of the right to representation

5. Give Official Reprimand (after failure of Formal Warning)

- An Official Reprimand cannot be issued without district office consultation
- Conduct a fair and complete investigation
- Obtain a written explanation from the employee
- Stick to sensory facts: avoid assumptions, generalizations, moralizing, jargon
- Meet with **superintendent** to review documentation and review the written Official Reprimand
- The letter school contain
 - Statement that this is an official reprimand
 - Continuation of infraction will bring additional corrective action steps
 - Cite the specific unsatisfactory performance history and informal warnings
 - Describe desired performance
 - Offer assistance to improve
 - Give timeline for expected improvement
- A copy of the letter goes to the employee, a copy goes to the building file, and the original letter goes to the employee's District file for five years from receipt of the Official Reprimand

6. Provide Time and Opportunity to Improve

- Opportunity and expectation of improvement should be written into any Warnings and Reprimands
- A Remediation Plan, jointly developed by the employee and administrator/supervisor, is required at this step

7. Recommend Suspension (after failure of all the above)

- Last resort; this may result in dismissal if not corrected
- Thorough investigation and review absolutely essential before taking this step
- Documents, procedures, evidence, witnesses must be clean, strong, convincing
- Administrator/supervisor takes recommendations to superintendent for review before issuance of suspension

8. Recommend Dismissal (after failure of all the above)

- Administrator/supervisor can only recommend;
- Decision is made by Superintendent, with legal counsel, to recommend to the Board for termination
- Timelines, procedures, evidence are all critical

Causes for Corrective Action, up to and including Suspension and/or Dismissal

1. Employees may be suspended or dismissed for just cause or good cause under the provisions of the Section 20-4-203 MCA, Section 20-4-204 and 20-4-207 MCA, and as outlined in the Livingston Education Association Professional Agreement.
2. Cause (just or good) for corrective action, up to and including suspension or dismissal, shall include but not be limited to the following acts or omissions by an employee.
 - (a) Improper conduct, including but not limited to the following:
 - (1) Conduct that violates any established rule, regulation, policy, or directive
 - (2) Conduct that violates any provision of the collective bargaining agreement between the Board and employee associations
 - (3) Conduct that violates the criminal law of the state or of the United States
 - (4) Conduct which exposes the District to censure (judicial reprimand) or damage
 - (5) Bringing an intoxicant onto school property; consuming an intoxicant on school property; or reporting for work under the influence of an intoxicant
 - (6) Bringing and/or using a narcotic or other controlled substance on school property; or reporting for work under the influence of a narcotic or other controlled substance
 - (7) Addiction to, or dependency on, a narcotic or other controlled substance that interferes with the employee's job performance
 - (8) Theft
 - (9) Use of District property for personal gain
 - (10) Negligent or willful damage to District property
 - (11) Dishonesty or falsification of any information supplied to the District, including data on application forms, employment records, or other information given to the District
 - (12) Sexual harassment
 - (b) Neglect of duty, including but not limited to:
 - (1) Unexcused absences
 - (2) Excessive absences
 - (3) Abuse of leave policies
 - (c) Insubordination:
 - (1) Willful and repeated failure to follow clear and reasonable orders, requests, or directives
 - (d) Failure to perform duties properly.
 - (1) An employee has the ability and experience to do the job; but for some reason, the employee isn't getting the job done
3. Procedures for suspension, termination, and non-renewal of contract are included in the Professional Agreements.

GOOD PRACTICE

1. Provides timely notice and opportunity for feedback.
2. Is reasonably related to the orderly, efficient, and safe operation of the school, site, department, or program.
3. Provides for a fair investigation of allegations or concerns.
4. Provides an appeals procedure.
5. Recommends that counsel is sought when dealing with difficult issues.
6. Insures due process.
7. Must not conflict with
 - Professional Agreement
 - State or Local Laws
 - Board Policy
 - Administrative Memoranda
 - Consistently Applied Practices that relate to Professional Standards.
8. Avoids practice that may be seen as unreasonable, unfair, or petty.

GOOD PRACTICE

BASIC RULES OF EMPLOYEE CORRECTIVE DISCIPLINE (Following Due Process)

1. Rules and directives must be reasonable and enforceable. The violated rule or order must be reasonably related to the orderly, efficient, and safe operation of the school.
 - a. The administrator/supervisor must maintain factual records on all employees covering all violations or rules or order.
 - b. Precedent must show that previous violators of the rule or order were dealt with in the similar manner that is being undertaken now.
2. For an Official Reprimand, the employee must have had previous formal warning on the violation in question, particularly minor violations. **However, severe offenses may jump past this step.**
 - a. For suspension, the employee must have received previous official reprimand on the violation. **Severe offenses may jump past this step.**
 - b. For dismissal, the employee must have received previous suspension without pay on the violation. **Severe offenses may jump past this step.**
3. The incident that precipitates corrective action must be carefully and objectively investigated prior to taking corrective action. This includes giving the employee a fair opportunity to give his or her side of the story.
4. The administrator/supervisor must produce objective factual evidence proving that the employee did actually commit the infraction.
 - a. The administrator/supervisor must produce factual written records showing the steps taken to try to correct the employee's conduct prior to serious corrective action. This includes documentation of efforts to assist the employee.
 - b. Precedent must show that similar written records and corresponding corrective steps have been taken to deal with improper performance of employees with the same general area(s) of concern.
 - c. The evidence must include names of witnesses, dates, times, places, and other pertinent facts on all past violations, including the most recent.
5. The corrective action must fit the violations: the degree of corrective action must be reasonably related to
 - The seriousness of the offense
 - The past record of the employee
 - Treatment consistent with treatment of other similar cases

**Livingston School District
INCIDENT REPORT FORM**

Instructions: Please fill out this form as accurately and with as much detail as you can. Use the back if necessary. Your assistance as a witness in documenting what actually happened is appreciated. Please be aware that a copy of this form will be made available to the employee.

Your Name: _____ Phone: _____

Address: _____

Date of Incident: _____ Time: _____

Location of Incident: _____

Where were you at the time of the incident? _____

What were you doing? _____

Names of other persons observing incident:

Explain in detail what you saw (include names of persons involved if you can):

What statements did you hear and who made the statement?

Signature: _____ Date: _____

When you have completed this form, please return it to: _____

Professional Educators of Montana Code of Ethics

Preamble

Education in Montana is a public endeavor. Every Montanan has a responsibility for the schooling of our young people, and the state has charged professional educators with the primary responsibility of providing a breadth and depth of educational opportunities.

The professional conduct of every educator affects attitudes toward the profession and toward education. Aware of the importance of maintaining the confidence of students, parents, colleagues and the public, Montana educators strive to sustain the highest degree of ethical conduct. While the freedom to learn and the freedom to teach are essential to education in a democracy, educators in Montana balance these freedoms with their own adherence to this ethical code.

The Professional Educator in Montana:

Makes the well-being of students the foundation of all decisions and actions.

- ⌚ Protects students when their learning or well-being is threatened by the unsafe, incompetent, unethical, or illegal practice of any person.
- ⌚ Provides educational services with respect for human dignity and the uniqueness of the student.
- ⌚ Safeguards the student's right to privacy by judiciously protecting information of a confidential nature.

Fulfills professional responsibilities with diligence and integrity.

- ⌚ Enhances individual competence by increasing knowledge and skills.
- ⌚ Exemplifies and fosters a philosophy of education which encourages a lifelong pursuit of learning.
- ⌚ Contributes to the development and articulation of the profession's body of knowledge.
- ⌚ Promotes professionalism by respecting the privacy and dignity of colleagues.
- ⌚ Demands that conditions of employment are conducive to high-quality education.

Models the principles of citizenship in a democratic society.

- ⌚ Respects the individual roles, rights, and responsibilities of the community; including parents, trustees, and colleagues.
- ⌚ Assumes responsibility for individual actions.
- ⌚ Protects the civil and human rights of students and colleagues.

Adopted by the Certification Standards and Practices Advisory Council on October 30, 1997