

Somerset County Board of Education
Policy Guidelines
Policy # 700-27

SUSPENSION AND DISMISSAL OF CLASSIFIED EMPLOYEES
ADMINISTRATIVE PROCEDURES

I. Reasons for Imposing Discipline

A. Immorality: An act or course of conduct or not in keeping with the standards of behavior of the school environment.

(1) Somerset County Public Schools considers the following as examples of immoral conduct. The list does not include all types of prohibited conduct but is intended to suggest the types of conduct that will not be condoned:

- (a) An act in violation of standards of school environment
- (b) Abusive and/or vulgar language on the job
- (c) Inducing students to participate in/or commit an act or acts of immorality
- (d) Possession, use, distribution, or being under the influence of controlled or dangerous substances
- (e) Theft of school property or the property of others
- (f) Falsification of any school record or employment application
- (g) Possession or distribution of lewd, obscene or pornographic materials on school issued property and equipment and personal property and equipment used on school or facility premises

(2) Discipline - Any form of discipline may be imposed depending upon circumstances and the specific conduct involved.

B. Misconduct in Office: A transgression of a rule, regulation, or reasonable standard of conduct.

(1) Somerset County Public Schools considers the following as examples of misconduct. The list does not include all types of prohibited conduct but is intended to suggest the types of conduct that will not be condoned:

- (a) Possession, use, distribution, or under the influence of alcoholic beverages on school grounds
- (b) Knowingly failing to report suspected cases of child abuse (§5-701 of Family Law Article)
- (c) Harassment and/or intimidation of students, staff or citizens at large including use of racial slurs and/or derogatory remarks
- (d) Misuse of Somerset County Public School System's property
- (e) Misrepresentation regarding employee's benefits, privileges and other rules and regulations
- (f) Disclosing confidential information to unauthorized persons
- (g) Dating students or engaging in similar inappropriate conduct
- (h) Misuse of school funds
- (i) Disorderly conduct on school property or while on duty which include: fighting, threatening, or attempting to inflict bodily harm on another person

- (j) Possession of firearms or other weapons on school property
 - (k) Knowingly presenting false information of a material fact to the Board of Education
- (1) The sale or use of tobacco in any form is prohibited in school buildings at all times. In addition, the sale or use of tobacco in any form is prohibited on school grounds during the official school day.
- (2) Discipline - Any form of discipline may be imposed depending upon the circumstances and the specific conduct involved.
- C. Insubordination:** Disobedience to lawful authority.
- (1) Somerset County Public Schools considers the following as examples of insubordination. The list does not include all types of prohibited conduct but is intended to suggest the types of conduct that will not be condoned:
- (a) Failure to perform all work or duties assigned by an administrator in charge
 - (b) Failure to follow the written or verbal instruction of a supervisor
- (2) Discipline - Any form of discipline may be imposed depending upon the circumstances and the specific conduct involved.
- D. Incompetency:** Failure to meet acceptable standards of performance.
- (1) Somerset County Public Schools considers the following as examples of incompetency. The list does not include all types of conduct that will not be condoned.
- (a) Failure to do work thoroughly and completely
 - (b) Failure to finish assigned work
- (2) Discipline - Any form of discipline may be imposed depending upon the circumstances and the specific conduct involved.
- E. Willful Neglect of Duty:** Failure to follow Public School Law, Code of Maryland Regulations, policies and regulations of the district, directives or job requirements of the school administration.
- (1) Somerset County Public Schools considers the following as examples of willful neglect of duty. The list does not include all types of prohibited conduct but is intended to suggest the types of conduct that will not be condoned:
- (a) Excessive absence
 - (b) Excessive tardiness
 - (c) Unauthorized absence or misuse of leave
 - (d) Failure to perform specific contracted services agreed upon through written agreements
- (2) Discipline - Any form of discipline may be imposed depending upon the circumstances and the specific conduct involved.

II. Forms of Discipline

A. Oral Warning

- (1) This is an oral statement to an employee indicating, but not necessarily limited to, specific conduct.
- (2) May be issued by an immediate supervisor or administrator.

B. Written Warning

- (1) This is a written statement to the employee indicating conduct which is in violation of a rule, regulation, or other requirements; the approximate time(s) of such violation's occurrence; whether the warning is a progressive warning after an oral warning; a clear and complete description of the deficiency or inadequacy of the employee; and suggestions for assistance, or a plan of action, and a time line for improvement.
- (2) May be issued by an immediate supervisor or administrator.

C. Letter of Reprimand

- (1) This is a written statement which specifies that a specific action, behavior, or conduct has transpired; includes a statement that specifies that the letter is a reprimand; and provides for further action should correction not be taken.
- (2) The letter may be issued by an immediate supervisor or administrator and should be signed and dated by the employee.
- (3) A copy should be sent to the Human Resources Office with a notation that a copy will be placed in the employee's personnel file.

D. Disciplinary Suspension, Administrative Leave, or Dismissal

- (1) Suspension: The temporary disciplinary removal of an employee from an assignment.
 - (a) Suspension may be recommended by the immediate supervisor or administrator to the Superintendent of Schools.
 - (b) Suspension is to be preceded by notice and provisions for an informal opportunity to be heard by the superintendent except where immediate action is required because the employee's presence poses a continuing threat of disrupting the educational process.
 - (c) The superintendent's decision to suspend is subject to appeal to the county Board of Education if taken in writing within ten (10) calendar days.
 - (d) Classified personnel may appeal decision to the county Board of Education in accordance with §4-205 of The Annotated Code of Maryland.
- (2) Administrative Leave: The temporary removal of an employee from an assignment, with or without pay, while an administrative investigation is being conducted which has resulted from charges or allegations against the employee.
 - (a) During an investigation conducted under the auspices of the Human Resources Office, the superintendent may place a classified employee on administrative leave, with or without pay, pending action on the charges or allegations.

- (b) Placement of an employee on administrative leave is to be preceded by notice to the employee and an informal opportunity to be heard.
- (c) Should the superintendent or county Board of Education decide in favor of the individual, in cases where leave without pay has been enforced, the restoration of salary and position shall become effective immediately.
- (3) Dismissal: To discharge from employment. Dismissal may be recommended by the principal or site supervisor, or in the case of an administrative investigation, by the Director of Human Resources.

III. Guidelines and Procedures for Administering Discipline Policy

- A. The specific form of discipline chosen in an individual case will be solely at the discretion of the Superintendent of Schools or a designee. However, every attempt will be made to follow the progressive forms of discipline where appropriate.
- B. The determination of the competency of a classified employee should be documented.
- C. Should any condition prevail indicating a deficiency on the part of an individual, an informal or formal conference should be noted and the individual should be given direction for improvement. A written summary with directions for improvement will be provided to the individual.
- D. The employee must be given an opportunity to correct deficiencies.
- E. The removal of any correspondence from a personnel folder resulting from disciplinary action shall be done only with the permission of all parties involved in the action.
- F. The employee's personnel file shall be the repository of all official records used in the disciplinary proceeding. The employee shall have access to, and a copy of, all such records.

IV. Procedures for Hearings and Appeals (Classified Employees)

- A. When an employee has been recommended to be suspended or dismissed, the superintendent of schools is to notify the employee in writing of the charges against him/her and provide the individual the opportunity within ten (10) calendar days of the date of the letter to request a hearing.
- B. Upon written receipt of a request for a hearing with the superintendent, the superintendent shall schedule a formal hearing.
 - (1) The employee is to be notified in writing of the location, date, and time of the hearing.
 - (2) The employee may bring counsel or representation to the hearing.

- (3) The administrator(s), supervisor(s), or representative(s) of the Human Resources Office shall present all documentation, evidence, supportive data, and investigative reports pertaining to the incident.
- (4) The employee may present information and call witnesses specifically related to the incident which caused the suspension or placement on administrative leave.
- (5) Within ten (10) calendar days following the hearing, the superintendent is to notify the employee if disciplinary action is to be taken, the nature of the disciplinary action, the effective date(s) of such action, and the appeal process.
- (6) Should the superintendent rule in favor of the individual in cases where leave or suspension without pay has been enforced, the restoration of salary and position shall become effective immediately.

C. Hearing of Appeals

- (1) The employee shall have ten (10) calendar days from the date of the letter of disciplinary action to file an appeal with the county Board of Education. This request shall be in writing and specifically cite the reasons for an appeal. Within ten (10) calendar days of the employee's written request, the superintendent will arrange a conference to hear the individual's appeal.
- (2) The county Board of Education shall hear an appeal and render a written decision in the case within twenty (20) calendar days of the appeal.