

DaVinci Academy of Science and The Arts

Policy Number: 401

Policy Section: 400 – Staff Policies

POLICY TITLE: Disciplinary Action Policy

Revision History

Effective Date	Action Date	Revised
12/14/2004		

References:

- Title VI of Civil Rights Act of 1964
- Utah Code Ann. Title 34A Chapter 5—Utah Anti-discrimination Act
- Utah Administrative Code—Rule 606

1. POLICY

1.1 It is the policy of the DaVinci Academy of Science and the Arts (DaVinci) to respond promptly and fairly to situations that call for counseling, disciplinary action or termination. Each employee will be evaluated on an individual basis taking into consideration all known information. Discipline will be applied in a positive, corrective and private manner. Progressively more severe reprimands and discipline will be applied if prior misconduct or unacceptable behavior is not corrected. In serious cases of misconduct or blatant disregard for safety procedures or applicable laws, immediate, severe discipline may be necessary in lieu of progressive discipline. This policy identifies procedures to be followed in assisting employees to modify inappropriate behavior or performance.

2. SCOPE

2.1 This policy applies to all employees at DaVinci.

3. PROCEDURE**3.1 Situations Requiring Actions:**

Situations that call for disciplinary action or involuntary termination include any inappropriate conduct by the employee, unsatisfactory job performance, failure to satisfy DaVinci requirements, or violation of DaVinci rules, regulations or procedures.

The following are examples of misconduct that may be cause for disciplinary action, including discharge. Other behavior not listed here may also be subject to disciplinary actions:

- a. Violation of safe work practices or DaVinci safety procedures. The severity of the unsafe behavior will determine the type of disciplinary action. For blatant violations of safe work practices that have potential for serious injury or significant property damage, the disciplinary action will be a Final Written Warning up to and including termination. For less serious safety infractions, verbal or written warning will be issued.
- b. Non-compliance with DaVinci Board policies
- c. Non-compliance with DaVinci Teacher's Handbook guidelines.
- d. Excess absenteeism and tardiness.
- e. Failure to call in when unable to report to work.
- f. Falsification or omission of significant facts on an employment application or other information on which the decision to hire is based or falsification of time or any other DaVinci records.
- g. Failure to correct performance after counseling has been given will result in further disciplinary action up to and including termination of employment
- h. Violating the code of ethics
- i. Gross misconduct or dereliction of duties

- j. Failure to perform instructional duties or failure to implement lesson plans as directed,
- k. Failure to complete professional development as required by the Utah State Office of Education
- l. Unsatisfactory evaluations and inability to address evaluations and recommendations with poor evaluations.
- m. Insubordination example, refusal to follow a Director/supervisor's orders or to perform assigned tasks.
- n. Unauthorized possession of firearms or other weapons on school premises.
- o. Retaliation against another employee for reporting a suspected violation of policy.
- p. Immoral or indecent behavior.
- q. The unauthorized use or the damaging or defacement of school property or equipment or working on unauthorized projects on school premises.
- r. Theft of school property or that of fellow employees or visitors.
- s. Creation of unsafe or unsanitary conditions or the deliberate or negligent destruction or misuse of school property or equipment or that of fellow employees.
- t. The possession or use of alcoholic beverages on company premises.
- u. The use or unauthorized possession of narcotics, barbiturates or other controlled substances or the use or unauthorized possession of any article or implement used in connection with such substances, unless prescribed by a physician.
- v. Use of abusive language, fighting, which causes a hostile intimidating work environment, or other disorderly and intimidating conduct on school premises.

3.2 Due Process

- a. Prior to taking disciplinary action the director should investigate the situation, talk to the employee, talk to others involved, and examine work records and other pertinent data in order to obtain all available information.

3.3 Progressive Disciplinary Steps

- a. Counseling - Employee counseling should be utilized whenever possible to correct inappropriate conduct or performance. One-on-one candid communication done in a positive, constructive, non-threatening manner has the greatest chance of success. Counseling is not disciplinary in nature. No formal documentation is required, but it is recommended that supervisors make notes of the discussion and retain for future reference in case discipline should become necessary.
- b. Verbal Warning - After investigating thoroughly all known facts, a verbal warning should be given, if appropriate. All of the following should be covered:
 - Identify specific problem
 - Review expectations, standards or desired condition
 - Review employee's prior record
 - Listen to employee
 - Make suggestions for improvement
 - Inform employee that this is an official warning
 - Explain that further disciplinary action will be taken if problem is not corrected

- Get commitment from employee to improve
- State time allowed for improvement, if applicable

After the Director has given the warning, employee needs to write down a personal improvement plan. Warnings will be put in employee's permanent record.

c. Written Warning - A written warning is appropriate when an employee fails to correct performance or correct a problem after a verbal warning or when a serious performance or misconduct problem has occurred which justifies foregoing a verbal warning. The Director should review previous conduct and documentation if any. The warning should be presented after a thorough investigation of all facts and should include:

- State when it happened or what is deficient.
- Review expectations or desired condition.
- Suggest ways to improve or correct the problem.
- Review prior discussions or warnings.
- Get commitment from employee to improve.
- Review further disciplinary action to be taken if inadequate improvement is shown.
- Establish dates or a time reference for progress reviews.

When possible, written warnings should be reviewed with DaVinci legal counsel prior to being given to the employee. The Director/supervisor should present the written warning and discuss it with the employee. The employee should sign the warning to indicate he or she has seen it. If desired the employee may prepare written comments, which will be attached to the warning. A copy of the warning may be given to the employee if desired. The original and any documentation should be placed in the employees file and a copy should be sent to DaVinci legal counsel for review.

Written warnings will include a section written by the employee indicating the corrective action that they will take so that the problem will not reoccur. The employee will have 24 hours to prepare their written corrective action. A meeting with the employee, Director/supervisor will then take place to discuss the corrective action. The Director/supervisor manager will need to approve the corrective action suggested by the employee.

d. Final Written Warning - When an employee fails to correct performance after a previous written warning or when a serious performance or misconduct problem occurs, a final written warning should be prepared and given covering the points listed above.

e. Warnings Remain in File Permanently - Warnings will not be purged from the employee's personnel file. They will become part of the permanent file. The Director/supervisor will follow up on all written & final written warnings after a three-month (90 day) period. If there have been no additional incidents the employee will be eligible for promotions and merit salary increases. Attendance warnings are the exception; they are based on a 12-month rolling calendar year before the employee with again become eligible for promotion or merit salary increases.

f. Suspension- Suspension is used in two ways: first, to remove an employee from work while an investigation for alleged serious misconduct is in progress. This suspension may be with full pay if no misconduct is found or with no pay if misconduct is found.

Second, suspension may be used as a form of discipline for serious misconduct. Normally suspension should not be used for attendance or tardiness infractions.

g. Involuntary Termination - Involuntary termination is appropriate when counseling or disciplinary actions have not resulted in a correction of the problem or in cases of severe misconduct. Following a complete investigation, the Director/supervisor should:

1. Review all prior documentation
2. Review all considerations listed in "written warnings" above
3. Prepare an explanation of events and reason for discharge
4. Consider mitigating circumstances
5. Obtain approval from Executive Administrator. No director at DaVinci is given the authority to terminate. Directors recommend, the Executive Administrator reviews and approves or disapproves termination.
6. Inform the employee of the decision and escort him/her to the Director's office
7. Document the discussion and prepare a written account of reasons, events, and records,
8. The Executive Administrator will process the employee out and be the contact point for all future communications,

h. Completion of all progressive disciplinary steps prior to termination is not required in all cases. The need for each step will be evaluated on a case-by-case basis.