

Corrective Discipline Policy

Policy: 9.74

Objective:

The Corrective Discipline Policy has been established to provide progressive disciplinary guidelines to be utilized when employees deviate from expected Detroit Public Schools standards, or fail to adhere to work rules, policies or procedures. The Division of Human Resources will respond specifically to actions or activities of employees requiring disciplinary intervention.

The Division of Human Resources has the primary responsibility for managing and interpreting the school district's corrective discipline process. This responsibility includes providing direct assistance to principals and supervisory administrators with respect to applying and interpreting the work rules and implementing disciplinary procedures. Accordingly, pursuant to this policy, Human Resources will conduct disciplinary hearings and make recommendations for disciplinary action. Disciplinary hearings may also be conducted by school or office administrators. Human Resources will provide guidance and counsel administrators on the corrective discipline process.

The set of corrective disciplinary guidelines and procedures outlines due process in dealing with unacceptable employee behavior.

Policy:

Progressive discipline is designed to correct unacceptable employee conduct through a series of progressively more serious penalties. Depending on the circumstances, progressive discipline provides the employee with an opportunity to correct his/her behavior before being discharged.

Progressive disciplinary steps include, but are not limited to:

1. Warning
2. Written Reprimand
3. Suspension without pay
4. Demotion or Discharge

Progressive discipline may be issued at an appropriate level based on the circumstances surrounding the infraction, the nature and severity of the offense, the employee's past record and previous history of discipline. Progressive discipline requires that any penalty imposed must correspond to the severity of the misconduct. It should be noted that several disciplinary steps may be skipped if the misconduct of the employee is so serious that a more severe penalty is appropriate. Consequently, under certain circumstances discharge may be warranted on the first offense. Detroit Public Schools reserves the right to determine whether progressive discipline will be used, at what level, or whether the infraction committed warrants suspension or discharge.

Provisions

Investigation:

Generally, prior to application of discipline, an investigation of the situation should be conducted. However, an employee may be subject to immediate suspension, depending upon the nature of the offense, pending an investigation. An investigation may include questioning available witnesses, obtaining statements, reviewing application records, and interviewing the employee who is subject to disciplinary action.

Just Cause:

The disciplinary actions taken should comport with a "just cause" standard. Just cause will mean that there is sufficient basis for the application of disciplinary action. Before action is taken, it should be sustained that the district gave the employee forewarning of the possible or probable disciplinary consequences of the conduct. This element may be met by dissemination of the district's work rules and policies. A fair and objective investigation should be conducted, and the degree of discipline administered should be reasonably related to the seriousness of the employee's proven offense and the past or prior disciplinary record of the employee.

Due Process:

In addition to "Just Cause" rights, employees have a constitutional "property right" in termination situations. The Courts have interpreted this to mean that an employee has the right to an objective hearing before he/she can be terminated. It is generally agreed that such a hearing must follow an objective investigation and provide for:

1. Oral or written notice of the charges against him/her;
2. An explanation of the employer's evidence; and
3. An opportunity for the employee to present their version of the events that led to the charges.

In addition, the hearing must generally be in a private setting with union representation present (unless the right of representation is specifically waived). There may be exceptions to this rule. It is recognized that these elements require flexible application and that their impact will depend upon the specific circumstance of each situation.

Detroit Public Schools Work Rules

The purpose of the Detroit Public Schools is to educate the children growing up in our community so that they may be effective participants in our society, contributing economically, participating socially, active politically, independent intellectually. We recognize that our children grow to adulthood as products of the total society. The influence of the schools is central and vital. In an effort to produce a productive, self-supporting, fulfilled citizen as described, the Board affirms its commitment to provide a proper environment for students and employees.

The following work rules are published for your information and to minimize the likelihood of any employee, through misunderstanding or otherwise, becoming subject to any disciplinary action. Violation of these rules cannot be ignored by management. In the event an employee is found to have violated these rules, he/she will be subject to immediate discipline, including suspension, discharge, and criminal prosecution where warranted.

This list is not all-inclusive. Employees may be disciplined or discharged for other inappropriate conduct as determined by the School District.

1. All employees are expected to report for duty every working day. Excessive tardiness or absenteeism will not be condoned.
2. Each employee must notify his/her administrator in charge of intended absence with the time limitations specified.
3. Each employee must observe working hour schedules (starting time, quitting time, lunch hour, and preparation periods).
4. No employee may solicit or collect contributions for any purpose on Board property without written management permission.
5. Employees must not sell or offer for sale any article or service without written management permission.
6. Employees must be diligent in their duties during assigned working hours. Loafing or other abuse of time will not be tolerated.
7. Employees must not interfere with any other employee's performance of duties.
8. Employees may not perform unauthorized personal work during assigned working hours.
9. Employees must not commit an act which might endanger the safety or lives of others.
10. Employees must perform all work properly assigned by an administrator in charge.
11. Employees may not falsify school records, reports or payrolls.
12. Employees may not leave the work location during working hours without permission of an administrator in charge.
13. Employees must not abuse, destroy, damage, or deface Board property, tools, equipment, or the property of others on Board premises.
14. Employees must not fight on Board property.
15. Employees are prohibited from carrying liquor or narcotics on Board property, or consuming liquor or using narcotics on Board property, or reporting for duty under the influence of liquor or narcotics.
16. Employees are prohibited from carrying firearms or other weapons on Board property.
17. Employees must not disclose confidential information to unauthorized persons.
18. Employees must not convert Board of Education, other employees', students', or vendors' property for their own use.
19. Proper attire is expected in each work location.
20. Employees are prohibited from fraternizing with students. This includes but is not limited to touching, excessive conversation, or other non-job related personal contact with students.

If any provision of these policies conflict with an express provision(s) of an applicable collective bargaining agreement, the latter shall supercede this policy to the extent necessary to comply with contractual obligations.

Approved March 9, 2008