Support staff may be dismissed for cause. Employees who have not completed the ninety (90) calendar day probationary period may be discharged without recourse and shall not be subject to the provisions of the grievance procedure.

Support staff members may be required to take such recognized examinations as the Superintendent or designee deems necessary to evaluate their health, competence, and/or performance. The Board shall pay for the cost of the examination(s).

Any provision in the collective bargaining agreement to the contrary shall supersede this policy.

All Board employees shall cooperate fully with appropriate authorities who are conducting investigations into employee conduct.

Disciplinary Guidelines for Support Personnel

The Superintendent retains the right and the responsibility to manage the work force. The School District generally follows a system of progressive discipline in dealing with deficiencies in employee work performance or conduct. Progressive discipline may include, but is not limited to, written counseling/conference summary, caution, reprimand, suspension without pay, and dismissal defined as follows:

A. Written Counseling/Conference Summary - This is a written memorandum or letter memorializing an area of concern involving the performance or conduct of the employee. It is the first step in progressive discipline and is intended to counsel and advise the employee of best practices.

B. Letter of Caution - A letter of caution is given to an employee who has demonstrated problematic behavior or performance. It is the second step in progressive discipline and is intended to alert the employee that a problem has been identified and needs to be corrected.

C. Reprimand - A written reprimand is more serious than a caution. It is a formal censure or admonition given to an employee who has engaged in unacceptable behavior or demonstrated unacceptable performance.

D. Suspension Without Pay - A suspension without pay is the temporary release from duty of an employee for a stated number of calendar days without pay and applies when a violation or repetition of violations of policies, contractual provisions, laws, or District expectations are serious enough to warrant suspension.

E. Dismissal - This is the final step in progressive discipline and applies in cases where the employee misconduct is severe or in cases where the misconduct or unacceptable behavior or performance is repetitive and the progressive discipline procedures have not corrected the problems.

The severity of the problem or employee conduct will determine whether all steps will be followed or a recommendation will be made for suspension without pay or dismissal. When there is a range of penalties, aggravating or mitigating circumstances will be considered. The following offenses are subject to the penalties described below:

A. OFFENSE

B. PENALTY RANGE
1. Inappropriate sexual conduct including, but not limited to lewd and lascivious behavior, indecent exposure, solicitation of prostitution, sexual battery, possession or sale of pornography involving minors, sexual relations with a student  
   Dismissal

2. a. Illegal possession or use of drugs, or being under the influence of illegal drugs, while on or off duty  
   Reprimand-Dismissal

   b. Illegal sale of drugs whether on or off duty  
   Dismissal

   c. Possession, use, or being under the influence of illegal drugs while off duty  
   Reprimand-Dismissal

3. Committing or conviction* of a criminal act – felony  
   Suspension-Dismissal

4. Committing or conviction* of a criminal act - misdemeanor  
   Reprimand-Dismissal

5. Possession of guns or weapons on Board property; (The provision set forth in F.S. 790.115(2)(a)(3) is expressly waived in Policy 4217)  
   Suspension-Dismissal

6. Alcohol related offenses or driving under the influence of alcohol  
   Reprimand-Dismissal

7. Use of corporal punishment, excessive force or inappropriate method of discipline  
   Conference Summary-Dismissal

8. Falsification or alteration of employment paperwork, District forms or documents or certification  
   Caution-Dismissal

9. Incompetence as evidenced by inability or lack of fitness to discharge the required duty  
   Reprimand-Dismissal

9a. Failure to perform the duties of the position  
   Caution-Dismissal

10. Using position for personal gain/conflict of interest  
    Caution-Dismissal

11. Harassment or discrimination of a student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disability, sexual orientation or social and family background  
    Reprimand-Dismissal
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<td>12.</td>
<td>Harassment or discrimination which interferes with an individual’s performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment</td>
<td>Caution-Dismissal</td>
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<td>13.</td>
<td>Inappropriate or disparaging remarks to or about students or exposing a student to unnecessary embarrassment or disparagement</td>
<td>Conference Summary-Dismissal</td>
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<td>14.</td>
<td>Inappropriate relationship with a student</td>
<td>Reprimand-Dismissal</td>
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<td>15.</td>
<td>Inappropriate interactions with colleagues including, but not limited to, physical or verbal altercation</td>
<td>Conference Summary-Dismissal</td>
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<td>16.</td>
<td>Misappropriation of funds or theft of personal property</td>
<td>Caution-Dismissal</td>
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<td>17.</td>
<td>Excessive absenteeism or tardiness</td>
<td>Conference Summary-Dismissal</td>
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<td>18.</td>
<td>Absence without leave (AWOL)</td>
<td>Caution-Dismissal</td>
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<td>18a.</td>
<td>Abandonment of job (shall be presumed after three (3) consecutive work days of absence without leave)</td>
<td>Dismissal</td>
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<td>19.</td>
<td>Failure to correct performance deficiencies</td>
<td>Conference Summary-Dismissal</td>
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<td>20.</td>
<td>Insubordination, which is defined as a continuing or intentional failure to obey a direct order, reasonable in nature, and given by and with proper authority</td>
<td>Caution-Dismissal</td>
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<td>21.</td>
<td>Conduct unbecoming a Board employee that brings the District into disrepute or that disrupts the orderly processes of the District</td>
<td>Caution-Dismissal</td>
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<td>22.</td>
<td>Misconduct or Misconduct in Office</td>
<td>Caution-Dismissal</td>
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<td>23.</td>
<td>Unauthorized use, theft or vandalism of Board property</td>
<td>Caution-Dismissal</td>
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<td>24.</td>
<td>Failure to comply with Board policy, State law, or appropriate contractual agreement</td>
<td>Caution-Dismissal</td>
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<td>25.</td>
<td>Use or possession of obscene, pornographic or sexually explicit materials on Board property or Board computers/equipment/electronic devices</td>
<td>Suspension-Dismissal</td>
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<td>26.</td>
<td>Smoking or use of tobacco products on Board property</td>
<td>Caution-Dismissal</td>
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27. Commission of any offense listed in F.S. 1012.315 Caution-Dismissal (Dismissal mandated if adjudicated guilty)

28. Violation of Safe Driver Plan Caution-Dismissal

*Conviction shall mean a finding of guilt, a plea of guilty, a plea of nolo contendere (no contest), or entering a Pre-Trial Intervention or diversion program, whether or not there is a formal adjudication of guilt.

B. Failure to include a particular act or type of conduct does not preclude the Board from disciplining an employee for such omitted act or conduct if it otherwise constitutes one (1) of the grounds listed in F.S. 1012.33.

C. The following aggravating and mitigating factors or circumstances will be considered when determining the appropriate penalty within a penalty range:

1. the threat posed to the health, safety or welfare of students, co-workers, or members of the public;
2. the severity of the offense;
3. degree of student involvement;
4. the disciplinary history of the employee, including the number of offenses, the length of time between offenses as well as the similarity of offenses;
5. the actual damage, physical or otherwise, caused by the misconduct;
6. any effort of rehabilitation by the employee;
7. attempts by the employee to correct or stop the misconduct;
8. pecuniary benefit or self-gain to the employee realized by the misconduct;
9. impact of offense on students, co-workers, or members of the public;
10. length of employment;
11. whether the misconduct was motivated by unlawful discrimination;
12. employee's evaluations;
13. any other relevant mitigating or aggravating factors;

D. Prior to imposition of suspension without pay as the final penalty or dismissal, employees shall be entitled to due process including an administrative hearing before an impartial administrative law judge as provided under the Administrative Procedures Act (F.S. Chapter 120) and shall be entitled to all the rights provided under that Act including the right to be represented by counsel.

E. The standards of proof in criminal and administrative proceedings differ. Acquittal in a criminal case shall not preclude the prosecution of a disciplinary action pursuant to Board policy.
F.S. 120.57, 1001.41, 1001.42, 1001.43, 1012.22, 1012.27, 1012.32(2)
F.S. 1012.33, 1012.34, 1012.40
F.A.C. 6B-1.01, 6B-1.006

Adopted 12/9/09; Revised 6/29/10