

**DISCIPLINE, SUSPENSION AND DISMISSAL OF ADMINISTRATORS AND
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This regulation applies to all administrators and professional/technical (AP/T) employees. In addition, the portion of this regulation concerning acceptance of resignations or retirement (section VI.A. below) applies to all employees, including those covered by a collective bargaining agreement.

Discipline, including termination or demotion, may take place outside the performance evaluation process. Depending upon the nature of the issue, an AP/T employee may be terminated, demoted or receive lesser discipline, even though his/her performance evaluations consistently meet standards.

I. DEFINITIONS

- A. “Disciplinary action” shall include, but not be limited to, written reprimands, suspension without pay, demotion and dismissal. (Termination and demotion as part of a reduction in force is not a disciplinary action that is covered by this regulation.)
- B. “Supervisor” shall mean the employee’s immediate supervisor, the principal of a school at which the employee works or is assigned, and higher district administrative personnel.
- C. “Superintendent” shall mean the Superintendent or designee.
- D. “Administrator” shall mean employees compensated either as administrators or professional/technical employees.
- E. “Probationary administrators and professional/technical employees” are those employees who have not completed one full year of continuous employment with the district. Probationary employees may be dismissed by the Superintendent for any reason at any time during their probationary period. The appeal procedures will not apply to probationary employees and no reasons need be given for the dismissal.

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II. CONDUCT

The conduct described below illustrates the kinds of behavior that could result in varying degrees of disciplinary action depending upon the supervisor's judgment of its seriousness, frequency and a disregard of warnings. This list is not all-inclusive, and administrators and professional/technical employees may be disciplined for conduct not listed:

- A. Failure to carry out instructions or failure to perform a job assigned in a satisfactory manner;
- B. Insubordination, which may include refusal to answer questions reasonably related to the administrator's or professional/technical employee's job;
- C. Discourteous, offensive or abusive conduct or language toward other employees, students, patrons, or any other person that adversely affects the workplace;
- D. Dishonesty;
- E. Possessing, using, transmitting, dispensing, manufacturing or distributing or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, chemical or intoxicant of any kind while on duty or while on district property at any time or reporting to work while under the influence of any of the above. (Use of a drug authorized by medical prescription to the administrator or professional technical employee from a medical doctor will not be considered a violation of this rule if the administrator or professional technical employee's supervisor is notified of the use of such drug, and the prescription is presented upon request before the administrator or professional technical employee reports to work.);

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- F. Excessive absences or tardiness;
- G. Abusing sick leave privileges;
- H. Failing to notify a supervisor prior to absence;
- I. Falsifying district records of any kind or other employment-related records, including providing false information on an employment application form;
- J. Engaging in a work stoppage or strike of any kind or refusing to cross a picket line in the course of assigned duties;
- K. Failing to follow safety regulations or practices;
- L. Provoking, instigating or participating in a fight or scuffle that adversely affects the workplace;
- M. Being convicted of a criminal offense that reflects adversely on the district;
- N. Carelessness with or intentionally defacing or damaging (or attempting to damage or deface) district property or the property of others;
- O. Temporarily or permanently removing, possessing or using district property without proper authorization;
- P. Threatening, intimidating or coercing others;
- Q. Horseplay or practical jokes which can or do result in injury to a person or damage to property of the district or others;

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- R. Failing to report to appropriate personnel conditions or situations that could be injurious to personnel or equipment;
- S. Possessing, handling or transmitting on district property any object that can reasonably be considered a weapon;
- T. Making false, vicious or malicious statements about another employee or the district where such statements adversely affect the workplace; or
- U. Engaging in conduct, whether on or off the job, which adversely affects the administrator's or professional/technical employee's ability to do her/his job or which reflects adversely on the district.

III. NOTICE

- A. Prior to taking any disciplinary action against an administrator or professional/technical employee (or as soon thereafter as is practicable), except in the case of reprimands, the administrator or professional/technical employee will be provided the reasons for the disciplinary action.
- B. In a situation where an administrator's or professional/technical employee's presence poses a continuing danger to persons or property, or an ongoing threat of disrupting any phase of the district's operation, or in cases where the administrator or professional/technical employee is absent from the job, the administrator or professional/technical employee may be immediately suspended and provided with the reasons within a reasonable time.

IV. REPRIMANDS AND SUSPENSIONS OF UP TO THREE DAYS

An immediate supervisor is authorized to issue written reprimands and to suspend an administrator or professional/technical employee with or without pay for up to three work days.

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V. SUSPENSIONS OVER THREE DAYS

An immediate supervisor may recommend to the division head and to the chief personnel officer, the Superintendent that an administrator or professional/technical employee be suspended for longer than three days. If such recommendation is approved, the administrator or professional/technical employee will be so advised in writing within a reasonable time.

VI. DEMOTION

The Superintendent and the chief personnel officer shall have the authority to demote an administrator or professional/technical employee to a position for which s/he is qualified. The administrator or professional/technical employee's salary may be adjusted to be commensurate with the new position.

VII. DISMISSAL AND RESIGNATION

- A. The Superintendent and the chief personnel officer, shall each have the power to immediately accept the resignation or retirement of any employee, including any administrator or professional/technical employee.
- B. A recommendation for dismissal of an administrator or professional/technical employee may be made to the chief personnel officer, by the administrator's supervisor, department head or division head. If the recommendation is approved by the chief personnel officer, the employee will be notified in writing within a reasonable time with the reasons for the recommendation set forth.
- C. Administrators and professional/technical employees, including probationary and nonprobationary administrators and professional/technical employees, are not eligible to file grievances.

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- D. If a nonlicensed, nonprobationary administrator or professional/technical employee being recommended for termination from all employment with the school district (as opposed to lesser discipline such as demotion) wishes to appeal that decision, he/she may do so through the following sequence of appeal.
1. Within five working days of the conference in which the nonlicensed, nonprobationary administrator or professional/technical employee is notified of the recommendation to terminate, the administrator or professional/technical employee shall submit to the office of the Superintendent a written request for an appeal. The appeal will be heard by the Superintendent or designee.
 2. A nonlicensed, nonprobationary administrator or professional/technical employee wishing to appeal the decision of the Superintendent shall, within five working days following receipt of the Superintendent's decision, submit to the office of the Superintendent a written request for an appeal to the Board of Education. The review shall be held in accordance with district policy/procedure for employee appeals to the Board. The decision of the Board of Education shall be final.
- E. If a licensed, nonprobationary administrator or professional/technical employee being recommended for termination from all employment with the school district (as opposed to lesser discipline such as demotion) wishes to appeal the decision, he/she may do so by following the procedures set forth in the teacher employment, compensation and dismissal act, C.R.S. 22-63-301 *et seq.*
- F. The effective date of an administrator's or professional/technical employee's termination shall be the last actual day worked.

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- G. An administrator's or professional/technical employee's resignation or retirement shall be effective as of the date and time when it is accepted by the Superintendent, Deputy Superintendent or chief personnel officer, whether the acceptance is verbal or written. Any verbal acceptance of a resignation or retirement shall be confirmed in writing.

VIII. MANDATORY REPORTING REQUIREMENTS – UNLAWFUL BEHAVIOR INVOLVING A CHILD

If an administrator or professional/technical employee is dismissed as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by a preponderance of evidence, the superintendent or designee shall notify the Colorado Department of Education (CDE) as soon as possible but no later than ten (10) business days after the employee's dismissal. The superintendent shall provide any information requested by the department concerning the circumstances of the dismissal. The district also shall notify the employee that information concerning the dismissal is being forwarded to CDE unless such notice would conflict with the confidentiality requirements of the Child Protection Act.

If the district learns that a current or past administrator or professional/technical employee has been convicted of, pled *nolo contendere* to, or received a deferred sentence or deferred prosecution for a felony or a misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children, the superintendent shall notify CDE.

IX. MANDATORY REPORTING REQUIREMENTS – OTHER OFFENSES

In addition and in accordance with applicable State Board of Education rules, the superintendent shall immediately notify CDE when a dismissal action concerning a licensed administrator's or professional/technical employee is based upon the employee's conviction, guilty plea, plea of *nolo contendere*, or deferred sentence for any of the following offenses:

- A. Felony child abuse, as specified in C.R.S. 18-6-401;

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- B. Felony unlawful sexual behavior, as defined in C.R.S. 16-22-102 (9);
- C. A felony offense involving unlawful sexual behavior, as defined in C.R.S. 16-22-102 (9);
- D. A crime of violence, as defined in C.R.S. 18-1.3-406;
- E. Indecent exposure, as described in C.R.S. 18-7-302;
- F. Contributing to the delinquency of a minor, as described in C.R.S. 18-6-701;
- G. Felony domestic violence, as defined in C.R.S. 18-6-800.3;
- H. Misdemeanor domestic violence, as described in C.R.S. 18-6-800.3 (1) and such conviction is a second or subsequent conviction for the same offense;
- I. Misdemeanor sexual assault, as described in C.R.S. 18-3-402;
- J. Misdemeanor unlawful sexual conduct, as described in C.R.S. 18-3-404;
- K. Misdemeanor sexual assault on a client by a psychotherapist, as described in C.R.S. 18-3-405.5;
- L. Misdemeanor child abuse, as described in C.R.S. 18-6-401;
- M. Misdemeanor involving the illegal sale of controlled substances;
- N. Physical assault;
- O. Battery;
- P. A drug-related offense; or

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- Q. An offense committed outside of this state, the elements of which are substantially similar to any offense described in items a-m above.

The superintendent shall also immediately notify CDE when the district learns:

- A. An administrator or professional/technical employee has forfeited any bail, bond or other security deposited to secure the employee's appearance and the employee is charged with having committed a felony or misdemeanor for any offense described in items a-m above; or
- B. An administrator or professional/technical employee has paid a fine or received a suspended sentence for any offense described in items a-m above.

The superintendent shall also notify CDE when:

- A. The county department of social services or the local law enforcement agency reasonably believes that an incident of child abuse or neglect has occurred and the administrator or professional/technical employee is the suspected perpetrator and was acting in an official capacity as an employee of the district.
- B. The Board reasonably believes that an administrator or professional/technical employee is guilty of unethical behavior or professional incompetence.

X. MISCELLANEOUS

- A. All disciplinary action shall be recorded in an administrator's or professional/technical employee's personnel file and a copy of the document representing the disciplinary action will be given to the administrator or professional/technical employee. The administrator or professional/technical employee may file a written rebuttal to the discipline, which will also be placed in the administrator's or professional/technical employee's personnel file.

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- B. An administrator or professional/technical employee may be suspended with or without pay pending investigation of a complaint against the administrator or professional/technical employee.

- C. If an administrator or professional/technical employee is suspended without pay, the district will have the option to cease paying insurance premiums for the administrator or professional/technical employee on the eleventh workday following suspension, if the suspension is still in effect at the time.

LEGAL REFS.: C.R.S. 19-3-301 et seq.
C.R.S. 22-32-109.1

CROSS REF.: GBAA, Discrimination and Harassment