

SUSPENSION/DISCIPLINARY ACTION

The Governing Board desires to explain to employees what is considered unacceptable conduct. The Superintendent or designee shall prepare written guidelines which reflect state law and Board policy and which identify types of misconduct and possible consequences.

- (cf. 4119.21 - Codes of Ethics)
- (cf. 4119.25 - Political Activities of Employees)
- (cf. 4135 - Soliciting and Selling)
- (cf. 4136 - Nonschool Employment)

Disciplinary guidelines may describe progressive disciplinary actions which may be taken, including verbal warning, written warning, reassignment, suspension, freezing or reducing of wages, and dismissal. The Superintendent or designee may take disciplinary action as he/she deems appropriate and may deviate from the progressive order of disciplinary actions in light of the particular facts and circumstances involved.

- (cf. 4117.4 - Dismissal)

The Superintendent or designee shall document all disciplinary actions thoroughly and accurately and shall ensure that such actions are taken in a consistent, nondiscriminatory manner.

Legal Reference:

EDUCATION CODE

- 44932 Grounds for dismissal of permanent employee
- 44933 Other grounds for dismissal
- 44938 Unprofessional conduct or incompetency; notice of charges
- 44940 Sex offenses and narcotic offenses; compulsory leave of absence
- 44942 Suspension or transfer of certificated employee on grounds of mental illness
- 44944 Conduct of hearing
- 44948.3 Dismissal of probationary employees

45055 Drawing of warrants for teachers

51530 Advocacy or teaching of communism

GOVERNMENT CODE

3543.2 Scope of representation

CSBE v. Foothill Community College, Dist., 52 Cal. App. 3rd 150, 155-156, 124 Cal Rptr. 830 (1975) ("Conduct unbecoming an employee too vague")

Crowl v. Commission on Professional Competence, 90 Daily Journal D.A.R. 13136; 225 Cal. App. 3d 334

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To ensure that employee rights are observed, disciplinary action will be taken in accordance with law and the advice of legal counsel.

Whenever an employee refuses to perform assigned work without an acceptable reason, the Superintendent or designee shall deduct from his/her wages an amount reasonably related to the time not worked. (Education Code 45055)

When a permanent certificated employee's unprofessional conduct is not considered serious enough to warrant dismissal, he/she may be suspended without pay on grounds of unprofessional conduct, following procedures designated in Education Code 44932.

A probationary certificated employee may be suspended without pay for a specified period as an alternative to dismissal during the school year, following procedures designated in Education Code 44948.3.