

Claiborne County Schools

Employee Handbook

Administrative Guidelines and Regulations

TABLE OF CONTENTS: ADMINISTRATIVE GUIDELINES AND REGULATIONS

CCBOE EMPLOYEE HANDBOOK

STATEMENT OF PURPOSE AND INTENT.....	1
ADMINISTRATIVE GUIDELINES AND REGULATIONS: CCBOE EMPLOYEE DISCIPLINE POLICY	2
IMPLEMENTATION GUIDELINES	2
GUIDING PRINCIPLES FOR DISCIPLINARY ACTIONS	4
DELEGATION OF AUTHORITY IN MATTERS INVOLVING DISCIPLINARY ACTION	5
RESPONSIBILITIES WITH REGARD TO EMPLOYEE DISCIPLINE.....	5
OVERVIEW OF THE PROCESS FOR DETERMINING DISCIPLINARY ACTION	7
PROCEDURES FOR DISCIPLINARY ACTIONS	10
PROCEDURE FOR THE GRIEVANCE OR APPEAL OF DISCIPLINARY ACTIONS.....	14
GROUND FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS	17
VIOLATIONS OF CCBOE POLICY	17
ABSENTEEISM OR LACK OF PUNCTUALITY	17
DISHONESTY (NON-CRIMINAL / NON-CIVIL)	19
DISHONESTY (CRIMINAL / CIVIL).....	20
FALSIFICATION/FAILURE TO ACCURATELY PROVIDE INFORMATION (NON-CRIMINAL/ NON-CIVIL).....	21
FALSIFICATION/FAILURE TO ACCURATELY PROVIDE INFORMATION (CRIMINAL / CIVIL)	23
INAPPROPRIATE, ABUSIVE OR OFFENSIVE CONDUCT (NON-CRIMINAL / NON-CIVIL).....	25
INAPPROPRIATE, ABUSIVE OR OFFENSIVE CONDUCT (CRIMINAL / CIVIL)	26
INSUBORDINATION	28
IMPROPER JOB PREPARATION OR PERFORMANCE	29
OTHER DISTRICT POLICY VIOLATION	31
VIOLATIONS OF FEDERAL, STATE OR LOCAL CIVIL STATUTE.....	32
EMPLOYEE OR STUDENT INFORMATION CONFIDENTIALITY POLICY VIOLATION	32
DISCRIMINATION	34
SEXUAL HARASSMENT.....	36
OTHER CIVIL RIGHTS VIOLATION	38
VIOLATIONS OF FEDERAL, STATE OR LOCAL CRIMINAL LAW.....	40
ABUSE OR MISUSE OF PROPERTY.....	40
VIOLATIONS OF FEDERAL, STATE OR LOCAL CRIMINAL LAW.....	41
ALCOHOL OR DRUG-RELATED INFRACTION.....	41
POSSESSION OF A WEAPON ON DISTRICT PROPERTY	43
SEXUAL MISCONDUCT	45
THEFT OF PROPERTY	47
OTHER CRIMINAL VIOLATION (DISQUALIFYING)	48
OTHER CRIMINAL VIOLATION (NON-DISQUALIFYING)	50

TABLE OF CONTENTS: ADMINISTRATIVE GUIDELINES AND REGULATIONS - CONTINUED

APPENDIX A	52
DOCUMENTATION: INVESTIGATION WORKSHEET	52
APPENDIX B	53
DOCUMENTATION: INSUBORDINATION CHECKLIST	53
APPENDIX C	55
DOCUEMENTATION: DISCIPLINARY CASE EVALUATION RUBRIC	55
APPENDIX D	57
DOCUMENTATION: ACKNOWLEDGEMENT OF ORAL WARNING	57
APPENDIX E	58
DOCUMENTATION: MEMO OF WRITTEN WARNING	58
APPENDIX F	59
DOCUMENTATION: MEMO OF OFFICIAL REPRIMAND	59
APPENDIX G	60
DOCUMENTATION: LETTER OF ADMINISTRATIVE ACTION (“SUSPENSION WITH PAY”).....	60
APPENDIX H	61
DOCUMENTATION: ADVANCE NOTICE OF SUSPENSION HEARING	61
APPENDIX I.....	63
DOCUMENTATION: LETTER OF SUSPENSION (WITHOUT PAY).....	63
APPENDIX J.....	65
DOCUMENTATION: ADVANCE NOTICE OF DISMISSAL HEARING	65
APPENDIX K	67
DOCUMENTATION: LETTER OF DISMISSAL.....	67

STATEMENT OF PURPOSE AND INTENT

The following policy statements and procedural outlines were developed to assist all Claiborne County Schools employees in understanding the *Claiborne County Schools Handbook* as well as their rights, duties and responsibilities if or when the need for employee discipline arises as outlined in Claiborne County Board of Education Policy. The overarching purpose and intent of this manual are as follows:

PURPOSE OF THE CLAIBORNE COUNTY SCHOOLS HANDBOOK:

The purpose of the Handbook is to provide all employees with an understanding of both the Board-ratified actions and behaviors expected of all CCBOE staff as well as the types of incidents which will be considered to represent grounds for employee discipline within the district.

INTENT OF THE CLAIBORNE COUNTY SCHOOLS HANDBOOK GUIDELINES:

The intent of the Handbook is to outline a course of action for all types of disciplinary actions within Claiborne County Board of Education (CCBOE) Schools in a manner that supports the following key goals for the disciplinary process:

- **REASONABILITY:** As a general rule, comparable grounds for employee discipline should be managed in a similar manner. As such, each Handbook violation is classified into one of three “relative severity” classifications, and incidents within the same classification are processed along the same “track” from a progressive discipline standpoint.
- **CONSISTENCY:** Along the same lines, specific incidents involving the same or substantially similar grounds for employee discipline should be managed with the same or substantially similar types of employee discipline. As such, the Handbook was designed to ensure a high level of internal consistency in disciplinary matters involving employees.
- **FAIRNESS:** Because no two disciplinary situations are identical, it is also important to ensure that all relevant case facts are identified before a specific disciplinary option is selected or recommended for any incident. As such, these Administrative Guidelines and Regulations were designed to support the consideration of all aggravating and mitigating circumstances before disciplinary action is initiated to ensure that all staff facing disciplinary action are treated in a just manner before, during and after the employee disciplinary process.

ADMINISTRATIVE GUIDELINES AND REGULATIONS:

The following administrative regulations and implementation guidelines are included to provide all CCBOE administrators and supervisors with a step-by-step definition of roles and responsibilities for all stakeholders:

IMPLEMENTATION GUIDELINES

The Claiborne County Board of Education has authorized the Director to develop administrative guidelines for a Handbook that provides for fair, honest, and consistent application of disciplinary action where reasonable and appropriate. The Director of Schools will assure that these administrative guidelines are provided to all administrators and supervisors and are reviewed annually.

Claiborne County Board of Education policy is to create and maintain standards of employee conduct and efficiency that will promote the legitimate interests of the district as well as those it serves. Each Claiborne County Schools staff member is expected to direct his or her efforts toward attaining and maintaining a constructive, productive working environment in which all parties recognize and accept their designated responsibilities.

It is essential that prompt corrective action be taken whenever these standards are not being met. In situations where the employee action(s) or behavior(s) involved are found to represent one or more violations of the Handbook, disciplinary action may result.

Whenever necessary, disciplinary action will be taken promptly and in compliance with previously established and Board-approved procedures to protect both the interests of Claiborne County Schools and the due process rights of the employee(s) involved (see Figure 1 for procedural overview). In all cases, disciplinary action will be taken fairly and equitably without regard to race, color, national origin, religion, sex, marital status, age, physical handicap, political belief, affiliation, or activities, and the private and confidential nature of each disciplinary action will be respected at all times.

The Claiborne County Board of Education wishes to assure staff that, as a general rule, it will not interfere in the private lives of employees. However, this does not apply to those employee action(s) or behavior(s) that negatively impact job performance or those that reflect unfavorably on the Claiborne County Board of Education programs, vision and mission.

ADMINISTRATIVE GUIDELINES AND REGULATIONS: CONTINUED

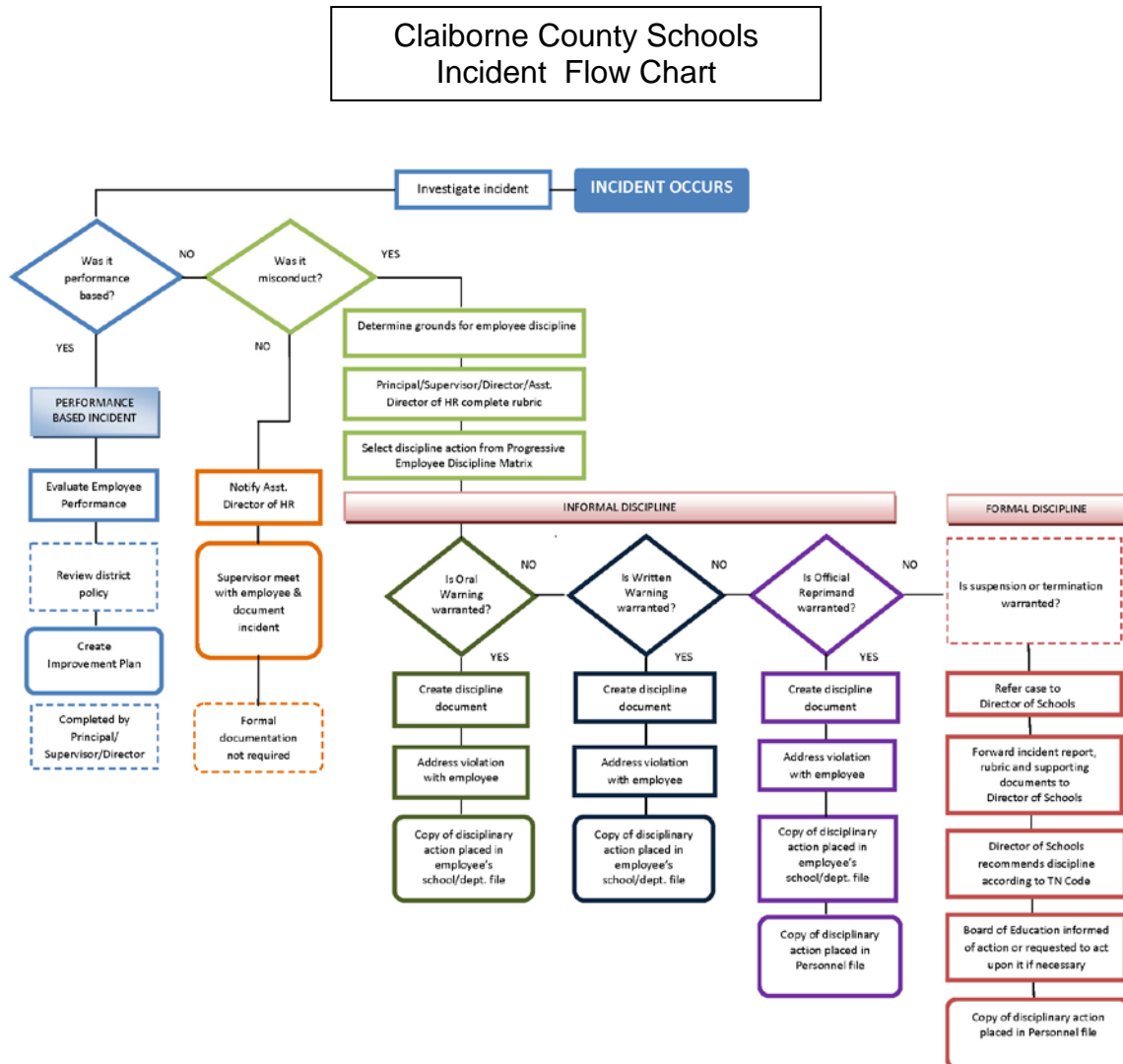


Figure 1. Overview of the CCBOE employee disciplinary process.

ADMINISTRATIVE GUIDELINES AND REGULATIONS: CONTINUED

GUIDING PRINCIPLES FOR DISCIPLINARY ACTIONS

Administrators and supervisors at all levels of Claiborne County Schools must implement discipline correctly—through both practical experience and ongoing professional development. In executing employee discipline in Claiborne County Schools, it is imperative to be fair, consistent and reasonable; three key principles which support these goals are as follows:

- A. **Reasonable and Appropriate Disciplinary Action.** The key phrase to remember when selecting any type of employee discipline once grounds have been established is the Principle of Uniformity: *“Like penalties for like offenses in like circumstances.”*

- B. **Understanding Levels of Authority.** Whenever possible, each campus level administrator and site level supervisor should impose discipline since he or she is typically closest to the case. For serious offenses, administrators and supervisors should consult with the Assistant Director of Schools. All administrators should understand and administer discipline in the same way, consistent within his or her authority. Administrative and supervisory staff must be aware of all discipline policies, including those situations in which the type of employee discipline likely to be required is not within their authority to execute, since such action under these circumstances may lead to the inability of the district to ultimately discipline the employee at all.

- C. **Documenting Disciplinary Action.** It is important that administrators and supervisors prepare accurate documentation before, during and after executing discipline. This is crucial since this often makes a difference in the risk attached to disciplinary actions.

ADMINISTRATIVE GUIDELINES AND REGULATIONS: CONTINUED

DELEGATION OF AUTHORITY IN MATTERS INVOLVING DISCIPLINARY ACTION

The following levels of authority are established for the employee disciplinary process within Claiborne County Schools:

- A. Authority to issue **oral warnings** and **written warnings** is delegated to administrators and certified and classified supervisors directly responsible for planning, directing and supervising the work of others.
- B. Authority to issue **official reprimands** is delegated to administrators and certified supervisors directly responsible for planning, directing and supervising the work of others.
- C. Responsibility to collect information from investigation and to issue written recommendations for further disciplinary action including suspension or termination of employees is delegated to administrators and certified supervisors directly responsible for planning, directing and supervising the work of others.
- D. Authority to make final recommendations to the Claiborne County Board of Education regarding employee **suspensions** or **dismissals** will remain with the Director of Schools.

RESPONSIBILITIES WITH REGARD TO EMPLOYEE DISCIPLINE

With regard to employee conduct and professional competence, each stakeholder group within Claiborne County Schools has the following responsibilities to either minimize the need for employee discipline or to take disciplinary action where warranted:

- A. **The Claiborne County Board of Education will be responsible for:**
 1. Supporting fairness and equity in the structure of the Handbook requirements;
 2. Supporting fairness and equity in the application of disciplinary policies and procedures; and
 3. Assuring that all disciplinary decisions in which the Board is involved are reviewed and decided objectively.
- B. **The Director of Schools will be responsible for:**
 1. Making a reasonable effort to communicate the regulations and other conditions of employment to be observed by all employees of the district;
 2. Carefully consider recommendations for suspension and/or dismissal, and for making final decisions on proposed suspensions and or dismissals;
 3. Administering formal suspensions and dismissals in a fair, impartial and uniform manner; and
 4. Participating in grievance or appeal proceedings as necessary.
- C. **The Assistant Directors will be responsible for:**
 1. Making a reasonable effort to assure that established regulations and other conditions of employment are made known by all employees within the district;
 2. Completing a formal investigation for all incidents prior to the execution of formal employee discipline (see Appendices A and B);

ADMINISTRATIVE GUIDELINES AND REGULATIONS: CONTINUED

RESPONSIBILITIES WITH REGARD TO EMPLOYEE DISCIPLINE - CONTINUED

3. Assisting building level principals, site level supervisors, and/or other designated members of the leadership team in completing discipline rubrics and interpreting progressive disciplinary charts to determine the appropriate disciplinary action to be , if any (see Appendix K);
4. Referring cases involving possible suspension or dismissal to the Director of Schools; and
5. Participating in grievance or appeal proceedings as required.
6. Maintaining data regarding disciplinary actions taken with employees to inform quality assurance decisions at the district level; and
7. Reviewing disciplinary actions for conformance with federal law, state statute and Claiborne County Board of Education regulations at the district level on a regular basis.

D. The building level administrators and site level supervisors who report organizationally to the Assistant Directors are responsible for:

1. Making a reasonable effort to assure that established regulations and other conditions of employment are made known by all employees within the building or work site;
2. Making every attempt to engage employees demonstrating potential violations of the Handbook in non-disciplinary counseling wherever reasonable and appropriate;
3. Completing an informal investigation for all incidents prior to the execution of informal employee discipline (see Appendices A and B);
4. Completing discipline rubrics and interpreting progressive disciplinary charts to determine the appropriate disciplinary action to be taken, if any (see Appendix);
5. Referring cases involving possible official reprimand, suspension or dismissal to the Assistant Directors;
6. Executing all corrective actions constructively, individually, and in private;
7. Participating in grievance or appeal proceedings as required;
8. Maintaining data regarding disciplinary actions taken with employees to inform quality assurance decisions at the building or site level; and
9. Reviewing disciplinary actions for conformance with federal law, state statute and Claiborne County Board of Education regulations at the building or site level on a regular basis.

E. All employees are responsible for:

1. Observing the intent of the Claiborne County Schools Handbook;
2. Discharging their assigned duties conscientiously, competently and professionally; and
3. Respecting the administrative responsibility of those directing their work.

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OVERVIEW OF THE PROCESS FOR DETERMINING DISCIPLINARY ACTION

This Handbook and outline of related Disciplinary Procedures is not intended by Claiborne County Board of Education to cover every possible type of employee misconduct or lack of professional competence, and staff must not conclude that discipline or dismissal cannot result from actions or behaviors not specifically mentioned herein. Many of the items that constitute grounds for employee discipline combine several forms of related misconduct or competency issues into one overarching statement connected by the word “OR” – thereby making the statement nonspecific.

The purpose of employee discipline within Claiborne County Schools is to accomplish the following three objectives: (1) to align the CCBOE employee disciplinary process with the relevant portions of the Tennessee Annotated Code; (2) to correct an offending employee’s action(s) or behavior(s) in a positive, fair and consistent manner wherever possible; and (3) to maintain discipline and morale among other employees.

Disciplinary action will be taken when it is evident that non-disciplinary strategies either have not resulted in a modification of the employee’s action(s) or behavior(s) or have failed to correct a given problem or policy violation in the following manner:

- A. Grounds for employee discipline within the district are established by applicable federal law, the Tennessee Annotated Code or Claiborne County Board of Education policy. Once these have been determined for any potential disciplinary case, either a formal or an informal disciplinary investigation will ensue. In cases where these grounds are substantiated, the specifics of a charge will be described in as much detail (e.g., the “who”, “what”, “where”, “when”, and “how”) as possible and a connection will be made between the charge against the employee and the resulting effect on the education environment. For each incident, a charge will be supported by all relevant evidence.
- B. Only after the grounds for employee discipline have been substantiated will one of the following two courses of disciplinary action occur:
 - 1. Informal discipline, which includes both oral warnings and written warnings, each of which may be used depending on the gravity of the offense and the aggravating and mitigating circumstances present; or
 - 2. Formal discipline, which includes official written reprimands, suspensions, and dismissals.
- C. Prior to initiating any type of employee discipline, both the aggravating and the mitigating factors in the case must be considered. In line with Claiborne County Board of Education policy, this process must be guided by the following standard set of “Douglas Factors” to ensure that the selected or recommended consequence represents a reasonable and appropriate response to the misconduct (see Appendix C):
 - 1. The nature and seriousness of the offense and its relation to the employee’s duties, position and responsibilities, including whether the offense was intentional or inadvertent, or was committed maliciously or for gain, or was frequently repeated;
 - 2. The employee’s job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
 - 3. The employee’s past disciplinary record;
 - 4. The employee’s past record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;

OVERVIEW OF THE PROCESS FOR DETERMINING DISCIPLINARY ACTION - CONTINUED

5. The effects of the offense upon the employee's ability to perform at a satisfactory level and its effect upon the Supervisor's confidence in the employee's ability to perform assigned duties;
 6. Consistency of the penalty with those imposed upon and on other employees for the same or similar offenses;
 7. Consistency of the penalty with any applicable district table of penalties;
 8. The notoriety of the offense or its impact upon the reputation of the Claiborne County Board of Education;
 9. The clarity with which the employee was notified of any rules that were violated in committing the offense, or had been warned about the conduct in question;
 10. The potential for the employee's rehabilitation;
 11. Mitigating circumstances surrounding the offense such as unusual job tension, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and
 12. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or by others.
- D. Once the aggravating factors and mitigating factors in any disciplinary case have been determined, those responsible for taking disciplinary action will consult with district progressive discipline guidelines for the range of approved disciplinary options for the grounds involved. In all cases, these pre-defined disciplinary options are based on the "relative severity track" of the grounds involved in the case (i.e., "relatively minor", "relatively moderate", "relatively major" and "relatively extreme").

OVERVIEW OF OPTIONS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS

All disciplinary actions represent documented admonishments in some form, and the consequences for misconduct or lack of professional competence within the district will be based on a variety of pre-established criteria. As a general rule, there should be a progression in the assessment of consequences in cases of chronic employee misconduct or lack of professional competence; however, a single occurrence of some actions and behaviors may be so grave as to warrant immediate formal action, up to and including dismissal.

The types of employee discipline in use within the Claiborne County Board of Education are as follows:

A. The following represent the types of informal disciplinary actions used within Claiborne County Schools:

1. **Oral warning:** A documented oral warning is a private and informal conference between a supervisor and an employee followed up with a summary of the conference. An oral warning is the least formal and least severe of the disciplinary actions. The oral warning summary will advise the employee that a copy and any written response or explanation that he/she may make will be retained by the supervisor. Because of these characteristics, it should be applicable to many disciplinary situations and should produce the desired change in the employee's behavior particularly when the employee has no previous history of violations. This is more often than not the first step after a deficiency is noticed and the grounds for discipline have been determined.
2. **Written warning:** A written warning is an informal document given to an employee whose actions warrant a more severe disciplinary action than merely a documented oral warning. The warning will be in the form of a letter describing the reasons for taking such action. It will advise the employee that a copy and any written response or explanation that he/she may make will be retained by the supervisor.

B. The following represent the types of formal disciplinary actions used within Claiborne County Schools:

1. **Official reprimand:** An official reprimand is a letter of reprimand that is a disciplinary action given to employees for misconduct, which is recorded and placed in the employee's Official Personnel Folder (OPF).
2. **Suspension:** A suspension places the employee involuntarily in a non-pay, non-duty status for repeated acts of minor misconduct, but usually only after prior efforts of counseling, warning and/or reprimand have failed. A suspension will not be used unless the situation indicates that a lesser penalty is neither reasonable nor appropriate based on the misconduct involved or unless the aggravating and mitigating circumstances in the case warrant such discipline.
3. **Dismissal:** A dismissal is an involuntary separation (adverse action) taken for very serious misconduct or for continued or repeated acts of misconduct of a less severe nature or for inadequate performance.
 - a. Notwithstanding any other provisions of law, the Director of Schools may, in accordance with §49-5-501 of the Tennessee Annotated Code, suspend or dismiss any person in district employment at any time for: Immorality, incompetency, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, the conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge.

PROCEDURES FOR DISCIPLINARY ACTIONS

The procedural steps set forth in this section are designed for the timely, fair, consistent, and equitable processing of employees against whom either informal or formal disciplinary actions are being taken or contemplated.

A. Oral Warning (see Appendix D)

1. **Procedure:** The oral warning will be in the form of the Claiborne County Board of Education "Acknowledgement of Oral Warning Conference Template." The immediate supervisor(s) will:
 - a. Privately inform the employee that he/she is being issued a documented oral warning;
 - b. Bring the undesired conduct and/or performance to the employee's attention;
 - c. Explain to the employee what is expected of him/her;
 - d. Give him/her the opportunity to improve; and
 - e. Mention the possible actions that will result if the unsatisfactory conduct and/or performance continue.

2. **Elements of a documented Oral Warning :** Although an oral warning is the least formal and most flexible type of discipline, there are certain things that should be kept in mind when administering one:
 - a. Clearly state the reason for the discipline.
 - b. Try to reference the employee's response verbatim, i.e. "You stated that..." But I find after review that..."
 - c. State the aggravating or mitigating circumstances considered in making the decision to issue an oral warning.
 - d. If the employee desires, permit them to submit a response in writing that you will attach to the acknowledgement of oral warning template.
 - e. State that more severe discipline may result in the future if the same or similar action(s) or behavior(s) occur.

3. **Documentation of the Oral Warning (see Appendix D):** Even though it is meant to be a verbal, informal type of discipline, the Claiborne County Board of Education requires that you send a written memorandum to the employee that documents the oral warning conference when necessary. This acknowledgement of the oral warning will not be filed in the employee's official personnel file. However, a copy and acknowledgement of its receipt by the employee will be kept in his or her supervisor's files for a period of 1 (one) year or more. Moreover, if the employee requests that the informal discipline be withdrawn after a year from the date it was issued, the issuing supervisor will request that the employee submit a written signed request stating why it should be withdrawn and that the behavior will not occur again. The immediate supervisor will at his/her discretion accept the written request to withdraw the discipline and replace the request in the appropriate file with the original discipline action. In the event that the employee repeats this type of misconduct, this documentation will serve as evidence that the employee understood what was expected of him/her and may support the supervisor or administrator's decision to proceed with more informal or formal discipline.

PROCEDURES FOR DISCIPLINARY ACTIONS - CONTINUED

B. Written Warning (see Appendix E)

1. **Procedure:** The written warning will be in the form of a Claiborne County Board of Education “Letter of Memorandum” template describing the reasons for the warning. It will advise the employee that a copy of the letter of warning and any written explanation that he/she may make will be retained in his or her supervisor’s file as a record.
2. **Due Process concerns pertaining to Written Warnings:** To reduce the likelihood of subsequent grievance or greater legal risk, the possibility of an employee rebuttal will be considered before actual issuance of a written warning in order to protect the due process rights of the employee if applicable. Administrators and supervisors adhere to the following:
 - a. After listening to the employee’s response and before issuing the written warning, state the reason(s) for going ahead with the discipline and reference any aggravating or mitigating circumstances surrounding the offense.
 - b. The employee will be informed of his/her right to include anything he/she deems appropriate in response to the written warning. As with the oral warning, this statement does not have to deal with the facts of the case or the rationale for imposing discipline.
 - c. If the employee is responding verbally, the administrator and supervisor will write down everything that the employee states in the response, using quotes when possible.
 - d. Any verbal response by the employee should be documented by the administrator in a written summary and attached.
 - e. The employee’s signature on the written summary of his/her verbal response should always be obtained, keeping in mind that he or she may refuse to sign it in which case supervisor or administrator documents, “refused to sign”, date and initial.
3. **Important Elements of a Written Warning:** As the most severe type of informal discipline, the following will be adhered to when issuing a written warning:
 - a. The warning should be in the form of an official letter or memorandum.
 - b. It will advise the employee that a copy of the letter of warning and any written explanation that the employee may provide will be retained by the supervisor.
 - c. State the aggravating or mitigating circumstances considered in making the decision to issue a written warning.
 - d. State that more severe discipline may result in the future if the same or similar actions(s) or behavior(s) occur.
 - e. Any written form of discipline—including the written warning—must be crafted correctly and precisely and will include language that places the burden for both response and remediation onto the employee. For example, you might say the following: “If you do not respond, I trust that your understanding of what occurred is the same as mine” or, alternatively, “If your version of these facts differs from that contained herein, you are required to respond in writing immediately.” This statement needs to be written as outlined in the “Written Warning Example.”

PROCEDURES FOR DISCIPLINARY ACTIONS - CONTINUED

4. **Documentation of the Written Warning:** An effectively documented written warning will include the following:
 - a. The employee's name;
 - b. All relevant dates of the investigation resulting in the written warning;
 - c. The specific offense or Claiborne County Board of Education policy or regulation violation for which the employee is receiving the warning;
 - d. References to previous discussions, oral warnings or written warnings supporting specifically the grounds for discipline;
 - e. A specific statement delineating the expected behavior;
 - f. Any explanation or relevant information given by the employee;
 - g. The administrator's statement of expectations for the employee in the future;
 - h. A statement regarding more severe discipline in the future if the same behavior reoccurs; and
 - i. If the employee refuses to sign, the administrator will note this on the form, date, and initial (this is important for bypassing a due process claim later based on a blank field in this area).
 - j. If the employee requests that the informal discipline be withdrawn after a year from the date it was issued, the issuing supervisor will request that the employee submit a written signed request stating why it should be withdrawn and that the action(s) or behavior(s) involved will not occur again. The immediate supervisor will at his/her discretion accept the written request to withdraw the discipline and replace the request in the appropriate file with the original discipline action.

C. **Official Reprimand (see Appendix F)**

1. **Procedure:** A reprimand will be an official letter or memorandum describing the reasons for the action. It will advise the employee that a copy of the reprimand and any written explanation that he or she may furnish will be placed in his or her OPF.
2. **Due Process concerns pertaining to Official Reprimand (Formal):** To reduce the likelihood of subsequent grievance or greater legal risk, the possibility of an employee rebuttal will be considered before actual issuance of an official reprimand in order to protect the due process rights of the employee. Administrators and supervisors will adhere to the following:
 - a. After listening to the employee's response and before issuing the official reprimand, the administrator will state his or her reason(s) for going ahead with the discipline and reference any aggravating or mitigating circumstances surrounding the offense.
 - b. The employee will be informed of his or her right to include anything he or she deems appropriate in response to the official reprimand. As with the informal types of discipline, this statement does not have to deal with the facts of the case or the rationale for imposing discipline.
 - c. If the employee responds verbally, the administrator or supervisor will inform the employee that they should submit his or her verbal response in writing and it will be attached to the discipline documentation.
 - d. Any verbal response by the employee may be documented by the administrator in a written summary and attached.

PROCEDURES FOR DISCIPLINARY ACTIONS - CONTINUED

- e. The employee's signature on the written summary of his/her verbal response should always be obtained if possible, keeping in mind that he or she may refuse to sign it in which case the administrator or supervisor will document, "refused to sign", date, and initial.
3. **Considerations Prior to Issuing an Official Reprimand:** The following represent important procedural considerations for reducing legal risk during the reprimand process:
 - a. **Responsibility to reprimand.** Principals, Directors, Assistant Directors, and Administrative Staff have been authorized to issue a formal disciplinary action in the form of an official reprimand.
 - b. **Adequate time.** The employee must be provided TIME in accordance with the negotiated agreement to respond to the charges.
 4. **Elements and Documentation of an Official Reprimand:** An official reprimand will:
 - a. Be in writing;
 - b. Clearly state the behavior or action responsible for the reprimand;
 - c. Cite the rationale for the disciplinary action;
 - d. Advise the employee that a copy will be placed in his/her official personnel folder;
 - e. Include a statement of the employee's right to grieve the disciplinary action.
 - f. State that more severe discipline may result in the future if the same or similar action(s) or behavior(s) occur; and
 - g. Be reviewed by the Assistant Director and the supervising administrator before it is issued to the employee and then placed in the employee's official personnel file.

D. Suspensions and Dismissals (see Appendices G through K)

1. **Procedure:** Notwithstanding any other provisions of law, the Director may suspend or dismiss any person in the districts employment at any time for immorality, conviction of a felony or crime involving moral turpitude, dishonesty, unreliability, action(s) or behavior(s) that render the employee obnoxious as a member of the teaching profession, improper use of narcotics or intoxicants, incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination as defined in §49-5-501 and §49-5-511 of the Tennessee Annotated Code.
2. **Due Process concerns pertaining to Suspensions and Dismissals:** An employee charged with the commission of a felony may be reassigned to duties which do not involve direct interaction with pupils pending final disposition of the charges. Afterward, the disciplined employee shall be given an opportunity, within 30 (thirty) days of receipt of the written disciplinary notice, to request, in writing, a hearing and appeal pursuant to the provisions of Tennessee Annotated Code §49-5-512. In cases involving dismissal for the conviction of a felony listed in §40-35-501, an offense listed in §39-17-417, a guilty plea to such charges or a plea of nolo contendere to these charges, these actions on their own cannot be used as the sole basis of a disciplinary appeal.

PROCEDURE FOR THE GRIEVANCE OR APPEAL OF DISCIPLINARY ACTIONS

The following procedure for grieving or appealing disciplinary actions where applicable is consistent with Tennessee Annotated Code §49-5-511 and §49-5-512:

- A. **Process**: When a grievant or appellant requests a hearing when applicable at level one, this is an evidentiary hearing which must be recorded and transcribed. A record is being made, so it is important to maintain order, and to make sure everything that is said is clearly recorded. The parties may call witnesses and present documents to be placed into evidence.
- B. **Scheduling the hearing**: The hearing must be held within 15 working days or in accordance with Tennessee Annotated Code of the date the grievance was received, and shall be scheduled during regular work hours, in a convenient location, accessible to all parties. The parties may agree to schedule the hearing at any time or place. The Hearing Officer or authorized individual appointed by the Director of Schools may ask the parties for dates they are available for hearing, but there is no requirement that this be done, and due to the time constraints, this may not be practical.
- C. **Continuances**: If either party is not available on the date the hearing is scheduled, the party may request that the hearing be continued to a different date. The Hearing Officer, Director of Schools or his or her designate may continue the hearing for good cause, without the agreement of the other party, and reschedule the hearing to a different date without delay. If a party or his or her representative if requested cannot be present on the date selected, and the hearing must be scheduled beyond the 15-day time limit, the parties may agree, in writing, to hold the hearing beyond the statutory timeframes. Always document any continuances or rescheduling of hearings and the reasons for them.
- D. **Notice**: Notice of the hearing shall be sent to the parties at least five days prior to the hearing or in accordance with Tennessee Annotated Code if applicable. The notice must include the date, time, and place of the hearing and if at all possible sent by certified mail or hand delivered.
- E. **Representation**: A party is entitled to have a representative present at any step of the grievance or appeal process where authorized, so the representative's schedule must also be taken into account when scheduling the hearing.
- F. **Witnesses**: All parties have the right to present and cross-examine witnesses; however, the Hearing Officer, Director of Schools or his or her designate does have the right to reasonably limit the evidence to relevant matters and take measures to limit redundant or repetitive evidence.
- G. **Conducting the hearing**: The Hearing Officer, Director of Schools or his or her designate should utilize a sign-in sheet at the hearing for all parties and witnesses. Each name should be printed to ensure that a legible record is made of those in attendance.
- H. **Recording**: The Hearing Officer, Director of Schools or his or her designate will begin the hearing by turning on the recording equipment, or instructing the transcriptionist, if present, that all speakers will be "on the record." It is a good idea to do a test to make sure the recording equipment is working properly. The recording *must* be of good quality to be transcribed, so all witnesses and parties must speak clearly and loudly enough to be recorded. At all times during the hearing, the Hearing Officer, Director of Schools or his or her designate should make it clear that only one person is to speak at a time, so that everything that is said on the record is properly recorded. If two or more individuals are speaking at the same time during the hearing, the Hearing Officer, Director of Schools or his or her designate should instruct the parties to cease this behavior.
- I. **Introduction**: The Hearing Officer, Director of Schools or his or her designate should begin the hearing by introducing himself, stating the case name and docket number, and the date and time. Each party should be asked to identify himself also. The Hearing Officer, Director of Schools or his or her designate should state which party has the burden of proof (the district in all disciplinary cases).

PROCEDURE FOR THE GRIEVANCE OR APPEAL OF DISCIPLINARY ACTIONS - CONTINUED

- J. **Preliminary and Procedural issues:** If any issues need clarification, this should be addressed before any evidence is taken. Discussions may be held “off the record” (not recorded and not part of the record), to facilitate the process, and to address procedural issues which the Hearing Officer or Director of Schools designee believes can be more easily clarified off the record; however, any matters which were decided during an off the record discussion must be restated on the record.
- K. **Opening Statements:** The Hearing Officer, Director of Schools or his or her designate should allow each party to make a brief opening statement to identify the issues and arguments, if they wish to do so. The party with the burden of proof should give his opening statement first, and also present his or her witnesses first.
- L. **Swearing witnesses:** An oath must be administered by the Hearing Officer, Director of Schools or his or her designate to each witness. The witness should raise his right hand and agree to an oath such as the following: “*Do you swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?*” Each witness must identify himself on the record, and should be asked to identify his position and place of employment.
- M. **Questioning witnesses:** Only one person for each party should be allowed to ask questions of each witness (no tag-teaming a single witness). When the party presenting a witness has finished with his questions, the other party must be given the opportunity to cross-examine the witness about his testimony. The party presenting the witness should be allowed to ask follow-up questions of the witness after cross-examination. It is within the discretion of the Hearing Officer, Director of Schools or his or her designate whether to allow additional questioning, so long as each party is given a full and fair opportunity to elicit information from the witness which is relevant to the issues. Any party may object to any question asked of a witness. The Hearing Officer, Director of Schools or his or her designate may listen to the argument of the parties regarding the objection before making a ruling on whether the question will be allowed, and may limit the argument of the parties to ensure an orderly administration of the hearing and to complete the hearing. Witnesses should be instructed to answer questions by saying “yes” or “no,” rather than “uh huh.” Witnesses should be instructed to wait until the person asking the question has completed the question before they answer. The Hearing Officer, Director of Schools or his or her designate may interrupt the questioning to make sure the witness’ response is clear when a witness has not complied with these instructions.
- N. **Disciplinary cases:** A grievant or appellant cannot be *required* to testify in a disciplinary hearing, including cases involving dismissal of employment, suspensions and reprimands.
- O. **Documents:** Each document offered as evidence must be marked as an Exhibit, using sequential numbers or letters, and reflecting which party offered the document into evidence (e.g., Grievant’s Exhibit 1, 2, 3; Appellant’s Exhibit 1, 2, 3, etc.). The Hearing Officer, Director of Schools or his or her designate must ask if there is any objection to the admission of the document into the record, and the opposing party may state his objection to the admission of the exhibit into evidence. If there is an objection, the Hearing Officer, Director of Schools or his or her designate must make a ruling on whether the document will be admitted into evidence. The Hearing Officer, Director of Schools or his or her designate must state on the record whether each document has been admitted into the record. Documents not admitted into evidence should be given an exhibit number, and the Hearing Officer, Director of Schools or his or her designate must write on the face of the document that it has not been admitted, and the document should remain in the grievance file or appeal file.

PROCEDURE FOR THE GRIEVANCE OR APPEAL OF DISCIPLINARY ACTIONS - CONTINUED

- P. **Closing arguments:** The Hearing Officer, Director of Schools or his or her designate may allow each party to make a closing statement at the end of the hearing, or submit written proposed findings of fact and conclusions of law. However, if the parties wish to submit written argument, the Hearing Officer, Director of Schools or his or her designate needs to determine whether this is feasible given the statutory time lines. The parties may agree to waive the statutory time lines for issuance of the decision. Such waivers should be reduced to writing, stating a specific date for the submission of written proposals, and a specific date for the issuance of the Decision. If the hearing cannot be completed on the scheduled date, it is within the discretion of the Hearing Officer, Director of Schools or his or her designate to set another day of hearing as quickly as possible.
- Q. **After the hearing:** The Hearing Officer, Director of Schools or his or her designate must issue a written decision within 15 (fifteen) working days of the hearing or in accordance with Tennessee Annotated Code, transmitting it to the grievant or appellant within this time period. The decision must state the reasons for the decision, whether the grievance or appeal is granted or denied, and the address and procedure to appeal to the next level if applicable. A copy of the recording of the hearing must be provided to any party upon request.

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS

VIOLATIONS OF CCBOE POLICY

The following actions and/or behaviors shall represent grounds for employee discipline within Claiborne County Schools based on violations of CCBOE policy as well as those that may result in either disciplinary action alone or disciplinary action and civil or criminal consequences based on the circumstances involved:

ABSENTEEISM OR LACK OF PUNCTUALITY

Definition: *Absenteeism or Lack of Punctuality* is defined as any lack of compliance with an established policy, routine or procedure relating to an employee's time on duty.

Examples: Examples of *Absenteeism or Lack of Punctuality* include, but are not limited to, the following: an employee's absence from and/or tardiness to work without prior written and/or supervisory acknowledgement or approval; excessive and/or repeated absences; unexcused absences (e.g., failing to provide a doctor's excuse by the third consecutive day of a period of absence); failure to follow district procedure for reporting any absence(s); documented abuse of district leave policy; failure to return from leave of absence on a designated date; failure to report to work at the beginning of the contract start date and/or day; arrival after the start of the contract day; and departure before end of the contract day.

TN Code (Annotated) Alignment: §49-5-201; §49-5-501; §49-5-706; §49-5-711

CCBOE Policy Alignment #: §5.602

Mandatory Reporting Requirement: NO

Commentary:

1. TN CODE (ANNOTATED) §49-5-201: DUTIES OF TEACHERS. It is the duty of the teacher to: (A12) Observe any other rules and regulations relative to the service of teachers which may be made by the county board of education.
2. TN CODE (ANNOTATED) §49-5-501: PART DEFINITIONS. As used in this part, unless the context otherwise requires, (3) "Conduct unbecoming to a member of the teaching profession" may consist of, but not be limited to, 1 (one) or more of the following: (3C) Dishonesty, unreliability, continued willful failure or refusal to pay one's just and honest debts; (8) "Neglect of Duty" means gross or repeated failure to perform duties and responsibilities which reasonably can be expected of one in such capacity, or continued unexcused or unnecessary absence from duty.
3. TN CODE (ANNOTATED) §49-5-711. PERSONAL AND PROFESSIONAL LEAVE – ACCUMULATION AND USE. (C1) Personal leave is intended to be used for personal reasons. Subject to the following conditions, it can be taken at the discretion of a teacher, who shall not be required to give reasons for the use of any personal leave. The approval of the director of schools, the director of schools' designee or the board of education shall be required under the following conditions: (C1A) If more than ten percent (10%) of the teachers in any given school request its use on the same day; provided, that on making this calculation, any major fraction shall be considered as 1 (one); and in schools of 5 (five) teachers or less, 1 (one) teacher may take personal leave at such teacher's discretion; (C1B) If personal leave is requested during any prior established student examination period; or (C1C) If personal leave is requested on the day immediately preceding or following a holiday or vacation period. (C2) Except in an emergency, a teacher shall give at least one (1) day's advance notice of intent to take personal leave.

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF CCBOE POLICY – CONTINUED

ABSENTEEISM OR LACK OF PUNCTUALITY - CONTINUED

Classification:

FIRST OFFENSE: RELATIVELY MINOR

Progressive Discipline Recommendations:

Progressive Discipline Options: Absenteeism or Lack of Punctuality				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF CCBOE POLICY - CONTINUED

DISHONESTY (NON-CRIMINAL / NON-CIVIL)

Definition: *Dishonesty (Non-criminal / Non-civil)* is defined as any verbal lack of truthfulness or deception regarding a matter of interest to the district only.

Examples: Examples of *Dishonesty (Non-criminal / Non-civil)* include, but are not limited to, the following: The non-criminal / non-civil misrepresentation of facts in some way when dealing with the administration, fellow teachers, other staff, students or parents (i.e., an act of commission) or the failure to accurately relate pertinent details when questioned by someone in a CCBOE supervisory or investigatory role (i.e., an act of omission). NOTE: Some acts of *Dishonesty* may represent violations of civil or criminal law (see below).

TN Code (Annotated) Alignment: §49-5-201; §49-5-501

CCBOE Policy Alignment #: TN §49-5-501 (INCORPORATED BY REFERENCE)

Mandatory Reporting Requirement: NO

Commentary:

1. TN CODE (ANNOTATED) §49-5-201: DUTIES OF TEACHERS. It is the duty of the teacher to: (A12) Observe any other rules and regulations relative to the service of teachers which may be made by the county board of education.
2. TN CODE (ANNOTATED) §49-5-501: PART DEFINITIONS. As used in this part, unless the context otherwise requires, (3) "Conduct unbecoming to a member of the teaching profession" may consist of, but not be limited to, 1 (one) or more of the following: (3C) Dishonesty, unreliability, continued willful failure or refusal to pay one's just and honest debts.

Classification: FIRST OFFENSE: RELATIVELY MINOR

Progressive Discipline Recommendations:

Progressive Discipline Options: Dishonesty (Non-Criminal / Non-Civil)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF CCBOE POLICY - CONTINUED

DISHONESTY (CRIMINAL / CIVIL)

Definition: *Dishonesty (Criminal / Civil)* is defined as any verbal lack of truthfulness or deception regarding a matter of interest to a federal, state or local law agency of proper jurisdiction and the district.

Examples: Examples of *Dishonesty (Criminal / Civil)* include, but are not limited to, the following: The criminal misrepresentation of facts in some way (i.e., an act of commission) such as the initiation of a false report or complaint; the failure to accurately relate pertinent details when an employee is questioned by someone in an investigatory role (i.e., an act of omission) such as the issuance of false statements regarding an incident; or neglect of mandatory reporting responsibilities under federal, state or local law such as the failure to report child abuse.

TN Code (Annotated) Alignment: §37-1-403; §49-5-501

CCBOE Policy Alignment #: TN §49-5-501 (INCORPORATED BY REFERENCE)

Mandatory Reporting Requirement: VARIABLE

Commentary:

1. TN CODE (ANNOTATED) §37-1-403: REPORTING OF BRUTALITY, ABUSE, NEGLECT OR CHILD SEXUAL ABUSE. (A1) Any person who has knowledge of or is called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition shall report such harm immediately if the harm is of such a nature as to reasonably indicate that it has been caused by brutality, abuse or neglect or that, on the basis of available information, reasonably appears to have been caused by brutality, abuse or neglect.
2. TN CODE (ANNOTATED) §49-5-501: PART DEFINITIONS. As used in this part, unless the context otherwise requires, (3) "Conduct unbecoming to a member of the teaching profession" may consist of, but not be limited to, 1 (one) or more of the following: (3B) Conviction of a felony or a crime involving moral turpitude; and (3C) Dishonesty, unreliability, continued willful failure or refusal to pay one's just and honest debts.

Classification: FIRST OFFENSE: RELATIVELY MAJOR

Progressive Discipline Recommendations:

Progressive Discipline Options: Dishonesty (Criminal / Civil)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	
Relatively Equal	Suspension	Dismissal		
Mostly Aggravating	Dismissal			

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF CCBOE POLICY - CONTINUED

FALSIFICATION/FAILURE TO ACCURATELY PROVIDE INFORMATION (NON-CRIMINAL / NON-CIVIL)

Definition: *Falsification/Failure to Accurately Provide Information (Non-Criminal / Non-Civil)* is defined as any written, documentary or data-based lack of truthfulness or deception regarding a matter of interest to CCBOE only.

Examples: Examples of *Falsification/Failure to Accurately Provide Information (Non-Criminal / Non-Civil)* include, but are not limited to, the following: The submission of a false, misleading or ambiguous statement in writing; the misrepresentation of professional qualifications; the falsification of documentation regarding the completion of in-service or continuing education credit hours; the issuance of a false statement on applications or recommendations for professional employment, promotion, certification or endorsement; the inclusion of false information on a job application or a recommendation for college or university admission, scholarship, grant, academic award, or similar benefit; the written concealment of non-criminal incidents; the alteration of student performance data; for the destruction of student disciplinary reports. NOTE: Some acts of *Falsification of or Failure to Accurately Provide Information* may represent violations of civil or criminal law (see below).

TN Code (Annotated) Alignment: §49-5-201; §49-5-501

CCBOE Policy Alignment #: §5.106

Mandatory Reporting Requirement: NO

Commentary:

1. TN CODE (ANNOTATED) §49-5-201: DUTIES OF TEACHERS. It is the duty of the teacher to: (A4) Keep the register at the school, and record accurately the number of pupils present and the number absent each day before leaving the school building; (A10) Furnish the director of schools at the end of each week a complete list of pupils within the province of the teacher's school who were absent during the day/week; (A11) Make a report promptly at the close of the term on all items included in the abstract in the teacher's register and certify its correctness by affidavit; and (A12) Observe any other rules and regulations relative to the service of teachers which may be made by the county board of education.
2. TN CODE (ANNOTATED) §49-5-501: PART DEFINITIONS. As used in this part, unless the context otherwise requires, (3) "Conduct unbecoming to a member of the teaching profession" may consist of, but not be limited to, 1 (one) or more of the following: (3C) Dishonesty, unreliability, continued willful failure or refusal to pay one's just and honest debts.

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF CCBOE POLICY - CONTINUED

FALSIFICATION/FAILURE TO ACCURATELY PROVIDE INFORMATION (NON-CRIMINAL / NON-CIVIL) - CONTINUED

Classification:

FIRST OFFENSE: RELATIVELY MINOR

Progressive Discipline Recommendations:

Progressive Discipline Options: Falsification/Failure to Accurately Provide Information (Non-Criminal / Non-Civil)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF CCBOE POLICY - CONTINUED

FALSIFICATION/FAILURE TO ACCURATELY PROVIDE INFORMATION (CRIMINAL / CIVIL)

Definition: *Falsification/Failure to Accurately Provide Information (Criminal / Civil)* is defined as any written, documentary or data-based lack of truthfulness or deception regarding a matter of interest to a federal, state or local law agency of proper jurisdiction and Claiborne County Schools, while Compromise of CCBOE Records (criminal) involves any action or behavior that results in the concealment, unauthorized removal, alteration, destruction, mutilation or improper access of documents, data, recordings, blueprints, photographs or other sources of information that is of interest to a federal, state or local law agency of proper jurisdiction and the district.

Examples: Examples of *Falsification/Failure to Accurately Provide Information (Criminal / Civil)* include, but are not limited to, the following: The filing of a false report or complaint; the inaccurate submission of a report to law enforcement or another agency before, during or after the course of an official investigation; and the filing of a report required by federal, state or local authorities containing information known to be incorrect; the deliberate or intentional falsification of an employment application; any alteration of application materials or other employment records; and the forging of any credentials related to the eligibility for employment or assignment.

TN Code (Annotated) Alignment: §39-14-136; §49-5-406; §49-5-413; §49-5-501

CCBOE Policy Alignment #: §5.106

Mandatory Reporting Requirement: YES

Commentary:

1. TN CODE (ANNOTATED) §39-14-136: FALSIFYING OF EDUCATIONAL AND ACADEMIC RECORDS. (A) A person commits the offense of falsifying educational and academic documents who buys, sells, creates, duplicates, alters, gives or obtains a diploma, academic record, certificate of enrollment or other instrument which purports to signify merit or achievement conferred by an institution of education with the intent to use fraudulently that document or to allow the fraudulent use of the document. (B) A violation of this section is a Class A misdemeanor.
2. TN CODE (ANNOTATED) §49-5-406: EMPLOYMENT APPLICATION, OFFER AND ACCEPTANCE. (A2) Knowingly falsifying information required by subdivision (A1) shall be sufficient grounds for dismissal of employment and shall also constitute a Class A Misdemeanor which must be reported to the district attorney general for prosecution. The preceding sentence shall be conspicuously displayed on forms supplied for implementation of subdivision (A1). Language conspicuously displayed on such forms shall also advise applicants that the accuracy of such information may be verified by fingerprint and criminal history records check conducted by the Tennessee Bureau of Investigation pursuant to § 49-5-413. (D) Any person seeking employment in a state educational institution as a director of schools, principal, professor, teacher, tutor, instructor or any other person having in any way the custody and care of students of the public educational institutions of this state is required to make a full disclosure of any prior criminal record and any prior dismissals from employment for cause. A person who violates this subsection commits a Class A misdemeanor. Such person shall not be employed and, if employed despite a violation of this subsection, shall forfeit office.

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF CCBOE POLICY - CONTINUED

FALSIFICATION/FAILURE TO ACCURATELY PROVIDE INFORMATION (CRIMINAL / CIVIL) - CONTINUED

3. TN CODE (ANNOTATED) §49-5-413: INVESTIGATION OF APPLICANTS FOR TEACHING OR CHILD CARE POSITIONS. (D3C2) An employee commits a Class A misdemeanor, punishable by fine only, who knowingly fails to disclose to the employer within the required seven (7) days that the employee has been convicted of an offense specified in subdivision (D3C1).
4. TN CODE (ANNOTATED) §49-5-501: PART DEFINITIONS. As used in this part, unless the context otherwise requires, (3) "Conduct unbecoming to a member of the teaching profession" may consist of, but not be limited to, 1 (one) or more of the following: (3B) Conviction of a felony or a crime involving moral turpitude; (3C) Dishonesty, unreliability, continued willful failure or refusal to pay one's just and honest debts; and (11A) "Tenure" indicates the statutory requirements, conditions, relations and provisions in this part, under which a teacher employed by a board holds a position as a teacher under the jurisdiction of the board. Administrative and supervisory personnel shall have tenure as teachers and not necessarily tenure in the specific type of position in which they may be employed.

Classification:

FIRST OFFENSE: RELATIVELY MAJOR

Progressive Discipline Recommendations:

Progressive Discipline Options: Falsification/Failure to Accurately Provide Information (Criminal / Civil)				
Case Facts	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	
Relatively Equal	Suspension	Dismissal		
Mostly Aggravating	Dismissal			

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF CCBOE POLICY - CONTINUED

INAPPROPRIATE, ABUSIVE OR OFFENSIVE CONDUCT (NON-CRIMINAL / NON-CIVIL)

Definition: *Inappropriate, Abusive or Offensive Conduct (Non-Criminal / Non-Civil)* is defined as any action(s) or behavior(s) either improper for the circumstances or that interferes with the personal rights of staff, students, external stakeholders or the legitimate business of the district that is of interest to the district only.

Examples: Examples of *Inappropriate, Abusive or Offensive Conduct (Non-Criminal / Non-Civil)* include, but are not limited to, the following: Conduct directed toward immediate supervisors, other employees, students, stakeholders or the general public that is improper for the circumstances in which it occurs; or conduct involving action(s) or behavior(s) that runs counter to community values or a "reasonable person standard." Other examples include but are not limited to: insolence; vulgar, profane, disrespectful, racist, obscene, and/or abusive language; inappropriate action or gesture toward another person or persons. NOTE: Some acts of *Inappropriate, Abusive or Offensive Conduct* may represent violations of civil or criminal law (see below).

TN Code (Annotated) Alignment: §49-5-201; §49-5-501

CCBOE Policy Alignment #: §5.600

Mandatory Reporting Requirement: NO

Commentary:

1. TN CODE (ANNOTATED) §49-5-201: DUTIES OF TEACHERS. It is the duty of the teacher to: (A12) Observe any other rules and regulations relative to the service of teachers which may be made by the county board of education.
2. TN CODE (ANNOTATED) §49-5-501: PART DEFINITIONS. As used in this part, unless the context otherwise requires, (3) "Conduct unbecoming to a member of the teaching profession" may consist of, but not be limited to, 1 (one) or more of the following: (3D) Disregard of the code of ethics of the Tennessee Education Association in such manner as to make one obnoxious as a member of the profession.

Classification: FIRST OFFENSE: RELATIVELY MINOR

Progressive Discipline Recommendations:

Progressive Discipline Options: Inappropriate, Abusive or Offensive Conduct (Non-Criminal / Non-Civil)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF CCBOE POLICY - CONTINUED

INAPPROPRIATE, ABUSIVE OR OFFENSIVE CONDUCT (CRIMINAL / CIVIL)

Definition: Inappropriate, abusive or offensive conduct (Criminal / Civil) is defined as any action(s) or behavior(s) either improper for the circumstances or that interferes with the personal rights of staff, students, external stakeholders or the legitimate business of the district that is of interest to a federal, state or local law agency of proper jurisdiction and the district.

Examples: Examples of inappropriate, abusive or offensive conduct (Criminal/Civil) include, but are not limited to, the following: Physical harassment of a non-sexual or non-discriminatory manner; and Conduct directed toward immediate supervisors, other employees, students, stakeholders or the general public that is improper for the circumstances in which it occurs; or conduct involving action(s) or behavior(s) that runs counter to community values or a "reasonable person standard." Other examples include but are not limited to: insolence; vulgar, profane, disrespectful, racist, obscene, and/or abusive language; inappropriate action or gesture toward another person or persons that has not only adversely affected job or learning performance but has also violated federal, state or local law.

TN Code (Annotated) Alignment: §39-17-309; §49-5-501; §49-5-511; §49-6-1015

CCBOE Policy Alignment #: §5.600

Mandatory Reporting Requirement: YES

Commentary:

1. TN CODE (ANNOTATED) §39-17-309: CIVIL RIGHTS INTIMIDATION. (B) A person commits the offense of intimidating others from exercising civil rights who: (B1) Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another from the free exercise or enjoyment of any right or privilege secured by the constitution or laws of the state of Tennessee; (B2) Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another because that other exercised any right or privilege secured by the constitution or laws of the United States or the constitution or laws of the state of Tennessee.
2. TN CODE (ANNOTATED) §49-5-501: PART DEFINITIONS. As used in this part, unless the context otherwise requires, (3) "Conduct unbecoming to a member of the teaching profession" may consist of, but not be limited to, 1 (one) or more of the following: (3B) Conviction of a felony or a crime involving moral turpitude.
3. TN CODE (ANNOTATED) §49-5-511: DISMISSAL OR SUSPENSION OF TEACHERS - CAUSES FOR DISMISSAL - POSITION REDUCTION - WRITTEN NOTICE - PREFERRED LIST FOR EMPLOYMENT - CONVICTIONS - LICENSE REVOCATION. (A2) The causes for which a teacher may be dismissed are as follows: incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination as defined in § 49-5-501.

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF CCBOE POLICY - CONTINUED

INAPPROPRIATE, ABUSIVE OR OFFENSIVE CONDUCT (CRIMINAL / CIVIL) - CONTINUED

4. TN CODE (ANNOTATED) §49-6-1015: DEFINITION OF “HARASSMENT, INTIMIDATION OR BULLYING”. As used in §§ 49-6-1014 — 49-6-1019, “harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on school grounds, at any school-sponsored activity, on school-provided transportation, or at any official school bus stop, and that has the effect of: (1) Physically harming a student or damaging a student’s property; (2) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or (3) Creating a hostile educational environment.

Classification:

FIRST OFFENSE: RELATIVELY MAJOR

Progressive Discipline Recommendations:

Progressive Discipline Options: Inappropriate, Abusive or Offensive Conduct (Criminal / Civil)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	
Relatively Equal	Suspension	Dismissal		
Mostly Aggravating	Dismissal			

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF CCBOE POLICY - CONTINUED

INSUBORDINATION

Definition: *Insubordination* is defined as any refusal to comply with a legitimate directive issued by a recognized source of authority which the employee has knowledge of and the capacity to carry out. *Insubordination* may be either active (e.g., when an employee refuses to follow an order from a supervisor or states their intention not to follow a directive) or passive (e.g., when an employee does not follow their supervisor’s directive but there is no verbal refusal to do so).

Examples: Examples of *Insubordination* include, but are not limited to, the following: The refusal to complete a reasonably assigned task; actions that are in opposition to or in defiance of established authority; the failure or refusal to recognize or submit to an authority to which an individual is subordinate; disobedience to lawful authority; an open defiance of authority; or a revolt against constituted authority.

TN Code (Annotated) Alignment: §49-5-501

CCBOE Policy Alignment #: §5.200

Mandatory Reporting Requirement: NO

Commentary:

1. TN CODE (ANNOTATED) §49-5-501: PART DEFINITIONS. As used in this part, unless the context otherwise requires, (7) “Insubordination” may consist of: (7A) Refusal or continued failure to obey the school laws of Tennessee, or to comply with the rules and regulations of the board, or to carry out specific assignments made by the board, the Director or the principal, each acting within its own jurisdiction, when such rules, regulations and assignments are reasonable and not discriminatory; (7B) Failure to participate in an in-service program as set up by the local board of education and approved by the state board of education; (7C) Treason or any effort to sabotage or overthrow the government of the United States; or (7D) Refusal of the teacher to disclose to the board whether or not such teacher is, or has been, a member of the Communist or any other party which advocates the overthrow of the government.

Classification: FIRST OFFENSE: RELATIVELY MINOR

Progressive Discipline Recommendations:

Progressive Discipline Options: Insubordination				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIRBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF CCBOE POLICY - CONTINUED

IMPROPER JOB PREPARATION OR PERFORMANCE

Definition: *Improper Job preparation or Performance* is defined as: the demonstration of one or more of the following: (1) insufficient knowledge or skills to meet established local, state and federal job performance standards; (2) ineffective skills to meet established local, state and federal job performance standards; (3) inconsistent knowledge or skills to meet established local, state and federal job performance standards; or (4) "incompetency" (defined as being incapable, or lacking the desire, capacity or ability to carry out the duties and responsibilities of the position).

Examples: Examples of *Improper Job preparation or Performance* include, but are not limited to, the following: An employee's refusal, unwillingness, failure or inability to teach the district's approved curriculum; an employee's refusal, unwillingness, failure or inability to optimize allotted instructional time; and an employee's refusal, unwillingness, failure or inability to provide adequate written plans and/or materials for daily instruction and substitute teachers.

TN Code (Annotated) Alignment: §49-5-201; §49-5-501

CCBOE Policy Alignment #: §49-5-201 (INCORPORATED BY REFERENCE)

Mandatory Reporting Requirement: NO

Commentary:

1. TN CODE (ANNOTATED) §49-5-201: DUTIES OF TEACHERS. It is the duty of the teacher to: (A2) Give instruction to the pupils only in the subjects covered by the license which the teacher holds; (A3) Supervise educational assistants when they are working with pupils; (A7) Teach the constitutions of the United States and of Tennessee for the purpose of instructing all the children as to their privileges and duties under the constitutions and for the promotion of good citizenship; (A8) Follow the state course of study and the rules and regulations for the promotion of pupils furnished by the commissioner of education; and (A12) Observe any other rules and regulations relative to the service of teachers which may be made by the county board of education.
2. TN CODE (ANNOTATED) §49-5-501: PART DEFINITIONS. As used in this part, unless the context otherwise requires, (5) "Incompetence" means being incapable, lacking adequate power, capacity or ability to carry out the duties and responsibilities of the position. This may apply to physical, mental, educational, emotional or other personal conditions. It may include lack of training or experience; evident unfitness for service; physical, mental or emotional condition making teacher unfit to instruct or associate with children; or inability to command respect from subordinates or to secure cooperation of those with whom the teacher must work; and (6) "Inefficiency" means being below the standards of efficiency maintained by others currently employed by the board for similar work, or habitually tardy, inaccurate, or wanting in effective performance of duties
3. STATE POLICY 3.200: CURRICULUM FRAMEWORKS. The State Board of Education shall adopt a curriculum framework for each subject area, grades K-12. These frameworks shall contain the broad goals and objectives, which identify the minimum content required at each grade level and for each course. The approved frameworks shall be the basis for planning instructional programs in each local school system.

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF CCBOE POLICY - CONTINUED

IMPROPER JOB PREPARATION OR PERFORMANCE

Classification:

FIRST OFFENSE: RELATIVELY MODERATE

Progressive Discipline Recommendations:

Progressive Discipline Options: Improper Job Planning or Preparation for Delivery of Instruction and Job Performance				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	
Relatively Equal	Official Reprimand	Suspension	Dismissal	
Mostly Aggravating	Suspension	Dismissal		

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF CCBOE POLICY - CONTINUED

OTHER DISTRICT POLICY VIOLATION

Definition: *Other District Policy Violation* is defined as any action(s) or behavior(s) not specified elsewhere in the Handbook which are prohibited by district policy.

Examples: Examples of *Other District Policy Violation* include, but are not limited to, the following: Failure of an employee to follow an established procedure; or neglect of an established rule for employees. Established procedure is defined as any Board-ratified policy or administratively-mandated regulation associated with a Board-ratified policy.

TN Code (Annotated) Alignment: §49-5-201; §49-5-501

CCBOE Policy Alignment #: SEE RELEVANT CCBOE POLICY

Mandatory Reporting Requirement: NO

Commentary:

1. TN CODE (ANNOTATED) §49-5-201: DUTIES OF TEACHERS. It is the duty of the teacher to: (A12) Observe any other rules and regulations relative to the service of teachers which may be made by the county board of education.
2. TN CODE (ANNOTATED) §49-5-501: PART DEFINITIONS. As used in this part, unless the context otherwise requires, (3) "Conduct unbecoming to a member of the teaching profession" may consist of, but not be limited to, 1 (one) or more of the following: (3C) Dishonesty, unreliability, continued willful failure or refusal to pay one's just and honest debts.

Classification: FIRST OFFENSE: RELATIVELY MINOR

Progressive Discipline Recommendations:

Progressive Discipline Options: Other District Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF FEDERAL, STATE OR LOCAL CIVIL STATUTE

The following actions and/or behaviors shall represent grounds for employee discipline within Claiborne County Schools based on violations of both federal, state or local civil statute and CCBOE policy:

EMPLOYEE OR STUDENT INFORMATION CONFIDENTIALITY POLICY VIOLATION

Definition: *Employee or Student Information Confidentiality Policy Violation* is defined as the access, use, disclosure and/or disposition of confidential information, data or records (e.g., student test scores/information/data, disclosure of school business, employee and student daily behavior, free and reduced lunch status, financial, payroll, personnel, student or health records) by an employee for one or more purposes other than those for which the employee is authorized.

Examples: Examples of *Employee or Student Records Policy Violation* include, but are not limited to, the following: Compromise of district records; wrongful disclosure of identifiable educational data or other information; improper access or misuse of information contained within an Individualized Education Plan (IEP) or Section 504 Plan or other confidential record without a “need to know” basis to perform assigned duties; disclosing information without proper authorization; assisting unauthorized users to gain access of secure information; leaving confidential information unattended in a non-secure area; the unauthorized removal of sensitive data from the district regardless of purpose or stated intent; and the improper disposal of confidential information.

TN Code (Annotated) Alignment: §37-5-107; §49-6-305; PUBLIC LAW 94-142 §121A.572

CCBOE Policy Alignment #: §6.603

Mandatory Reporting Requirement: YES

Commentary:

1. TN CODE (ANNOTATED) §37-8-107: CONFIDENTIALITY OF RECORDS. (A) All applications, certificates, records, reports and all legal documents, petitions and records made of information received pursuant to this title and directly or indirectly identifying a child or family receiving services from the department shall be kept confidential and shall not be disclosed, except by existing statutes, rules or policies, as they may be amended or as specified in this section.
2. TN CODE (ANNOTATED) §49-6-305: IDENTIFICATION NUMBERS – LIMITATIONS ON USE – CONFIDENTIALITY. The commissioner shall use the identification numbers furnished under the provisions of this part for the purpose of tracking students and for other statistical reports or surveys, but for no other purpose. Listings of student names and identification numbers shall not be public records.
3. PUBLIC LAW 94-142 §121A.572 (IDEA). This law requires the posting of a list of staff members by name and position who may have access to personally identifiable information.

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF FEDERAL, STATE OR LOCAL CIVIL STATUTE - CONTINUED

EMPLOYEE OR STUDENT INFORMATION CONFIDENTIALITY POLICY VIOLATION – CONTINUED

Classification:

FIRST OFFENSE: RELATIVELY MODERATE

Progressive Discipline Recommendations:

Progressive Discipline Options: Employee or Student Records Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	
Relatively Equal	Official Reprimand	Suspension	Dismissal	
Mostly Aggravating	Suspension	Dismissal		

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF FEDERAL, STATE OR LOCAL CIVIL STATUTE - CONTINUED

DISCRIMINATION

Definition: *Discrimination* is defined as any action(s) or behavior(s) that result(s) in the treatment or consideration of, or the making of a distinction in favor of or against, an individual or group based on some specific factor other than individual merit, ability or potential. In many instances, Discrimination may involve the unfair treatment of a person or group on a legally prohibited basis.

Examples: Examples of *Discrimination* include, but are not limited to, the following: Comments referencing race or national origin; dismissal of an employee based solely on his or her age; inappropriate treatment of individuals practicing a faith; denying opportunities on the basis of an individual's disability; or abuse of an individual based on real or perceived sexual orientation.

TN Code (Annotated) Alignment: §37-5-116; §49-5-511

CCBOE Policy Alignment #: §5.500; §6.304

Mandatory Reporting Requirement: YES

Commentary:

1. TN CODE (ANNOTATED) §37-5-116: Non-Discrimination. No person shall, on the grounds of race, color, national origin, sex, age or ability to pay, be excluded from participation, be denied the benefits of or be otherwise subjected to discrimination under any program or activity operated by the Department of Children's Services. This shall include, but not be limited to, contracts for services, employment or services to consumers.
2. TN CODE (ANNOTATED) §49-5-511: DISMISSAL OR SUSPENSION OF TEACHERS - CAUSES FOR DISMISSAL - POSITION REDUCTION - WRITTEN NOTICE - PREFERRED LIST FOR EMPLOYMENT - CONVICTIONS - LICENSE REVOCATION. (A2) The causes for which a teacher may be dismissed are as follows: incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination as defined in § 49-5-501.
3. CCBOE POLICY 6.304: DISCRIMINATION. It is a violation of district policy for any student, teacher, administrator or other school personnel of this district to discriminate, harass or bully through disparaging conduct or communication including race, color, sex national origin or disability.

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF FEDERAL, STATE OR LOCAL CIVIL STATUTE - CONTINUED

DISCRIMINATION - CONTINUED

Classification:

FIRST OFFENSE: RELATIVELY MAJOR

Progressive Discipline Recommendations:

Progressive Discipline Options: Discrimination				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	
Relatively Equal	Suspension	Dismissal		
Mostly Aggravating	Dismissal			

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF FEDERAL, STATE OR LOCAL CIVIL STATUTE - CONTINUED

SEXUAL HARASSMENT

Definition: *Sexual Harassment* is defined as any non-mutual and non-consensual verbal or non-verbal conduct involving gender or sex that is perceived by the recipient or a third party as unwelcome, unsolicited, undesirable, abusive, discriminatory or offensive.

Examples: Examples of *Sexual Harassment* include, but are not limited to, the following: **Physical actions or behaviors** (e.g., unwelcome sexual advances, touching, indecent exposure, sexual contact); **verbal actions or behaviors** (e.g., unwelcome requests for sexual favors; propositions or pressure for sexual activity; continued suggestions for a date or social activity outside the workplace after it has been made clear that such suggestions are unwelcome; unwanted or offensive flirtations; offensive jokes; suggestive remarks; sexual innuendos or double entendres; lewd comments; inquiring about someone's sexual preferences, fantasies or activities, and phone calls); **non-verbal actions or behaviors** (e.g., the display of pornographic or sexually suggestive images, objects, written materials, electronic communication, emails, text-messages or faxes. It includes leering, whistling, sexually suggestive gestures, movements, or facial expressions); gender-specific actions or behaviors (e.g., conduct that denigrates, ridicules, or intimidates another person; conduct that leads to physical abuse of a person because of his or her sex; derogatory or degrading remarks or insults about his or her gender or body); or **job-specific actions or behaviors** (e.g., explicit or implicit pressure for sexual activity as a condition of hire, continued employment or advancement).

TN Code (Annotated) Alignment: §49-5-501; §49-5-511

CCBOE Policy Alignment #: §5.500; §6.304

Mandatory Reporting Requirement: YES

Commentary:

1. TN CODE (ANNOTATED) §49-5-501: PART DEFINITIONS. As used in this part, unless the context otherwise requires, (3) "Conduct unbecoming to a member of the teaching profession" may consist of, but not be limited to, 1 (one) or more of the following: (3D) Disregard of the code of ethics of the Tennessee Education Association in such manner as to make one obnoxious as a member of the profession.
2. TN CODE (ANNOTATED) §49-5-511: DISMISSAL OR SUSPENSION OF TEACHERS - CAUSES FOR DISMISSAL - POSITION REDUCTION - WRITTEN NOTICE - PREFERRED LIST FOR EMPLOYMENT - CONVICTIONS - LICENSE REVOCATION. (A2) The causes for which a teacher may be dismissed are as follows: incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination as defined in § 49-5-501.
3. CCBOE POLICY 6.304: DISCRIMINATION. It is a violation of district policy for any student, teacher, administrator or other school personnel of this district to discriminate, harass or bully through disparaging conduct or communication including race, color, sex national origin or disability.
4. CCBOE POLICY 6.304: TYPES OF HARASSMENT. Employees shall be provided a work environment free from sexual, racial, ethnic and religious discrimination/harassment. It shall be a violation of this policy for any employee or any student to discriminate against or harass an employee through disparaging conduct or communication that is sexual, racial, ethnic, or religious in nature.

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF FEDERAL, STATE OR LOCAL CIVIL STATUTE - CONTINUED

SEXUAL HARASSMENT - CONTINUED

Classification:

FIRST OFFENSE: RELATIVELY MAJOR

Progressive Discipline Recommendations:

Progressive Discipline Options: Sexual Harassment				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	
Relatively Equal	Suspension	Dismissal		
Mostly Aggravating	Dismissal			

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIRBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF FEDERAL, STATE OR LOCAL CIVIL STATUTE - CONTINUED

OTHER CIVIL RIGHTS VIOLATION

Definition: *Other Civil Rights Violation* is defined as any action(s) or behavior(s) not specified elsewhere in the CCBOE Handbook prohibited by federal, state or local civil law which negatively impact(s) the school climate rights of one or more students, staff members or community stakeholders and that may or may not be of interest to federal, state or local regulatory agencies.

Examples: Examples of *Other Civil Rights Violation* include, but are not limited to, the following: Creation of or contribution to a hostile work or learning environment; verbal or written harassment; bullying of other staff members; or intimidation of students.

TN Code (Annotated) Alignment: §39-17-309; §49-5-511; §49-6-1015

CCBOE Policy Alignment #: §5.500; §6.304

Mandatory Reporting Requirement: YES

Commentary:

1. TN CODE (ANNOTATED) §39-17-309: CIVIL RIGHTS INTIMIDATION. (B) A person commits the offense of intimidating others from exercising civil rights who: (B1) Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another from the free exercise or enjoyment of any right or privilege secured by the constitution or laws of the state of Tennessee; (B2) Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another because that other exercised any right or privilege secured by the constitution or laws of the United States or the constitution or laws of the state of Tennessee.
2. TN CODE (ANNOTATED) §49-5-511: DISMISSAL OR SUSPENSION OF TEACHERS - CAUSES FOR DISMISSAL - POSITION REDUCTION - WRITTEN NOTICE - PREFERRED LIST FOR EMPLOYMENT - CONVICTIONS - LICENSE REVOCATION. (A2) The causes for which a teacher may be dismissed are as follows: incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination as defined in § 49-5-501. (A4) When charges are made to the board of education against a teacher, charging the teacher with offenses which would justify dismissal of the teacher under the terms of this part, the charges shall be made in writing, specifically stating the offenses which are charged, and shall be signed by the party or parties making the charges. (C1) Notwithstanding the provisions of subsection (a), but subject to the appeal and review provisions of §§ 49-5-512 and 49-5-513, any teacher convicted of a felony listed in § 40-35-501(i)(2), or convicted of an offense listed in § 39-17-417 shall be immediately suspended, and dismissed subject to the provisions of subdivision (C2).
3. TN CODE (ANNOTATED) §49-6-1015: DEFINITION OF "HARASSMENT, INTIMIDATION OR BULLYING". As used in §§ 49-6-1014 — 49-6-1019, "harassment, intimidation or bullying" means any act that substantially interferes with a student's educational benefits, opportunities or performance, that takes place on school grounds, at any school-sponsored activity, on school-provided transportation, or at any official school bus stop, and that has the effect of: (1) Physically harming a student or damaging a student's property; (2) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or (3) Creating a hostile educational environment.

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLETIONS OF FEDERAL, STATE OR LOCAL CIVIL STATUTE - CONTINUED

OTHER CIVIL RIGHTS VIOLATION - CONTINUED

Classification:

FIRST OFFENSE: RELATIVELY MAJOR

Progressive Discipline Recommendations:

Progressive Discipline Options: Other Civil Rights Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	
Relatively Equal	Suspension	Dismissal		
Mostly Aggravating	Dismissal			

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF FEDERAL, STATE OR LOCAL CRIMINAL LAW

The following actions and/or behaviors shall represent grounds for employee discipline within Claiborne County Schools based on violations of both federal, state or local criminal law and CCBOE policy:

ABUSE OR MISUSE OF PROPERTY

Definition: *Abuse or Misuse of Property* is defined as any act which constitutes the mishandling, unauthorized use, diversion or destruction of materials at a district facility or at a district-sponsored program or activity.

Examples: Examples of *Abuse or Misuse of Property* include, but are not limited to, the following: The misappropriation or mishandling of money, property, equipment, or material rightfully owned by the district or others.

TN Code (Annotated) Alignment: §39-14-408; §49-5-201

CCBOE Policy Alignment #: §5.611

Mandatory Reporting Requirement: NO

Commentary:

1. TN CODE (ANNOTATED) §39-14-408: VANDALISM. Any person who knowingly causes damage to or the destruction of any real or personal property of another or of the state, the United States, any county, city, or town knowing that the person does not have the owner's effective consent is guilty of an offense under this section. (B) For the purposes of this section, "Damage" includes, but is not limited to: (B1A) Destroying, polluting or contaminating property; or (B1B) Tampering with property and causing pecuniary loss or substantial inconvenience to the owner or a third person.
2. TN CODE (ANNOTATED) §49-5-201: DUTIES OF TEACHERS. It is the duty of the teacher to: (A9) Serve as custodian of the school property during the public school term, report in writing to the director of schools any misuse of same or repairs needed thereon, and, at the close of the term, furnish the director an inventory of equipment and supplies on hand and a list of supplies and equipment which will be needed for the opening of the succeeding term.

Classification: FIRST OFFENSE: RELATIVELY MAJOR

Progressive Discipline Recommendations:

Progressive Discipline Options: Abuse or Misuse of Property				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	
Relatively Equal	Suspension	Dismissal		
Mostly Aggravating	Dismissal			

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIRBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF FEDERAL, STATE OR LOCAL CRIMINAL LAW

ALCOHOL OR DRUG-RELATED INFRACTION

Definition: *Alcohol or Drug-Related Infraction* is defined as an employee's possession, consumption, or being under the influence of alcohol, controlled substances, narcotics, or performance-impairing drugs that may or may not be prescribed while in a duty status, on district property, or while attending a district-sponsored or district-sanctioned event that may or may not be of interest to a federal, state or local law agency of proper jurisdiction.

Examples: Examples specific of *Alcohol or Drug-Related Infraction* include, but are not limited to, the following: The possession, sale, distribution, or purchase of any naturally occurring or manufactured compound on the United States Drug Enforcement Agency's (DEA) schedule of regulated substances with effects on mood, perception, or behavior, either without a legitimate prescription or for which no prescription may be legally written at a district-sponsored program or activity, on district property, or within 1,000 feet of a district-owned building or the making of arrangements to do so; the possession, sale, distribution, or purchase of any alcoholic beverage at a district-sponsored program or activity, on district property, or within 1,000 feet of a district-owned building or the making of arrangements to do so; the possession of accessories, paraphernalia, chemical precursors, or equipment associated with controlled substances at a district-sponsored program or activity, on district property, or within 1,000 feet of a district-owned building; being under the influence of alcohol, a controlled substance, or other intoxicant while on the job or at a district-sponsored program or activity; and the illegal furnishing of alcohol or a controlled substance to staff, students, or others in violation of federal, state or local law.

TN Code (Annotated) Alignment: §39-17-432; §39-17-437; §49-5-501; §49-5-511

CCBOE Policy Alignment #: §1.804; §5.403

Mandatory Reporting Requirement: YES

Commentary:

1. TN CODE (ANNOTATED) §39-17-432: DRUG-FREE SCHOOL ZONE – ENHANCED PENALTIES FOR VIOLATIONS WITHIN ZONE. (B1) A violation of § 39-17-417, or a conspiracy to violate the section, that occurs on the grounds or facilities of any school or within 1,000 (one-thousand) feet of the real property that comprises a public or private elementary school, middle school, secondary school, preschool, child care agency, or public library, recreational center or park shall be punished one (1) classification higher than is provided in § 39-17-417(b)-(i) for such violation.
2. TN CODE (ANNOTATED) §39-17-437: FALSIFICATION OF THE RESULTS OF A DRUG TEST. (A) It is an offense for a person to intentionally use, or possess with the intent to use, any substance or device designed to falsify the results of a drug test of that person. (C) A violation of this section is a Class A misdemeanor.

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF FEDERAL, STATE OR LOCAL CRIMINAL LAW - CONTINUED

ALCOHOL OR DRUG-RELATED INFRACTION - CONTINUED

3. TN CODE (ANNOTATED) §49-5-501: PART DEFINITIONS. As used in this part, unless the context otherwise requires, (3) "Conduct unbecoming to a member of the teaching profession" may consist of, but not be limited to, 1 (one) or more of the following: (3B) Conviction of a felony or a crime involving moral turpitude; and (3E) Improper use of narcotics or intoxicants.
4. TN CODE (ANNOTATED) §49-5-511: DISMISSAL OR SUSPENSION OF TEACHERS - CAUSES FOR DISMISSAL - POSITION REDUCTION - WRITTEN NOTICE - PREFERRED LIST FOR EMPLOYMENT - CONVICTIONS - LICENSE REVOCATION. (A2) The causes for which a teacher may be dismissed are as follows: incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination as defined in § 49-5-501. (A4) When charges are made to the board of education against a teacher, charging the teacher with offenses which would justify dismissal of the teacher under the terms of this part, the charges shall be made in writing, specifically stating the offenses which are charged, and shall be signed by the party or parties making the charges. (C1) Notwithstanding the provisions of subsection (a), but subject to the appeal and review provisions of §§ 49-5-512 and 49-5-513, any teacher convicted of a felony listed in § 40-35-501(i)(2), or convicted of an offense listed in § 39-17-417 shall be immediately suspended, and dismissed subject to the provisions of subdivision (C2).
5. See also State of Tennessee Employee Assistance Program & Mental Health Substance Abuse (800-308-4934).

Classification:

FIRST OFFENSE: RELATIVELY MAJOR

Progressive Discipline Recommendations:

Progressive Discipline Options: Alcohol or Drug-Related Infraction				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	
Relatively Equal	Suspension	Dismissal		
Mostly Aggravating	Dismissal			

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF FEDERAL, STATE OR LOCAL CRIMINAL LAW - CONTINUED

POSSESSION OF A WEAPON ON DISTRICT PROPERTY

Definition: *Possession of a Weapon on District Property* is prohibited and is defined as possessing, storing, making, concealing, or using a weapon in a school safety zone and any setting that is under the control and supervision of the Board for any Board approved activity including property leased, owned, or contracted by the Board, or in a Board-owned vehicle.

Examples: Examples of *Possession of a Weapon on District Property* include, but are not limited to, the following: Any firearm; explosive; explosive weapon; bowie knife; hawk bill knife; ice pick; dagger; slingshot; leaded cane; switchblade knife; blackjack; knuckles; razors and razor blades (except those used solely for personal shaving); any sharp pointed or edged instrument (except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance, unless used as a weapon to inflict harm); or any other weapon of like kind.

TN Code (Annotated) Alignment: §39-17-1309; §49-5-501; §49-5-511

CCBOE Policy Alignment #: §39-17-1309; §49-5-501; §49-5-511
(INCORPORATED BY REFERENCE)

Mandatory Reporting Requirement: YES

Commentary:

1. TN CODE (ANNOTATED) §39-17-309: CARRYING WEAPONS ON SCHOOL PROPERTY. (B1) It is an offense for any person to possess or carry, whether openly or concealed, with the intent to go armed, any firearm, explosive, explosive weapon, bowie knife, hawk bill knife, ice pick, dagger, slingshot, leaded cane, switchblade knife, blackjack, knuckles or any other weapon of like kind, not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, used or operated by any board of education, school, college or university board of trustees, regents or Directors for the administration of any public or private educational institution. (C) A violation of this subsection (b) is a Class E felony.
2. TN CODE (ANNOTATED) §49-5-501: PART DEFINITIONS. As used in this part, unless the context otherwise requires, (3) "Conduct unbecoming to a member of the teaching profession" may consist of, but not be limited to, 1 (one) or more of the following: (3B) Conviction of a felony or a crime involving moral turpitude.

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF FEDERAL, STATE OR LOCAL CRIMINAL LAW - CONTINUED

POSSESSION OF A WEAPON ON DISTRICT PROPERTY - CONTINUED

3. TN CODE (ANNOTATED) §49-5-511: DISMISSAL OR SUSPENSION OF TEACHERS - CAUSES FOR DISMISSAL - POSITION REDUCTION - WRITTEN NOTICE - PREFERRED LIST FOR EMPLOYMENT - CONVICTIONS - LICENSE REVOCATION. (A2) The causes for which a teacher may be dismissed are as follows: incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination as defined in § 49-5-501. (A4) When charges are made to the board of education against a teacher, charging the teacher with offenses which would justify dismissal of the teacher under the terms of this part, the charges shall be made in writing, specifically stating the offenses which are charged, and shall be signed by the party or parties making the charges. (C1) Notwithstanding the provisions of subsection (a), but subject to the appeal and review provisions of §§ 49-5-512 and 49-5-513, any teacher convicted of a felony listed in § 40-35-501(i)(2), or convicted of an offense listed in § 39-17-417 shall be immediately suspended, and dismissed subject to the provisions of subdivision (C2).

Classification:

FIRST OFFENSE: RELATIVELY MAJOR

Progressive Discipline Recommendations:

Progressive Discipline Options: Possession of a Weapon on District Property				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	
Relatively Equal	Suspension	Dismissal		
Mostly Aggravating	Dismissal			

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF FEDERAL, STATE OR LOCAL CRIMINAL LAW - CONTINUED

SEXUAL MISCONDUCT

Definition: *Sexual Misconduct* is defined as any action(s) or behavior(s) which violate(s) district professional and non-professional relationship policies that may or may not be of interest to a federal, state or local law agency of proper jurisdiction.

Examples: Examples of *Sexual Misconduct* include, but are not limited to, the following: Amorous relationships between staff and students or between staff and other minors; the inappropriate touching of other staff, students or external stakeholders; indecent exposure; consensual sexual activity between staff or between staff and other adults over the age of 18 on district property or at district-sponsored programs or activities; sexual contact between staff and students or between staff and minors regardless of location or consensuality; and other violations of sexual misconduct referenced within federal, state or local law.

TN Code (Annotated) Alignment: §39-13-528; §39-13-529; §39-13-532; §49-5-501

CCBOE Policy Alignment #: §39-13-528 §39-13-529; §39-13-532; §49-5-501
(INCORPORATED BY REFERENCE)

Mandatory Reporting Requirement: YES

Commentary:

1. TN CODE (ANNOTATED) §39-13-528: OFFENSE OF SOLICITATION OF A MINOR. (A) It is an offense for a person eighteen (18) years of age or older, by means of oral, written or electronic communication, electronic mail or Internet services, directly or through another, to intentionally command, request, hire, persuade, invite or attempt to induce a person whom the person making the solicitation knows, or should know, is less than eighteen (18) years of age, or solicits a law enforcement officer posing as a minor, and whom the person making the solicitation reasonably believes to be less than eighteen (18) years of age, to engage in conduct that, if completed, would constitute a violation by the soliciting adult of one (1) or more of the following offenses: (A5) Sexual battery by an authority figure, pursuant to § 39-13-527; (A7) Statutory rape, pursuant to § 39-13-506; (A8) Especially aggravated sexual exploitation of a minor, pursuant to § 39-17-1005; or (A9) Sexual activity involving a minor, pursuant to § 39-13-529
2. TN CODE (ANNOTATED) §39-13-529: OFFENSE OF SOLICITATION OF A MINOR – EXPLOITATION OF A MINOR BY ELECTRONIC MEANS. (A) It is an offense for a person eighteen (18) years of age or older, by means of oral, written or electronic communication, electronic mail or Internet service, including webcam communications, directly or through another, to intentionally command, hire, persuade, induce or cause a minor to engage in sexual activity or simulated sexual activity that is patently offensive, as defined in § 39-17-1002, where such sexual activity or simulated sexual activity is observed by that person or by another.

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF FEDERAL, STATE OR LOCAL CRIMINAL LAW - CONTINUED

SEXUAL MISCONDUCT - CONTINUED

3. TN CODE (ANNOTATED) §39-13-532: STATUTORY RAPE BY AN AUTHORITY FIGURE. (A) Statutory rape by an authority figure is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when: (A1) The victim is at least thirteen (13) but less than eighteen (18) years of age; (A2) The defendant is at least four (4) years older than the victim; and (A3) The defendant was, at the time of the offense, in a position of trust, or had supervisory or disciplinary power over the victim by virtue of the defendant's legal, professional, or occupational status and used the position of trust or power to accomplish the sexual penetration.
4. TN CODE (ANNOTATED) §49-5-501: PART DEFINITIONS. As used in this part, unless the context otherwise requires, (3) "Conduct unbecoming to a member of the teaching profession" may consist of, but not be limited to, 1 (one) or more of the following: (3B) Conviction of a felony or a crime involving moral turpitude.
5. TN CODE (ANNOTATED) §49-5-511: DISMISSAL OR SUSPENSION OF TEACHERS - CAUSES FOR DISMISSAL - POSITION REDUCTION - WRITTEN NOTICE - PREFERRED LIST FOR EMPLOYMENT - CONVICTIONS - LICENSE REVOCATION. (A2) The causes for which a teacher may be dismissed are as follows: incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination as defined in § 49-5-501. (A4) When charges are made to the board of education against a teacher, charging the teacher with offenses which would justify dismissal of the teacher under the terms of this part, the charges shall be made in writing, specifically stating the offenses which are charged, and shall be signed by the party or parties making the charges. (C1) Notwithstanding the provisions of subsection (a), but subject to the appeal and review provisions of §§ 49-5-512 and 49-5-513, any teacher convicted of a felony listed in § 40-35-501(i)(2), or convicted of an offense listed in § 39-17-417 shall be immediately suspended, and dismissed subject to the provisions of subdivision (C2).

Classification:

FIRST OFFENSE: RELATIVELY MAJOR

Progressive Discipline Recommendations:

Progressive Discipline Options: Sexual Misconduct				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	
Relatively Equal	Suspension	Dismissal		
Mostly Aggravating	Dismissal			

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF FEDERAL, STATE OR LOCAL CRIMINAL LAW - CONTINUED

THEFT OF PROPERTY

Definition: *Theft of Property* is defined as any act which constitutes the wrongful appropriation of materials by an employee at a district facility or at a district-sponsored program or activity.

Examples: Examples of *Theft of Property* include, but are not limited to, the following: The wrongful appropriation or possession of money, property, equipment, or material rightfully owned by the district or others.

TN Code (Annotated) Alignment: §39-14-103; §49-5-501

CCBOE Policy Alignment #: CCBOE §5.611

Mandatory Reporting Requirement: YES

Commentary:

1. TN CODE (ANNOTATED) §39-14-103: THEFT OF PROPERTY. A person commits theft of property if, with intent to deprive the owner of property, the person knowingly obtains or exercises control over the property without the owner's effective consent.
2. TN CODE (ANNOTATED) §49-5-501: PART DEFINITIONS. As used in this part, unless the context otherwise requires, (3) "Conduct unbecoming to a member of the teaching profession" may consist of, but not be limited to, 1 (one) or more of the following: (3C) Dishonesty, unreliability, continued willful failure or refusal to pay one's just and honest debts.

Classification: FIRST OFFENSE: RELATIVELY MAJOR

Progressive Discipline Recommendations:

Progressive Discipline Options: Theft of Property				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	
Relatively Equal	Suspension	Dismissal		
Mostly Aggravating	Dismissal			

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIRBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF FEDERAL, STATE OR LOCAL CRIMINAL LAW - CONTINUED

OTHER CRIMINAL VIOLATION (DISQUALIFYING)

Definition: *Other Criminal Violation (Disqualifying)* is defined as any act by an employee that has violated federal, state, or local criminal law which renders the employee no longer eligible to hold a position in the district.

Examples: Examples of *Other Criminal Violation (Disqualifying)* include, but are not limited to, the following: Conviction of felony or crime reportable to the Tennessee Department of Education for subsequent license revocation evaluation.

TN Code (Annotated) Alignment: §49-5-413; §49-5-501; §49-5-511

CCBOE Policy Alignment #: CCBOE §5.200; §5.201; §5.202

Mandatory Reporting Requirement: YES

Commentary:

1. TN CODE (ANNOTATED) §49-5-413: INVESTIGATION OF APPLICANTS FOR TEACHING OR CHILD CARE POSITIONS. (D1A) Any person, corporation or other entity that enters into or renews a contract, or contracts with any person, corporation, or other entity that enters into or renews a contract, with a school, local board of education or child care program as defined in § 49-1-1102, on or after May 30, 2008, shall be required to comply with this subsection (D) if the contract requires: (D1A1) The person or an employee of the person, corporation or other entity to have direct contact with school children or to children in a child care program; or (D2A2) The person or employee to have access to the grounds of a school or child care center when children are present.
2. TN CODE (ANNOTATED) §49-5-501: PART DEFINITIONS. As used in this part, unless the context otherwise requires, (3) "Conduct unbecoming to a member of the teaching profession" may consist of, but not be limited to, 1 (one) or more of the following: (3B) Conviction of a felony or a crime involving moral turpitude.
3. TN CODE (ANNOTATED) §49-5-511: DISMISSAL OR SUSPENSION OF TEACHERS - CAUSES FOR DISMISSAL - POSITION REDUCTION - WRITTEN NOTICE - PREFERRED LIST FOR EMPLOYMENT - CONVICTIONS - LICENSE REVOCATION. (A2) The causes for which a teacher may be dismissed are as follows: incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination as defined in § 49-5-501. (A4) When charges are made to the board of education against a teacher, charging the teacher with offenses which would justify dismissal of the teacher under the terms of this part, the charges shall be made in writing, specifically stating the offenses which are charged, and shall be signed by the party or parties making the charges. (C1) Notwithstanding the provisions of subsection (a), but subject to the appeal and review provisions of §§ 49-5-512 and 49-5-513, any teacher convicted of a felony listed in § 40-35-501(i)(2), or convicted of an offense listed in § 39-17-417 shall be immediately suspended, and dismissed subject to the provisions of subdivision (C2).

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLETIONS OF FEDERAL, STATE OR LOCAL CRIMINAL LAW - CONTINUED

OTHER CRIMINAL VIOLATION (DISQUALIFYING) - CONTINUED

Classification:

FIRST OFFENSE: RELATIVELY EXTREME

Progressive Discipline Recommendations:

Progressive Discipline Options: Other Criminal Violation (Disqualifying)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Suspension	Dismissal		
Relatively Equal	Dismissal			
Mostly Aggravating				

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIRBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF FEDERAL, STATE OR LOCAL CRIMINAL LAW - CONTINUED

OTHER CRIMINAL VIOLATION (NON-DISQUALIFYING)

Definition: *Other Criminal Violation (Non-Disqualifying)* is defined as any act by an employee that has violated federal, state, or local criminal law but is still eligible to hold a position in the district.

Examples: Examples of *Other Criminal Violation (Non-Disqualifying)* include, but are not limited to, the following: Driving Under the Influence (DUI) conviction.

TN Code (Annotated) Alignment: §49-5-413; §49-5-501; §49-5-511

CCBOE Policy Alignment #: CCBOE §5.200; §5.201; §5.202

Mandatory Reporting Requirement: NO

Commentary:

1. TN CODE (ANNOTATED) §49-5-413: INVESTIGATION OF APPLICANTS FOR TEACHING OR CHILD CARE POSITIONS. (D1A) Any person, corporation or other entity that enters into or renews a contract, or contracts with any person, corporation, or other entity that enters into or renews a contract, with a school, local board of education or child care program as defined in § 49-1-1102, on or after May 30, 2008, shall be required to comply with this subsection (D) if the contract requires: (D1A1) The person or an employee of the person, corporation or other entity to have direct contact with school children or to children in a child care program; or (D2A2) The person or employee to have access to the grounds of a school or child care center when children are present.
2. TN CODE (ANNOTATED) §49-5-501: PART DEFINITIONS. As used in this part, unless the context otherwise requires, (3) "Conduct unbecoming to a member of the teaching profession" may consist of, but not be limited to, 1 (one) or more of the following: (3B) Conviction of a felony or a crime involving moral turpitude.
3. TN CODE (ANNOTATED) §49-5-511: DISMISSAL OR SUSPENSION OF TEACHERS - CAUSES FOR DISMISSAL - POSITION REDUCTION - WRITTEN NOTICE - PREFERRED LIST FOR EMPLOYMENT - CONVICTIONS - LICENSE REVOCATION. (A2) The causes for which a teacher may be dismissed are as follows: incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination as defined in § 49-5-501. (A4) When charges are made to the board of education against a teacher, charging the teacher with offenses which would justify dismissal of the teacher under the terms of this part, the charges shall be made in writing, specifically stating the offenses which are charged, and shall be signed by the party or parties making the charges. (C1) Notwithstanding the provisions of subsection (a), but subject to the appeal and review provisions of §§ 49-5-512 and 49-5-513, any teacher convicted of a felony listed in § 40-35-501(i)(2), or convicted of an offense listed in § 39-17-417 shall be immediately suspended, and dismissed subject to the provisions of subdivision (C2).

GROUNDS FOR EMPLOYEE DISCIPLINE IN CLAIBORNE COUNTY SCHOOLS - CONTINUED

VIOLATIONS OF FEDERAL, STATE OR LOCAL CRIMINAL LAW - CONTINUED

OTHER CRIMINAL VIOLATION (NON-DISQUALIFYING) - CONTINUED

Classification:

FIRST OFFENSE: RELATIVELY MAJOR

Progressive Discipline Recommendations:

Progressive Discipline Options: Other Criminal Violation (Non-Disqualifying)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	
Relatively Equal	Suspension	Dismissal		
Mostly Aggravating	Dismissal			

APPENDIX A

DOCUMENTATION: INVESTIGATION WORKSHEET

Example of general worksheet used for conducting investigations for a variety of alleged misconduct situations:

Investigation Worksheet	
Date Investigation was opened:	_____
Date by Which Investigation Should be Completed:	_____
Name of Employee:	_____
Expectations of Investigation:	_____ _____ _____
Date of Alleged Incident:	_____
Description of Alleged Incident:	_____ _____ _____ _____
Physical Location of Alleged Incident:	_____ _____ _____
(Include a description and details of any examination)	
Names and Statements of Witnesses:	_____ _____ _____
(Interviewed separately)	
Summary of Past Disciplinary Record:	_____ _____ _____
(Include specifics regarding like offenses)	
Special Rights of the Employee:	_____ _____ _____

APPENDIX B

DOCUMENTATION: INSUBORDINATION CHECKLIST

Example of grounds-specific worksheet used for conducting investigations of a single Handbook violation:

QUESTIONS	YES	NO
<p>Was the behavior a clear violation of CCBOE policy?</p>		
<p>Was a clear request issued?</p> <p>The most effective way to communicate a request is a clearly written memo or order that explains who is to do what, when it needs to be done, and how it should be done. Any requests that are issued orally must be done in a way that the employee clearly understands the request.</p> <p>Who gave the order?</p> <p>Was the request issued orally, in a written memo or other written form, in person, via email, or by another means?</p>		
<p>Did the employee understand the request?</p> <p>The most effective way to do this is to have the employee sign something upon receipt of the order or directive, confirming that he or she understands what is being requested.</p> <p>Was the employee aware of the purpose of the request?</p> <p>Was the employee aware of the specific duties imposed by the request?</p> <p>Did the employee directly refuse or avoid the request? (If so, was this intentional?)</p> <p>What would the employee have had to do in order to show reasonable compliance with the request?</p>		
<p>Was the request appropriate?</p> <p>Was the request reasonable?</p> <p>Did the request require the employee to perform unsafe or illegal acts?</p> <p>Was the request directly related to the employee's duties, position and skills?</p> <p>Did the employee have a good reason for not obeying the request?</p> <p>Was the employee's refusal to obey justified by his or her legal rights?</p>		

APPENDIX B – CONTINUED

DOCUMENTATION: INSUBORDINATION CHECKLIST - CONTINUED

QUESTIONS	YES	NO
<p>Are there any factors that might have influenced the employee's actions?</p> <p>Is this behavior common among employees in the LEA?</p> <p>Was the employee motivated by a peer or supervisor?</p> <p>Does the employee's past record show a pattern of insubordinate behavior?</p> <p>Has the employee been clearly informed regarding what behaviors are considered unacceptable?</p> <p>Was the employee aware of any related policy?</p> <p>Has the policy been consistently enforced?</p> <p>Did the supervisor have the authority to issue this particular request?</p>		
<p>What is the potential impact of the insubordinate conduct on CCBOE?</p> <p>Did the conduct harm the LEA in some way?</p> <p>Did the conduct pose a safety hazard to the employee, students or other LEA employees?</p> <p>Did the conduct affect the morale of the students or other employees?</p> <p>Was the conduct considered unacceptable because of the employee's professional level or position?</p> <p>Could the conduct be easily remediated?</p>		

APPENDIX C

DOCUMENTATION: DISCIPLINARY CASE EVALUATION RUBRIC

Example of a completed disciplinary case evaluation rubric:

**CLAIBORNE COUNTY SCHOOLS
CASE EVALUATION RUBRIC: EMPLOYEE VERSION**

DATE: _____
 EMPLOYEE NAME: _____
 EMPLOYEE TYPE: **NO EMPLOYEE TYPE**
 POSITION/TITLE: _____
 LENGTH OF SERVICE: _____

INTRODUCTION: The following is an example of a disciplinary decision-making tool based on the Douglas Factors (Merit Systems Protection Board, *Douglas vs. Veterans Administration*, 5 M.S.P.R. 280, 1981) that illustrates one quantitative method by which reasonable and appropriate employee disciplinary decisions may be reached in a fair and consistent manner. To protect due process rights, such an instrument should only be used after grounds for employee discipline have been established and verified in the case. Decisions to use such a tool must be accompanied by a commitment to do so with every employee discipline case in conjunction with regularly updated employee discipline policies and the CCBOE Employee Handbook based upon them. In cases where an investigative team is in place, each party should be familiar with this instrument before a disciplinary consequence is selected or recommended to ensure inter-rater reliability.

DIRECTIONS: Complete steps 1-7 below.

STEP 1: Begin by indicating the validated grounds for employee discipline. 1.1.01: EMPLOYEE MISCONDUCT: CCS POLICY VIOLATION; ABSENTEEISM OR LACK OF PUNCTUALITY

STEP 2: Next, indicate on how many occasions, including this case, that these grounds have been validated against this employee. 0

STEP 3: Next, review the range of reasonable disciplinary option(s) for this incident, if any, based on school or district progressive employee discipline guidelines.

RANGE OF "REASONABLE" DISCIPLINARY OPTIONS:

NO EMPLOYEE DISCIPLINE	YES
ORAL WARNING	NO
WRITTEN WARNING	NO
OFFICIAL REPRIMAND	NO
SUSPENSION	NO
DISMISSAL	NO

STEP 4a: Next, use the rating guide to evaluate the aggravating factors associated with this case.

AGGRAVATING FACTORS		RATING	RATING GUIDE
EVALUATION CRITERION			
1.1.1: AGGRAVATING FACTOR: NATURE OF INCIDENT(S): This/these incident(s) represent(s) a specific violation of the Employee Handbook.		0	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> 0 Evidence addressing this criterion cannot be identified OR this factor does not apply to the case </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> 1 Evidence addressing this criterion is weak and subjective </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> 2 Evidence addressing this criterion is weak but objective </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> 3 Evidence addressing this criterion is strong but subjective </div> <div style="border: 1px solid black; padding: 5px;"> 4 Evidence addressing this criterion is strong and objective </div>
1.1.2: AGGRAVATING FACTOR: NATURE OF INCIDENT(S): This/these incident(s) can be linked to the employee's position, duties, or job responsibilities.		0	
1.1.3: AGGRAVATING FACTOR: NATURE OF INCIDENT(S): This/these incident(s) had a direct impact on campus safety, school climate, or the interests of the school or district.		0	
1.1.4: AGGRAVATING FACTOR: NATURE OF INCIDENT(S): This/these incident(s) was/were engaged in maliciously, intentionally, for gain, or on more than one occasion.		0	
Subtotal:		0	
1.2.1: AGGRAVATING FACTOR: WORK ROLE: This employee functions in a supervisory, fiduciary, or other prominent role within the school or district.		0	
1.2.2: AGGRAVATING FACTOR: WORK ROLE: This employee's position requires significant contact with external stakeholders and/or the public.		0	
Category subtotal:		0	
1.3.1: AGGRAVATING FACTOR: DISCIPLINARY RECORD: Disciplinary action was taken against this employee on the same or substantially similar grounds in the past.		0	
1.3.2: AGGRAVATING FACTOR: DISCIPLINARY RECORD: Disciplinary action was taken against this employee on dissimilar grounds in the past.		0	
Category subtotal:		0	
1.4.1: AGGRAVATING FACTOR: COMMUNITY IMPACT: The incident(s) involved has/have either received significant public attention or is/are likely to impact the reputation of the school or district in the future.		0	
Category subtotal:		0	
1.5.1: AGGRAVATING FACTOR: ADVANCE NOTICE: The employee previously read, understood, and agreed to abide by the Employee Handbook prior to this disciplinary incident.		0	
Category subtotal:		0	
AGGRAVATING FACTOR SUBTOTAL:		0	

APPENDIX C - CONTINUED

DOCUMENTATION: DISCIPLINARY CASE EVALUATION RUBRIC

CLAIBORNE COUNTY SCHOOLS CASE EVALUATION RUBRIC: EMPLOYEE VERSION

STEP 4b: Next, use the rating guide to evaluate the mitigating factors associated with this case.

MITIGATING FACTORS		RATING	RATING GUIDE										
EVALUATION CRITERION													
2.6.1: MITIGATING FACTOR: PERFORMANCE RECORD: This employee's term of service was insufficient to provide the experience needed to foresee and/or avoid this/these incident(s).		0	<table border="1"> <tr> <td>0</td> <td>Evidence addressing this criterion cannot be identified OR this factor does not apply to the case</td> </tr> <tr> <td>1</td> <td>Evidence addressing this criterion is weak and subjective</td> </tr> <tr> <td>2</td> <td>Evidence addressing this criterion is weak but objective</td> </tr> <tr> <td>3</td> <td>Evidence addressing this criterion is strong but subjective</td> </tr> <tr> <td>4</td> <td>Evidence addressing this criterion is strong and objective</td> </tr> </table>	0	Evidence addressing this criterion cannot be identified OR this factor does not apply to the case	1	Evidence addressing this criterion is weak and subjective	2	Evidence addressing this criterion is weak but objective	3	Evidence addressing this criterion is strong but subjective	4	Evidence addressing this criterion is strong and objective
0	Evidence addressing this criterion cannot be identified OR this factor does not apply to the case												
1	Evidence addressing this criterion is weak and subjective												
2	Evidence addressing this criterion is weak but objective												
3	Evidence addressing this criterion is strong but subjective												
4	Evidence addressing this criterion is strong and objective												
2.6.2: MITIGATING FACTOR: PERFORMANCE RECORD: This employee's past work history reveals no performance concerns (e.g., failure to meet performance expectations, inability to get along with colleagues or co-workers, or a lack of dependability).		0											
Category subtotal:		0											
2.7.1: MITIGATING FACTOR: PSYCHOSOCIAL RECORD: A physical or mental disability (e.g., cognitive impairment, personality problems, or chronic illness) may be involved in this case.		0											
2.7.2: MITIGATING FACTOR: PSYCHOSOCIAL RECORD: A personal problem (e.g., physical illness or injury), a family issue (e.g., a death, a divorce, a move, or a financial crisis) or a similar stressor may be involved in this case.		0											
2.7.3: MITIGATING FACTOR: PSYCHOSOCIAL RECORD: Unusual job circumstances, tension, or pressure (e.g., harassment, bad faith, malice, or provocation from others) may be involved in this case.		0											
Category subtotal:		0											
2.8.1: MITIGATING FACTOR: FUTURE WORK ENVIRONMENT: This/these incident(s) should have little or no impact on the employee's ability to effectively perform his or her assigned duties in the future.		0											
2.8.2: MITIGATING FACTOR: FUTURE WORK ENVIRONMENT: This/these incident(s) should have little or no impact on administrative or supervisory confidence and/or trust in the employee in the future.		0											
Category subtotal:		0											
2.9.1: MITIGATING FACTOR: REHABILITATION POTENTIAL: Remediation of the conduct or performance deficit that this/these incident(s) represent(s) is a realistic goal in this case.		0											
Category subtotal:		0											
2.10.1: MITIGATING FACTOR: DETERRENCE EFFECT: Disciplinary action in this case should result in behavioral suppression (i.e., prevention of the same or similar incidents in the future) for this employee.		0											
2.10.2: MITIGATING FACTOR: DETERRENCE EFFECT: Disciplinary action in this case should reinforce behavioral suppression (i.e., prevention of the same or similar incidents in the future) among other employees.		0											
Category subtotal:		0											
MITIGATING FACTOR SUBTOTAL:		0											

STEP 5: Next, review the most appropriate disciplinary option(s) for this employee based on your responses to the case evaluation.

NET DOUGLAS FACTOR EVALUATION SCORE:

0

"APPROPRIATE" DISCIPLINARY OPTION:

NO EMPLOYEE DISCIPLINE	YES
ORAL WARNING	NO
WRITTEN WARNING	NO
OFFICIAL REPRIMAND	NO
SUSPENSION	NO
DISMISSAL	NO

SELECTION GUIDE:

MIN				MAX	
0	0	0	0	0	0
NO EMPLOYEE DISCIPLINE		NO EMPLOYEE DISCIPLINE		NO EMPLOYEE DISCIPLINE	

STEP 6: Next, indicate the disciplinary option that will actually be selected or recommended in this case.

NO EMPLOYEE DISCIPLINE

STEP 7: Finally, confirm that the disciplinary option actually selected or recommended was the most reasonable and appropriate option based on your responses to the case evaluation. If so, a "YES" will appear to the right.

YES

APPENDIX D

DOCUMENTATION: ACKNOWLEDGEMENT OF ORAL WARNING

Example of documentation of an oral warning:

Acknowledgement of Oral Warning	
Employee: _____	Date: _____
It is necessary to warn you of the following unacceptable conduct or performance:	

Date of Incident: _____	_____
Time of Incident: _____	_____
Grounds for Discipline:	

Employee Response:	

I understand that I have been verbally warned regarding the above incident and either acknowledge the accuracy of the above account or have been given the opportunity to respond. This warning, and any written response I have submitted, may be retained as a part of my record in accordance with the provisions of the existing negotiated agreement. I also understand that failure to remediate the action or behavior referenced herein may result in further disciplinary action, up to and including suspension or discharge.	

Employee Signature	

Supervisor Signature	

APPENDIX E

DOCUMENTATION: MEMO OF WRITTEN WARNING

Example of documentation of a written warning:

MEMO	
TO:	[Name of employee]
FROM:	[Name of disciplining administrator or supervisor]
DATE:	[February 19, 2006]
RE:	WRITTEN WARNING
<p>This afternoon, we met to discuss why your classroom was left unattended for five minutes during first period today. During that conversation, you could provide no valid reason for this action; you did, however, indicate that during the incident you were next door talking to another teacher in a room with no direct view of your own.</p> <p>I have warned you not to leave the classroom unattended on one other occasion (following an incident on October 17, 2004), and gave you an oral warning at that time. At that time and during the course of our conversation today I made you aware that leaving the classroom unattended is a violation Loudon County Board of Education policy [§X.XXX] and that I expected all teachers to follow these rules.</p> <p>I also informed you that if you needed to leave the classroom at any time during class hours when students were present, you are required to make arrangements with another certified teacher or administrator to supervise the class for coverage. I also warned you that if your classroom unattended again, more severe disciplinary action could result in the future, up to and including an official reprimand, suspension, or even dismissal.</p> <p>At the end of our conversation, you indicated that you understood your responsibility to remain in the class at all times when students were present. As we concluded the discussion, I advised you I would be making a record of this written warning and that a copy would be kept in your building level file.</p>	
<p>_____ [Name of disciplining administrator or supervisor] [Title of disciplining administrator or supervisor]</p>	
<p>I understand that I have been warned in writing about the above incident and either acknowledge the accuracy of the above account or have been given the opportunity to respond. This warning, and any written response I have submitted, may be retained as a part of my record in accordance with the provisions of the existing negotiated agreement. I also understand that failure to remediate the action or behavior referenced herein may result in further disciplinary action, up to and including suspension or discharge.</p>	
<p>_____ Employee Signature</p>	<p>_____ Date</p>
<p>cc: Supervisor's file</p>	

APPENDIX F

DOCUMENTATION: MEMO OF OFFICIAL REPRIMAND

Example of documentation of an official reprimand:

MEMO	
TO:	[Name of employee]
FROM:	[Name of disciplining administrator or supervisor]
DATE:	[March 3, 2005]
RE:	OFFICIAL REPRIMAND
<p>You are hereby reprimanded for using inappropriate and discriminatory language in the presence of students, which is a violation Claiborne County Board of Education policy [§X.XXX].</p> <p>During 3rd period on January 31, 2005, you were overheard using inappropriate language during a presentation to students in the library. Several student and staff witnesses have attested to this. Additionally, in a conversation with me yesterday, you admitted that this occurred as you were trying to demonstrate the new resource catalog system to Rebecca Whitesmith's Spanish class. In this discussion, you told me that you were frustrated when the system would not re-boot. This took several minutes, during which time you have admitted to using a number of inappropriate words.</p> <p>On November 24, 2003, you were issued an oral warning for similar behavior after cursing at a student who had lost her library card. You were advised then that stronger disciplinary could be taken if the same or similar incidents occurred. On May 4, 2004, you were issued a written warning for using inappropriate language with another teacher who returned a video tape to you in damaged condition. Again at that time, you were advised that stronger disciplinary could be taken if the same or similar incidents occurred.</p> <p>At this point I am recommending that you realize the seriousness of your conduct and understand that future actions of the same or a similar nature will result in stronger disciplinary action being taken against you, up to and including dismissal.</p>	
<p>_____</p> <p>[Name of disciplining administrator or supervisor] [Title of disciplining administrator or supervisor]</p>	
<p>By my signature below, I acknowledge receipt of this reprimand. My signature does not necessarily imply agreement with this letter or the account of events herein, but signifies that only I have been briefed on the reason(s) for which I am being reprimanded.</p>	
<p>_____</p> <p>Employee Signature</p>	<p>_____</p> <p>Date</p>
<p>cc: Official Personnel File</p>	

APPENDIX G

DOCUMENTATION: LETTER OF ADMINISTRATIVE ACTION ("SUSPENSION WITH PAY")

Example of documentation of an administrative action ("suspension with pay"):

November 17, 2004

[Name of employee]
[Address]

Mr. / Ms. _____:

Under the provisions of TN Annotated Code §49-5-511, I have taken administrative action to place you on administrative leave with pay, charged to your vacation or personal leave, effective September 15, 2008 and until further notice. This administrative action will not exceed 30 (thirty) days unless extended by order of the Claiborne County Board of Education.

This action is not disciplinary in nature and was taken because of alleged incidents of immorality and possibility one or more felonies involving you which create a potential hazard situation for students, staff, the general public or other legitimate interests of the Claiborne County Board of Education. These allegations are currently under investigation by the office of the Claiborne County Prosecuting Attorney, and, to date, the outcome of his inquiry is unknown.

During this period, you shall not enter upon school premises or participate in school activities without written authorization in advance. I reserve the right to impose or recommend actual disciplinary action, including, but not limited to, subsequent suspension without pay or dismissal in accordance with TN Annotated Code [§XX-X-XXXX]if warranted by the outcome of the investigation, even if the administrative action taken with this letter has not yet expired. I also reserve the right to convert to modify the pay status of this action if warranted in accordance with Claiborne County Board of Education policy.

[Name of Hearing Officer, Director of Schools or designate]
[Title of Hearing Officer, Director of Schools or designate]

cc: [Name of referring administrator or supervisor]
cc: Official personnel file

APPENDIX H

DOCUMENTATION: ADVANCE NOTICE OF SUSPENSION HEARING

Example of documentation of a suspension hearing notice:

CERTIFIED MAIL (RETURN RECEIPT REQUESTED) OR HAND-DELIVER WITH SIGNATURE REQUEST

[October 17, 2008]

[Name of employee]
[Address]

RE: ADVANCE NOTICE OF SUSPENSION HEARING

Mr. / Ms. _____:

I am writing to inform you that your principal has proposed that you be suspended for a period of 5 (five) work days without pay from your position for violating Claiborne County Board of Education policy [§5.106] regarding [Falsification of or Failure to Accurately Provide Requested Information]. As grounds for employee discipline within the district, the alleged offense also represents a violation of TN Annotated Code [§XX-X-XXXX].

Six weeks ago, you were to attend a week-long conference which was paid for by the district. You claimed that you had been to the conference and submitted the hours attended as professional development hours toward your continuing education. After your principal asked you on several occasions (August 30, September 3, and September 9) for the certificate of completion for her department records and for your Official Personnel Folder, you submitted a document which you claimed was a certificate of completion for workshops attended at the conference. Having attended the conference herself in previous years, your principal questioned the "new" format of the certificate. At this point, you admitted that you hadn't really attended the conference and that you had simply printed up this certificate on your own. When she asked you why you had done this, you stated that you had family problems that needed attending to that week; the conference had already been paid for and you claimed that you didn't want to get in trouble for not going.

A hearing regarding this matter is currently scheduled for 4:00 PM on Thursday, November 8, 2002 at the district office. Within 3 (three) calendar days of this hearing, you will be issued a written decision regarding the outcome along with information regarding the appeal process.

Should you wish to prepare a verbal or a written response to these charges, you will be allowed up to 8 (eight) hours of official time to review the pertinent policies and the material evidence used as documentation for this action or to secure affidavits in support of your response. The documentation used to support this proposed action is available for your review in [Office of Personnel].

You will be permitted 10 (ten) calendar days from the date you receive this notice to submit any documentation that you see fit prior to the hearing, and any written response must be received no later than 24 (twenty-four) hours prior to the proceedings. Consideration will be given to extending this period if you submit a written request stating your reason(s) for needing more time.

APPENDIX H – CONTINUED

DOCUMENTATION: ADVANCE NOTICE OF SUSPENSION HEARING-CONTINUED

You have a right to be represented by anyone of your choosing provided this choice does not constitute a conflict of interest, create unreasonable costs to the district, or remove the designated representative from official duties. You and your representative, if any, will be provided a reasonable amount of official time to present a reply. If you wish to receive counsel from the union representative, please contact [first name, last name] at [phone].

You are to continue in your present duty and pay status pending the outcome of the hearing. If you require additional explanation regarding anything in this notice or about the proposed action, please contact me as soon as possible.

Your signature below is required to indicate your receipt of this written notice and in no way acknowledges your agreement with either its contents or the disciplinary action being taken against you. Please return the enclosed copy to my office upon receipt.

Regards,

[Name of Hearing Officer, Director of Schools or designate]
[Title of Hearing Officer, Director of Schools or designate]

I hereby acknowledge receipt of this Advance Notice of Suspension Hearing.

Employee Signature

Date

Enclosure

cc: [Name of referring administrator or supervisor]
cc: Official Personnel Folder

APPENDIX I

DOCUMENTATION: LETTER OF SUSPENSION (WITHOUT PAY)

Example of documentation of a suspension decision (without pay):

CERTIFIED MAIL (RETURN RECEIPT REQUESTED) OR HAND-DELIVER WITH SIGNATURE
REQUEST

[December 9, 2008]

[Name of employee]
[Address]

RE: OFFICIAL NOTICE OF SUSPENSION WITHOUT PAY

Mr. / Ms. _____:

On [December 8, 2004], a disciplinary hearing was conducted to determine whether or not charges of [Inappropriate, Abusive or Offensive Conduct] brought against you on [December 1, 2004] by your principal warranted disciplinary action. Both you and your counsel, [first name, last name], were present at the hearing and addressed these charges.

Based on a review of the evidence at the hearing, you are hereby suspended for three days without pay for this incident. A review of the verified case facts which led to this decision are as follows:

On, Wednesday, November 30, 2004 at approximately 2:40 PM you were ticketed by local police for causing an accident just outside of the school parking lot while attempting to maneuver your vehicle around another vehicle exiting into traffic. Although the student involved was uninjured, there was significant damage both her vehicle and the district-owned van you were driving. When questioned about the incident, you explained your actions to your principal by saying that the student was not moving and you "needed to get the van to the baseball coach on the other side of campus."

A review of your past disciplinary record revealed previous actions relating to carelessness with district property. You were previously given a written warning on September 2, 2003, for leaving the keys in the school van overnight and, on April 5, 2004, you received an official reprimand for driving a school van without permission.

In each case, you were warned that the same or similar actions in the future could result in more severe disciplinary action, up to and including dismissal. If you wish to avoid this consequence, the district recommends that you re-evaluate your behavior and conduct at work during your suspension.

This suspension will be effective from Monday, January 7, 2005 to Wednesday, January 9, 2005. During this suspension, you shall not enter upon school premises without prior written permission of your principal.

I plan on placing this action item on the December 18, 2004 Board of Education agenda for final approval. If you desire a hearing in this matter before the Claiborne County Board of Education, you must contact my office before the conclusion of your contract day no later than Thursday, December 13, 2004.

APPENDIX I – CONTINUED

DOCUMENTATION: LETTER OF SUSPENSION (WITHOUT PAY) - CONTINUED

You are to continue in your present duty and pay status until the start date of your suspension. If you require additional explanation regarding anything in this notice or about the proposed action, please contact me as soon as possible.

Your signature below is required to indicate your receipt of this written notice and in no way acknowledges your agreement with either its contents or the disciplinary action being taken against you. Please return the enclosed copy to my office upon receipt.

Regards,

[Name of Hearing Officer, Director of Schools or designate]
[Title of Hearing Officer, Director of Schools or designate]

I hereby acknowledge receipt of this Official Notice of Suspension.

Employee Signature

Date

Enclosure

cc: [Name of referring administrator or supervisor]
cc: Official Personnel Folder

APPENDIX J

DOCUMENTATION: ADVANCE NOTICE OF DISMISSAL HEARING

Example of documentation of a suspension hearing notice:

<p>CERTIFIED MAIL (RETURN RECEIPT REQUESTED) OR HAND-DELIVER WITH SIGNATURE REQUEST</p>
<p>[February 13, 2005]</p>
<p>[Name of employee] [Address]</p>
<p>RE: ADVANCE NOTICE OF DISMISSAL HEARING</p>
<p>Mr. / Ms. _____:</p>
<p>I am writing to inform you that [the ccs investigative team] has recommended your dismissal as a certified teacher no earlier than (30) calendar days from the date you receive this notice for violating Claiborne County Board of Education policy [§1.804 and 5.403] regarding [Alcohol or Drug-related Infraction] as well as [§5.200-5.202] regarding [Other Criminal Violation-Disqualifying]. As grounds for employee discipline within the district, the alleged offense also represents a violation of TN Annotated Code [§XX-X-XXXX].</p>
<p>The specific charges against you are as follows:</p>
<p><u>Being under the influence of alcohol while on duty.</u> On your out of town trip with the student yearbook staff from February 4 to February 6, 2005, you allegedly drank alcohol in the hotel bar in plain view of several witnesses. Students were present at the time and you had sole supervisory responsibility for them at all times on this trip.</p>
<p><u>Supplying alcohol to minors.</u> In addition, you allegedly supplied alcohol to two of the students after the rest of the group had gone to their rooms to sleep.</p>
<p>When questioned about the incidents during the investigation, you admitted to drinking alcohol while on the trip. However, you stated that, "you have never supplied alcohol to a student."</p>
<p>In making the decision to propose your dismissal, the investigative team considered that you were previously referred to the CCS Employee Assistance Program in lieu of disciplinary action after reporting to guard duty at a football game under the influence of alcohol. The investigative team also evaluated several other important aggravating and mitigating factors pertaining to this case.</p>
<p>The dismissal hearing will be conducted by the Claiborne County Board of Education on March 7, 2005 at 7:00 P.M. in the Board Room. Until a decision in this case is made by the Claiborne County Board of Education, you are assigned to administrative leave with pay effective February 14, 2005 until further notice. In the event that you require personal items from your classroom after this point, contact your principal.</p>
<p>During the course of these proceedings, you have the right to be represented by anyone of your choosing provided the selection does not create a conflict of interest for CCS or the individual selected. Your union representative is [first name, last name] at [phone] and [he/she] is available to assist you in this capacity.</p>

APPENDIX J – CONTINUED

DOCUMENTATION: ADVANCE NOTICE OF DISMISSAL HEARING - CONTINUED

You also have the right to make any verbal or written defense that you wish to present at the hearing, and the documentation used to support the allegations against you is available for your review beforehand. To schedule a review of this evidence, which includes both written statements from witnesses and transaction records, you may contact me at [phone] at least 24 (twenty-four) hours in advance of your intended arrival at the district office.

You and/or your representative will be allowed 10 (ten) calendar days from the date you receive this notice to submit any reply to these allegations and must be received by the hearing committee Chairperson no later than 48 (forty-eight) hours prior to the hearing. Consideration will be given to extending this period if you submit a written request stating the cogent reasons for the extension.

No disciplinary action has yet been taken against you, and any verbal or written reply you make will be given careful consideration before a disciplinary decision, if any, is reached. You will be informed of the outcome of the hearing in writing within 5 (five) days of its conclusion by the [Name of Director of Schools or Board Chairman].

If there is anything in this notice you do not understand or wish explained in more detail, I may be contacted at [phone].

Regards,

[Name of Hearing Officer, Director of Schools or designate]
[Title of Hearing Officer, Director of Schools or designate]

I hereby acknowledge receipt of this Official Notice of Dismissal Hearing.

Employee Signature

Date

Enclosure

cc: [CCBOE Agenda File]
cc: Official Personnel Folder

APPENDIX K

DOCUMENTATION: LETTER OF DISMISSAL

Example of documentation of a dismissal decision:

CERTIFIED MAIL (RETURN RECEIPT REQUESTED)

[March 13, 2007]

[Name of employee]
[Address]

RE: OFFICIAL NOTICE OF DISMISSAL DECISION

Mr. / Ms. _____:

This letter is to advise you that the Claiborne County Board of Education, at its meeting on [March 11, 2007], voted unanimously to dismiss you from employment with Claiborne County Schools pursuant to [§39-13-528, §39-13-529 and §39-13-532] of the TN Annotated Code regarding [Sexual Misconduct]. This dismissal is effective as of today, [March 13, 2007].

This dismissal was based upon the charge that you have exhibited immorality within the meaning of these statutes as evidenced by [your recent plea of guilty to two counts of sexual abuse in the first degree involving a Claiborne County Schools student before the circuit court judge hearing the case.] This disciplinary action supplants your suspension, without pay, which the Board approved at its meeting on [November 15, 2006].

You have the right to appeal this dismissal decision within 30 (thirty) days of its receipt before a subcommittee of the Claiborne County Board of Education. A copy of the appeal procedure is attached for your reference. It is important to note that any appeal of this disciplinary decision must be received by the Claiborne County Board of Education in writing no later than 5:00 P.M. on [April 13, 2007] and must set forth the reason(s) for contesting the dismissal.

As was the case during the pre-hearing phase of your case, you have the right to be represented by anyone of your choosing provided the selection does not create a conflict of interest for CCS or the individual selected. You and your representative, if any, will be entitled to a reasonable amount of time during the appeal hearing to make a verbal presentation based on the contents of your written appeal.

APPENDIX K – CONTINUED

DOCUMENTATION: LETTER OF DISMISSAL - CONTINUED

Your written appeal, and any verbal reply made by you or your counsel during the appeal hearing, will be given careful consideration before an appeal decision is reached, and you will be informed of the outcome of the appeal in writing within 5 (five) days of the appeal hearing. For additional information on your rights and responsibilities during the appeal process, please see the attached.

Regards,

[Name of Director of Schools or Board Chairman]
[Title of Director of Schools or Board Chairman]

Enclosure

cc: [State Board of Education (if applicable)]
cc: Official Personnel Folder

Final Page