TEACHER DISCIPLINE, DEMOTION, OR DISMISSAL

A. Board Designee

The Board delegates to and acts through its superintendent and administrators with respect to decisions about the discipline, demotion and dismissal of teachers, except where the Board is required to act pursuant to the Michigan Teachers’ Tenure Act.

Pursuant to Board Policy 6286.00, district administrators may issue corrective disciplinary action in accordance with these guidelines. These guidelines apply to district teachers within the IIPSA bargaining unit. Further, these guidelines apply to all personnel who are teachers, as defined within Section 1 of Article I of the Michigan Teachers' Tenure Act, 1937 PA 4, MCL 38.71.

Administrators should also consult the Teacher Rights & Procedures Handbook.

B. Professional Conduct

Breaches of professional conduct and failure to perform at the established professional level are subject to disciplinary procedures. Examples of such breaches are: abuses of sick leave and other leaves, chronic tardiness, willful deficiencies in professional performance or proven incompetence, violation of board policies, regulations and administrative directions. Alleged breaches of professional conduct and reasons for possible disciplinary action shall be reported promptly to the offending teacher.

It is the intent of the Board to minimize prolonged and/or recurring absences of teachers. For the purposes of these regulations, "prolonged absence" refers to a questionable absence from the job for over five (5) consecutive days. "Recurring absence" refers to questionable absences that result in a teacher’s need to request unpaid time.

When a teacher has a prolonged or recurring absence, the district reserves the right to require a written doctor's excuse prior to allowing the teacher to return to work and/or have the teacher examined by the Board's doctor at the Board's expense. Prior to taking such action, the Board shall have notified the affected teacher, and IIPSA, in writing, of their concern and expectation for correction.
In addition, the Board, IIPSA and teacher affected shall meet and confer to identify appropriate ways in which the IIPSA can assist the Board and teacher to correct prolonged and/or recurring absences.


C. Representation

Before any meeting is called from which disciplinary action may result, the teacher shall be notified of the subject matter of the interview and shall be entitled to have present a representative of IIPSA. The teacher may, if he/she desires, have a pre-interview conference with an IIPSA representative prior to the meeting with the Board representatives. If an IIPSA representative is requested to be present, no longer than two (2) working days may lapse before such meeting is held.

D. Standard For Discipline

No teacher shall be disciplined or demoted for a reason that is arbitrary or capricious.

As used in this paragraph, the term “discipline” or “disciplined” shall not include the non-renewal of any probationary teacher provided, however, that a bargaining unit member who has not completed his/her probationary period and who has no right of appeal to the State Tenure Commission will not be demoted or discharged on the basis of an arbitrary or capricious reason.

Furthermore, the term “discipline” or “disciplined,” as used in these guidelines, shall not include any “demotion” or “discharge” subject to the jurisdiction of the Michigan Teacher Tenure Commission.

E. Progressive Discipline

1. The Board will follow a policy of progressive discipline, subject to "B" below, which includes verbal warning, written warning, reprimand, suspension, with discharge as a last resort.

2. The point of initiation of any disciplinary action may be determined by the severity of the teacher’s behavior.

3. Warnings and reprimands shall be discussed privately between the teacher and the administrator, except when either party requests the presence of an IIPSA and/or administration representative.
4. Neither party shall delay discussion of a warning or reprimand for more than five (5) working days with the teacher after it has been issued, except by mutual consent.

F. Administrative Leave

Administrative leave means the temporary removal of a teacher until a situation that exists can be reviewed and considered. Teachers may be relieved from their assignment with pay for the following reasons: (1) Investigation of charges; (2) Pending and during trial on criminal charges; (3) Pending and during dismissal proceedings.

G. Suspension Without Pay

Teachers may be suspended without pay for disciplinary reasons, subject to the terms and conditions of the Michigan Teacher Tenure Act, when applicable. Any suspension without pay less than 15 days per suspension or less than 30 days per school year is subject to these regulations. Any suspension without pay exceeding 15 or 30 days, as applicable, is subject to the Tenure Commission procedures.

Pursuant to the “School Safety Legislation,” MCL 380.1230 et seq, suspension without pay may also occur when the teacher’s certificate is suspended or revoked by the Michigan Department of Education, following verification of the accuracy of a report of conviction. See http://www.legislature.mi.gov/.

H. Demotion

Demotion refers to suspension without pay for 15 or more consecutive days or reducing compensation for a particular school year by more than an amount equivalent to 30 days’ compensation, or to transfer to a position with a lower salary (excluding changes in salary due to collective bargaining). The discontinuance or reduction of performance-based compensation paid pursuant to section 1250 of the Revised School Code, or a reduction in personnel, including but not limited to a reduction in workweeks or workdays, is not a demotion.

I. Tenure Charges

Teachers on continuing tenure shall be dismissed or demoted through the procedures of the Tenure Act, as amended. When tenure charges are filed against a teacher, the Board of Education may suspend the teacher from the active performance of duty with pay.
The Board of Education may place a suspended teacher’s salary in escrow if criminal charges have been filed against that teacher. If tenure charges seeking dismissal have been filed against a teacher on continuing tenure who is convicted of a felony or the teacher is subject to bond conditions that prohibit contact with minor children, salary shall be discontinued.

J. **Probationary Teacher Dismissal**

A probationary teacher may be dismissed at any time if performance is considered to be less than effective, or for reasons unrelated to the evaluation process that are not arbitrary or capricious.

K. **Probationary Teacher Nonrenewal**

The Board's decision not to re-employ a probationary teacher shall be in accordance with the law, and these actions shall not be subject to the grievance or arbitration procedure or these regulations.

A probationary teacher (serving 4 or 5 years of probation) must be notified at least 15 days before the end of the school year (typically June 30), that his or her work was determined not to be Effective on the most recent annual Summative Evaluation Report and that his or services will be discontinued.

A probationary teacher (serving 2 years of probation) must be notified at least 60 days before the end of the school year (typically June 30), that his or her work was determined not to be Effective on the most recent annual Summative Evaluation Report and that his or her services will be discontinued.

If the teacher started employment for the district after the first student day, or experienced a break in service, notice shall be provided at least 15 days before the end of the probationary year.

L. **Ineffective Ratings**

The contract of a probationary teacher rated overall as Ineffective on the final year end Summative Evaluation Report within the appraisal process may not be renewed.

Any teacher on continuing tenure **shall** be subject to tenure charges seeking dismissal if s/he is rated overall as Ineffective on three consecutive final year end Summative Evaluation Reports within the appraisal process.
In the district’s discretion, a teacher on continuing tenure who receives an overall performance rating of Ineffective on a final year end Summative Evaluation Report within the appraisal process may be subject to tenure charges seeking dismissal after one or two years of such ratings.

A teacher on continuing tenure may appeal to the superintendent within 20 days of receipt of an overall performance rating of Ineffective but not more than twice during a three consecutive year period of Ineffective ratings.

M. Minimally Effective Ratings

The contract of a probationary teacher rated Minimally Effective on the final year end Summative Evaluation Report within the appraisal process may not be renewed.

Upon administrative recommendation, teachers on continuing tenure who receive a final year end overall performance rating on the most recent Summative Evaluation Report of Minimally Effective in one or more domains may be subject to tenure charges seeking dismissal following one or two years of such ratings.

N. Notice

Whenever the result of a reprimand, or disciplinary action for any infraction of discipline, or delinquency in professional performance is reduced to writing by the administrator, the findings and decisions of the administrator shall be filed in writing, in the teacher’s personnel file, and a copy thereof given to the teacher. The teacher may submit a written statement explaining his or her position, regarding the finding and decision which will then become a part of the teacher’s personnel file.

O. Appeal Procedure - Discipline Not Subject to the Tenure Act

Who May Appeal

Teachers on continuing tenure may appeal discipline, demotion and dismissal subject to the Tenure Act in the manner provided within the Tenure Act. Discipline subject to the jurisdiction of the State Teacher Tenure Commission is excluded from this appeal procedure.

Probationary teachers may appeal disciplinary action and dismissal through this appeal procedure. However, probationary contract non-renewal is not disciplinary and is thus excluded from this appeal procedure.
How to Appeal

For purposes of this Appeal procedure, “days” shall mean days when school is in session or during the months of June, July and August, when school is not in session, “days” shall mean Monday through Friday, excluding weekends and holidays.

**Step One**
A teacher dissatisfied with a supervisor’s disciplinary action may appeal in writing to the Director of Human Resources within ten (10) days, stating the reason(s) for the appeal. The director will meet with the interested parties within five (5) days following receipt of the appeal, and decide the appeal in writing within ten (10) days after that meeting.

**Step Two**
A teacher dissatisfied with the director’s decision may appeal in writing to the superintendent within ten (10) days, stating the reason(s) for the appeal. The superintendent will meet with the interested parties within five (5) days following receipt of the appeal, and decide the appeal in writing within ten (10) days after that meeting.

The Association representative may participate in any such meeting on behalf of the teacher. Timelines may be extended by written agreement of the participants.

**Step Three**
If the Association is dissatisfied with the superintendent’s decision it may demand arbitration within the time period and in the manner described within Article 6, Section 5, C of the Agreement between the Ingham Intermediate School District and the Ingham Intermediate Professional Staff Association. Arbitration shall be conducted as described within Article 6, Sections 6-9. The decision of the arbitrator shall be final and binding.

P. **Leave of Absence**

Upon administrative recommendation, the Board of Education may place a teacher on an unrequested leave of absence for up to one year because of physical or mental disability. The unrequested leave of absence is subject to renewal at the will of the Board of Education. As a condition of reinstating the teacher upon expiration of the leave, the superintendent or designee may require the teacher to furnish verification acceptable to the Board of the teacher’s ability to perform his/her essential job functions.
Q. Future Changes in Procedure

The district reserves the right to amend, revise or repeal all or any part of this procedure at any future time and no teacher shall have any vested right in the continuation of this procedure or any amendment thereof.

LEGAL CITATION: MCL §§38.71-191; MCL §423.215(3)(m) and MCL 380.1230 et seq; MCL 380.1250

ADMINISTRATIVE REGULATION

Adopted: August 21, 2012