

Policy

BOARD OF EDUCATION
HORTONVILLE AREA SCHOOL DISTRICT

PROFESSIONAL STAFF
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STAFF DISCIPLINE

The Board retains the right and the responsibility to manage the work force. When the discipline of a staff member becomes necessary such action shall be consistent with the requirements of any applicable Board policy, and State and Federal law. The District Administrator or designee may issue discipline, when deemed appropriate, however, student performance on examination may not form the basis for staff discipline. This policy does not cover decisions to terminate or non-renew a staff member's employment or accepting a staff member's resignation (see Policy #3140 – Non-Renewal, Resignation, and Termination).

Investigation of Possible Criminal Activity

The District may be required to investigate potential wrongdoings on the part of its employees, and such wrongdoing in some cases may involve potential criminal conduct and/or co-occurring law enforcement investigation. Such investigations may still require that the employee truthfully answer questions relating to the activity, and refusal to answer may result in discipline up to and including termination. Employees required to respond to questions regarding potential criminal activity are permitted to do so without waiving any Constitutional rights against self-incrimination that may apply during the course of a criminal investigation. As appropriate, employees will be informed of this right, through what is often referred to as "Garrity Warning". The Garrity Warning informs the employee that the employee is required to respond to questions posed during the investigation and that answers to questions relating to the employee's conduct may be used by the District to determine appropriate discipline, but will not be provided to law enforcement officials in the course of their independent criminal investigation, unless otherwise required by law.

Staff may be disciplined for violations of Board policy or for other failure to meet the expectations and obligations of their position. No staff member may be subject to arbitrary or capricious disciplinary action or disciplinary action that is otherwise in violation of law or public policy.

The District Administrator may issue discipline to staff members when deemed appropriate. The level of discipline may range from oral reprimands to suspension and may lead to termination consistent with Policy #3150 – Non-Renewal, Resignation, and Termination. The level of discipline shall be consistent with the seriousness of the offense as determined by the District Administrator.

Management efforts engaged to improve an employee's job performance or address specific performance concerns, including letters of direction, performance improvement plans, mandatory training, etc., are not disciplinary in nature and are not subject to this policy or to Policy #3340 – Grievance Procedure.

66.0509(am)(a), Wis. Stats.

Franklin v. City of Evanston, 384 F.3d 838 (7th Cir. 2004)

Garrity v. New Jersey, 385 U.S. 493 (1967)

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