

ARTICLE XII

EDUCATOR CONDUCT AND DISCIPLINARY PROCEDURES

Section 12.1 Definitions

Educators may be disciplined under the terms of this article for insubordination, unprofessional conduct incompetence, inefficiency, conduct unbecoming to a member of the teaching profession, and/or neglect of duty, including but not limited to tardiness or absenteeism. Allegations of incompetence or inefficiency will most frequently be governed by the "Evaluation" article of this Contract.

Disciplinary action shall be for just cause and may include the following:

1. Oral reprimand (documented but not placed in the personnel file)
2. Written reprimand
3. Suspension
4. Dismissal of an educator, which is governed by T.C.A. §49-5 Part 5.

The type of discipline administered above shall be determined based upon a consideration of the seriousness of the offense and the educator's employment record. For minor infractions, an oral reprimand will be given to an educator before a written reprimand is issued. The immediately involved superior determines what constitutes a minor infraction. Disciplinary action shall be conducted at the lowest supervisory level whenever reasonably possible.

Section 12.2 Notification

An investigation of the actions which may be the basis for discipline shall be conducted and shall, whenever reasonably possible, include a conference with the educator prior to any implementation of discipline, except that the Director of Schools may suspend an educator at any time that may seem necessary, pending investigation as described in T.C.A. §49-5-511. The educator shall normally be given at least 24 hours notice of the said conference, and the educator shall have the right to have an Association representative present during the conference. An educator who disagrees with the allegations presented may respond in writing within two days of that conference. In the event the second day falls on a weekend or other day in which the central office is closed, the response may be made on the next day the central office is open. After investigation and the opportunity to respond, the supervisor shall give the educator notice of what discipline, if any, will be administered.

Section 12.3 Review and Appeal

Written reprimands may be appealed under the terms of the negotiated grievance procedure. For discipline more severe than a written reprimand, the Director of Schools shall review the supervisor's proposal and accompanying records and may uphold, modify, or set aside the proposed disciplinary articles. The educator shall have ten (10) calendar days to request in writing an appeal with the director of schools. Upon review of accompanying records and conference with the employee, The Director of Schools shall notify the educator of his/her decision. The educator shall have 30 calendar days to demand

a hearing before an Impartial Hearing Officer in accordance with TCA 49-5-512, or as otherwise specified in Tennessee Code Annotated.

Section 12.4 Employee Rights

Nothing contained herein shall act to limit an educator's rights under the Grievance Procedure of this Contract. Nothing contained herein shall be construed to limit the rights and obligations of the educators and the Director of Schools under the dismissal procedures of T.C.A. §§49-5-511, 49-5-512 and related law. The provisions of this article do not apply to investigations under Board Policy 5.500, Anti-harassment.