



I. Policy Statement

The Board of Education believes that all employees will conduct themselves in accordance with standards of behavior that reflect the educational and human relations philosophies of the Howard County Public School System (HCPSS). The Board values the important role that exemplary employee conduct and quality performance provide to the achievement of a safe and nurturing environment.

All employees are expected to perform their duties in a professional manner. In the event that an employee fails to meet expectations in the performance of duties or of professional conduct, uniform and consistent application of disciplinary action will be applied.

II. Purpose

The purpose of this policy is to articulate expectations for employee conduct and establish standards to achieve the Board's goal of providing a safe and nurturing environment within the HCPSS. The policy also establishes employee discipline procedures to guide responses in cases of alleged misconduct.

III. Definitions

Within the context of this policy, the following definitions apply:

- A. Administrative Leave With Pay – An assigned status that relieves employee of specified responsibilities but allows them to keep their regular compensation package. Administrative leave is not a disciplinary action.
- B. Dismissal – Discharge from employment.
- C. Due Process – A procedure by which an employee suspected of wrong-doing is given notice of the charges, an explanation of the evidence, and an opportunity to respond to the charges.
- D. Employee Assistance Program (EAP) – A referral and treatment program designed to identify employee needs and provide subsequent referral recommendations and services as needed in the areas including, but not limited to, drug and substance abuse, alcoholism, and family or financial problems. Referral to EAP is not a disciplinary action.

- E. Fitness For Duty Evaluation – An evaluation of employees’ emotional, mental, or physical health status to determine whether they are able to safely discharge their job duties. Fitness for duty evaluation is not a disciplinary action.
- F. Immorality – An act or course of conduct or behavior that conflicts with generally held moral principles of the community and is not in keeping with the standards expected of individuals who are employed by the HCPSS.
- G. Incompetence – Lacking in knowledge, skills, ability, or failing to adequately perform the duties of an assigned position.
- H. Insubordination – Failure to follow a valid directive from a person in a position of authority.
- I. Letter of Reprimand – A written statement notifying an employee that there has been a serious or repeated violation of expected conduct or performance and which shall be made a part of the employee’s personnel file.
- J. Misconduct in Office – Any wrongdoing by an employee in relation to the duties of his/her assigned position.
- K. Oral Warning – A statement spoken to an employee indicating that his/her conduct or performance fails to meet an acceptable level.
- L. Progressive Discipline – A discipline system that uses a graduated range of responses to employee misconduct and permits an administrator to tailor discipline to the particular circumstances of a case.
- M. Suspension – The temporary removal for disciplinary reasons, without pay, of an employee from his/her assignment.
- N. Willful Neglect of Duty – Failure to knowingly follow a requirement of Public School Law, Regulations of the Department of Education, policies, and procedures of the school system, directives, or job requirements
- O. Written Warning – A written statement to an employee indicating that conduct or performance fails to meet an acceptable level and which will be made a part of the employee’s personnel file.

IV. Standards

- A. Employees will perform their responsibilities in a satisfactory manner and will exhibit the professional conduct necessary to meet these responsibilities.
- B. Employees will exhibit professional conduct and will model responsible citizenship during work hours as well as during off-duty hours.
- C. Employees will use the internet and email in an appropriate manner at all times.
- D. The Board recognizes that any disciplinary action needed will conform to the standards established for employees by laws, regulations, policies, and responsibilities of the HCPSS. Appropriate disciplinary action for all employees may include suspension or dismissal of the employee.
- E. The Board recognizes the following as reasons that might warrant imposition of disciplinary action. The list is not inclusive.
 - 1. Immorality
 - a. Immodest, lewd, obscene conduct or language that renders the employee unfit for the performance of his/her duties
 - b. Inducing students or others to participate in, or commit an act or acts, which are immodest, indecent, or obscene
 - c. Conduct contributing to the delinquency of a minor
 - d. Child abuse
 - e. Other conduct deemed incompatible with the educational mission of the school
 - 2. Misconduct in office
 - a. Knowingly failing to report suspected child abuse
 - b. Sexual harassment (Policy 1020 Sexual Harassment)
 - c. Intimidation of students, staff, or citizens at large, including use of racial slurs and/or other derogatory remarks
 - d. Bullying, cyberbullying, or harassment of students, staff, or citizens at large (Policy 1060 Bullying, Cyberbullying, Harassment, or Intimidation)
 - e. Misuse or negligent treatment of Board property
 - f. Disclosing confidential information to unauthorized persons
 - g. Inappropriate relationships with students or parents
 - h. Inappropriate/unprofessional conduct toward or relations with other persons

- i. Abuse of alcohol and other controlled dangerous substances and possession and use of illegal drugs and controlled dangerous substances (Policy 7040 Alcohol and Other Noncontrolled Substance Abuse by Employees and Policy 7050 Drug Use by Employees: Illegal Drugs, Drug Paraphernalia, and Controlled Substances)
 - j. Falsifying of any school record or employment application
 - k. Misuse of school/school system funds
 - l. Financial irregularities (e.g., fraud, embezzlement, bribery, kickbacks, forgery, etc.)
 - m. Disorderly conduct on school property or while on duty to include fighting, threatening, and/or attempting to inflict bodily harm on another person
 - n. Possession of firearms or other weapons on Board property
 - o. Dating and/or having a sexual relationship with a student
 - p. Inappropriate use of email, internet, or other electronic communication
3. Insubordination
- a. Failure to perform all work and duties assigned by a supervisor/administrator in charge
 - b. Failure to follow the written or verbal instruction of a supervisor/administrator
4. Incompetence
- a. Failing to complete work assignments
 - b. Performing work assignments in an inappropriate or unsatisfactory manner
5. Willful neglect of duty
- a. Unexcused absences
 - b. Excessive tardiness
 - c. Unauthorized absence or misuse of leave
 - d. Failure to follow specified course of studies adopted by the Board of Education
- F. Because administrators and supervisors do not hold tenure in their positions, they may be reassigned to positions, including positions of lower rank and pay, without cause.
- G. An employee who is criminally charged or investigated for a statutory or common law crime may be subject to disciplinary action regardless of when or where it occurred or the outcome of the criminal proceeding.

- H. If an employee fails to conform to this policy, administrators and supervisors will take appropriate action to resolve the situation.
- I. Supervisors and administrators will provide due process prior to the issuance of any discipline.
- J. Progressive discipline used in the HCPSS encompasses the following kinds of disciplinary action, any of which are available and will be used in accordance with the circumstances of the situation. The specific actions taken will be based on the circumstances involved in the case.
 - 1. Oral Warning
 - 2. Written Warning
 - 3. Letter of Reprimand
 - 4. Suspension
 - 5. Dismissal
- K. Supervisors and administrators may require an employee to undergo an evaluation for fitness for duty or be referred to the Employee Assistance Program (EAP) by the Superintendent/Designee to ensure that the employee is able to discharge their duties without harm to themselves or others.

A Fitness for Duty Evaluation or an EAP referral is not disciplinary action.
- L. The Superintendent/Designee may place an employee on administrative leave with pay when it is determined to be in the best interest of the HCPSS.

V. Compliance

- A. The Superintendent/Designee will investigate alleged violations of this policy and take appropriate disciplinary action in accordance with this policy.
- B. Supervisors and administrators will take appropriate disciplinary action in accordance with this policy.
- C. The Office of Human Resources will ensure that all new employees receive a copy of this policy.

VI. Delegation of Authority

The Superintendent is authorized to develop appropriate procedures to implement this policy.

VII. References

- A. Legal
 - The Annotated Code of Maryland, Education Article
 - § 4-205
 - § 6-202

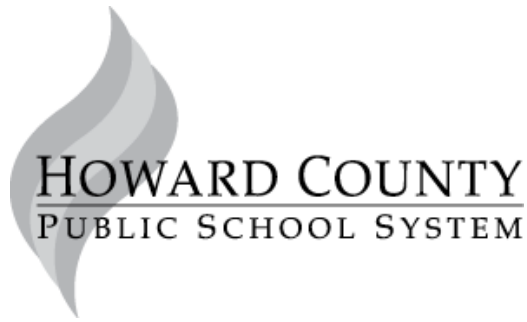
- B. Other Board Policies
 - Policy 1020 Sexual Harassment
 - Policy 1030 Child Abuse and Neglect
 - Policy 1060 Bullying, Cyberbullying, Harassment, or Intimidation
 - Policy 3040 Technology Security
 - Policy 7040 Alcohol and Other Noncontrolled Substance Abuse by Employees
 - Policy 7050 Drug Use by Employees: Illegal Drugs, Drug Paraphernalia, and Controlled Substances
 - Policy 8080 Acceptable Use of Technology
 - Policy 8120 Testing: State and Local Responsibilities and Protocols
 - Policy 9050 Student Records and Confidentiality

- C. Other
 - Master Agreement Between the Board of Education and the American Federation of State, County and Municipal Employees
 - Master Agreement Between the Board of Education and Educational Support Professionals
 - Master Agreement Between the Board of Education and the Howard County Administrators Association
 - Master Agreement Between the Board of Education and the Howard County Education Association

ADOPTED: March 14, 1996

AMENDED: June 10, 2010

EFFECTIVE: July 1, 2010



POLICY 7030-PR
IMPLEMENTATION PROCEDURES
EMPLOYEE CONDUCT AND DISCIPLINE

Effective: July 1, 2010

I. Discipline Guidelines

If an employee fails to meet expected standards of job performance, disciplinary action will be taken. The following guidelines will be employed in the Howard County Public School System (HCPSS):

- A. All employee disciplinary information will be kept strictly confidential consistent with federal and state law. Only HCPSS personnel with a need to know will have access to employee disciplinary information.
- B. Progressive discipline will guide disciplinary actions. However, not all steps of progressive discipline need to be taken before more serious actions can be taken.
- C. During a personnel investigation, the Superintendent/Designee has authority to make changes in regular assignments, to temporarily reassign employees to positions, or to place an employee on administrative leave with pay.

II. Violations

If an employee does not meet the expected standards of job performance, several types of infractions could warrant disciplinary action. These infractions are cited below by category and include examples. The list is not inclusive and the examples may apply to more than one category.

- A. Immorality
 - 1. Immodest, lewd, obscene conduct or language that renders the employee unfit for the performance of his/her duties
 - 2. Inducing students or others to participate in, or commit an act or acts, which are immodest, indecent, or obscene
 - 3. Conduct contributing to the delinquency of a minor
 - 4. Child abuse
 - 5. Other conduct deemed incompatible with the educational mission of the school
- B. Misconduct in Office
 - 1. Knowingly failing to report suspected child abuse
 - 2. Sexual harassment (Policy 1020 Sexual Harassment)

3. Intimidation of students, staff, or citizens at large, including use of racial slurs and/or other derogatory remarks
4. Misuse or negligent treatment of Board of Education property
5. Disclosing confidential information to unauthorized persons
6. Inappropriate relationships with students or parents
7. Inappropriate/unprofessional conduct toward or relations with other persons
8. Abuse of alcohol and other controlled dangerous substances and possession and use of illegal drugs and controlled dangerous substances (Policy 7040 Alcohol and Other Noncontrolled Substance Abuse by Employees and Policy 7050 Drug Use by Employees: Illegal Drugs, Drug Paraphernalia, and Controlled Substances)
9. Falsifying of any school record or employment application
10. Misuse of school/school system funds
11. Disorderly conduct on school property or while on duty to include fighting, threatening, and/or attempting to inflict bodily harm on another person
12. Possession of firearms or other weapons on Board property
13. Dating and/or having a sexual relationship with a student

C. Insubordination

1. Failure to perform all work and duties assigned by a supervisor/administrator in charge
2. Failure to follow the written or verbal instruction of a supervisor/administrator

D. Incompetence

1. Failing to complete work assignments
2. Performing work assignments in an inappropriate or unsatisfactory manner

E. Willful Neglect of Duty

1. Unexcused absences
2. Excessive tardiness
3. Unauthorized absence or misuse of leave
4. Failure to follow specified course of studies adopted by the Board of Education

III. Disciplinary Investigation Process

When disciplinary action is warranted, an investigation of the circumstances of the case will be employed, as described below.

- A. An investigation will be pursuant to disciplinary action. Investigations are usually conducted by the employee's immediate supervisor; however, an administrator with superseding authority may assume investigatory responsibilities or assign other central office personnel to pursue the investigation.
 - 1. It may be necessary for administrators conducting an investigation to make credibility determinations regarding alleged victims, wrong doers, and witnesses.
 - 2. It is legal for an administrator to base a discipline decision upon a belief that a particular individual is being truthful or not. Accordingly, if the individuals have different versions, and if the administrator finds one individual to be more credible than the another, the administrator may take action and impose discipline.
- B. Administrative Leave With Pay During an Investigation
 - 1. An administrator conducting an investigation may consider whether removing an employee from the work environment by implementing administrative leave is advisable to best investigate the allegation of misconduct. The administrator may implement administrative leave in this case.
 - 2. HCPSS has the authority to implement administrative leave with pay for any reason because administrative leave is not disciplinary action and administrative leave does not affect the financial interests of an employee.
- E. Due Process
 - 1. In most cases a due process meeting with the employee should be conducted at the end of an investigation. This allows the investigating administrator to review and use all of the information, evidence, documents, etc., obtained during the investigation, enabling the administrator to conduct a better interview and to more accurately assess the employee's responses. It also ensures that the administrator will be able to provide the employee with the opportunity to respond to all the allegations that arose during the investigation.

2. If the due process interview is held before the end of the investigation, the administrator will re-interview the employee prior to taking disciplinary action if any new allegations arise after the previous interview. During this meeting the employee will be given the opportunity to respond to the new allegations.

H. Resolution

1. Following the Due Process meeting, the administrator will review the case to determine next steps. These steps may include:
 - a. Closing of the matter without discipline
 - b. Imposition of disciplinary action
 - c. Further investigation
 - d. Conferral with other school system officials.
2. The employee will receive timely notice of next steps. If a disciplinary decision is issued, the employee will receive written notice of the decision along with any appeal rights. The written notice will be copied to the employee's personnel file and to supervising administrators who have a need to know.

IV. Discipline/Administrative Leave Authority Based on Employee's Job Classification

School-based administrators and supervisors throughout the HCPSS will respond to employee discipline issues based on the employee's job classification, as described below.

A. Principals

1. The Director of School Administration is responsible for addressing discipline issues involving a principal.
2. The Director of School Administration has authority to place a principal on administrative leave with pay, with notification to the Superintendent and the Chief Academic Officer.
3. Principals may only be suspended without pay or terminated upon recommendation by the Superintendent and approval by the Board.
4. If the Superintendent recommends suspension without pay or termination, the Board will send the employee a copy of the charges and give the employee an opportunity within ten days to request a hearing, in accordance with the Annotated Code of Maryland, Education Article, Section 6-202.

B. Assistant Principals

1. The principal is responsible for addressing discipline issues involving an assistant principal and will inform the Director of School Administration of all disciplinary actions concerning an assistant principal.
2. The Director of School Administration has authority to place an assistant principal on administrative leave with pay, with notification to the Superintendent and the Chief Academic Officer.
3. If suspension without pay or termination is to be imposed, the discipline procedures outlined in Section IV.A.3.-4. for principals, will be applied.

C. School-based Certificated Employees

1. School-based administrators will respond to all incidents or alleged incidents of misconduct by either investigating and taking disciplinary action, or by conferring with a Director of School Administration, based on the incident and type of discipline appropriate to the circumstances.
2. School-based administrators are responsible for:
 - a. Providing counseling
 - b. Issuing oral or written warnings
 - c. Issuing written letters of reprimand
 - d. Directing an employee to leave the school site.
3. School-based certificated employees may only be placed on administrative leave with pay by a Director of School Administration or the Chief Academic Officer.
 - a. When a director or supervisor is aware of a disciplinary case that has the potential to involve a suspension without pay or termination (due to the seriousness of the incident or the employee's prior conduct), he or she must inform a Director of School Administration or the Chief Academic Officer to obtain review by the Superintendent.
 - b. If the discipline imposed is a suspension without pay or termination, the discipline and confirming letter will be administered through the Superintendent's office in consultation with the General Counsel.
 - c. When an employee is returning to a school or other job site, from a period of administrative leave or suspension, the supervisor will, as appropriate:

- i. Address school-based issues
 - ii. Address transition issues upon the employee's return to school
 - iii. Follow up and monitor the employee's performance after return to work (which may involve an action plan)
 - iv. Consider the discipline imposed in evaluating the employee's performance for the year.
 4. If suspension without pay or termination is to be imposed, the discipline procedures outlined in Section IV.A.4. for principals will be applied.
- D. Central Office Certificated Employees
 1. The employee's immediate supervisor is responsible for addressing discipline issues involving a central office certificated employee.
 2. The Superintendent/Deputy Superintendent has the authority to place a certificated central office employee on administrative leave with pay.
 3. If suspension without pay or termination is to be imposed, the discipline procedures outlined in Section IV.C.3.-4. for school-based certificated employees will be applied.
- E. School-based Support Employees
 1. Discipline/administrative leave authority for school-based support employees is outlined in Appendix A.
 2. A school-based support employee may appeal a disciplinary decision issued under this section by submitting a written notice to the Chief Operating Officer. This notice must be received by the Chief Operating Officer within ten calendar days of the date of the discipline decision.
 - a. In consultation with the Chief Academic Officer or the Chief Financial Officer, the Chief Operating Officer will serve as the Superintendent's designee under the Annotated Code of Maryland, Education Article, Section 4-205 and will hear and decide the appeal, in consultation with the General Counsel.
 - b. The employee, if dissatisfied with the decision from the Chief Operating Officer, may appeal to the Board by submitting a written notice to the

Board. This notice must be received in the Board Office within 30 calendar days from the date of the Chief Operating Officer's decision.

F. Non-School Based Support Employees

1. Discipline/administrative leave authority for non-school based support employees is outlined in Appendix B.
2. A non-school based employee may appeal a disciplinary decision issued under this section by submitting a written notice to the Chief Operating Officer. This notice must be received by the Chief Operating Officer within ten calendar days of the date of the discipline decision.
 - a. In consultation with the Chief Academic Officer or the Chief Financial Officer, the Chief Operating Officer will serve as the Superintendent's designee under the Annotated Code of Maryland, Education Article, Section 4-205, and will hear and decide the appeal in consultation with the General Counsel.
 - b. The employee, if dissatisfied with the decision from the Chief Operating Officer, may appeal to the Board by submitting a written notice to the Board. This notice must be received in the Board Office within 30 calendar days from the date of the Chief Operating Officer's decision.

G. Administrative, Management, and Technical Staff (AMT)

1. Immediate supervisors are responsible for addressing discipline issues involving a member of the Administrative, Management, and Technical staff (AMT).
2. The supervisor has authority to place a member of the AMT on administrative leave with pay.
3. A suspension without pay or termination will only be issued by the appropriate Chief.
4. An employee may appeal a disciplinary decision issued under this section by submitting a written notice to the Superintendent. This notice must be received within ten calendar days of the date of the disciplinary decision.
5. An employee, if dissatisfied with the decision from the Superintendent, may appeal to the Board by submitting a written notice to the Board. This notice must be received in the Board Office within 30 calendar days from the date of the Superintendent's decision.

V. EAP and Fitness for Duty Evaluations

In the rare event that an administrator is concerned that an employee's emotional or mental state presents a danger to the employee or others, Employee Assistance Program (EAP) or Fitness for duty evaluations may be implemented.

- A. An employee may be directed to the EAP or to a "fitness for duty" evaluation, after authorization by the Superintendent and/or the Coordinator of Equity Assurance.
- B. An employee's participation in EAP, or any other counseling program, is a confidential matter. The content of an employee's EAP or counseling sessions is not a legitimate area of interest or information to an administrator.
- C. Employees will be required to follow the recommendations of their EAP referral or fitness for duty evaluation and will provide HCPSS with all necessary releases to certify that they have complied with the recommendations. Failure to comply with these recommendations may result in disciplinary action.

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Discipline Authority for School-Based Support Employees

EMPLOYEE GROUP	PERSON AUTHORIZED TO ISSUE AN ORAL WARNING, WRITTEN WARNING, OR A LETTER OF REPRIMAND	PERSON AUTHORIZED TO ISSUE ADMINISTRATIVE LEAVE WITH PAY; SUSPENSION WITHOUT PAY; OR TERMINATION
Interpreters	<ul style="list-style-type: none"> • Principal • Assistant Principal • Instructional Facilitator, Countywide Services 	Director of Special Education
Health Assistants	<ul style="list-style-type: none"> • Principal • Assistant Principal • Health Specialist • Coordinator of Health Services • Nurses 	Director of Student Services
Nurses	<ul style="list-style-type: none"> • Health Specialist • Coordinator of Health Services 	Director of Student Services
Custodians	<ul style="list-style-type: none"> • Principal • Assistant principal • Custodial Manager • Assistant Custodial Manager 	Director of School Facilities
Secretary/Clerical	<ul style="list-style-type: none"> • Principal • Assistant Principal 	Director of School Administration
Instructional and Media Assistants	<ul style="list-style-type: none"> • Principal • Assistant Principal 	Director of School Administration
Special Education Assistants	<ul style="list-style-type: none"> • Principal • Assistant Principal • Director of Special Education 	Director of Special Education
Food Service	<ul style="list-style-type: none"> • Principal • Assistant Principal • Area Field Representative • Administrator of Food and Nutrition Services 	Administrator of Food and Nutrition Services
School Security Assistants	<ul style="list-style-type: none"> • Principals • Assistant Principals 	Director of School Administration

Discipline Authority for Non-School-Based Support Employees

SUPPORT EMPLOYEE GROUP	PERSON AUTHORIZED TO ISSUE LETTER OF REPRIMAND OR A LESSER CONSEQUENCE	PERSON AUTHORIZED TO ISSUE ADMINISTRATIVE LEAVE WITH PAY; SUSPENSION WITHOUT PAY; OR TERMINATION
Central Office	<ul style="list-style-type: none"> • Immediate Supervisor 	Supervisor, Manager, Director, etc., of the Department
Maintenance	<ul style="list-style-type: none"> • Building Services Manager • Assistant Building Services Manager • Director of School Facilities 	Director of School Facilities
Grounds	<ul style="list-style-type: none"> • Grounds Manager • Assistant Grounds Manager • Director of School Facilities 	Director of School Facilities
Information Technology	<ul style="list-style-type: none"> • Immediate Supervisor • Technology Officer 	Technology Officer
Warehouse	<ul style="list-style-type: none"> • Warehouse Manager • Purchasing Officer 	Purchasing Officer