

UNDERSTANDING GRANITE'S CORRECTIVE DISCIPLINE PROCESS



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INTRODUCTION

- **Like most districts, Granite has devised a process to deal with issues associated with staff discipline and corrective action.**
- **Our purpose today is to give a brief overview of this process, so that ARs better understand the procedures and can be of more assistance to their members.**

“Arbitrary and Capricious”

- **The reason for engaging in any form of corrective discipline must be related to a violation of an established practice, regulation, or law. Anything short of this may be construed as “arbitrary and capricious,” which means that the supervisor/district will lose the case.**
- **To ensure that disciplinary action has a clear, legal foundation, the District has put together a process based on the following...**

FOUNDATION OF CORRECTIVE DISCIPLINE

- **UTAH CODE: “Orderly School Termination Procedures Act”**
- **JUST CAUSE: Definition and Six Categories**
- **DUE PROCESS: Basic Criteria for Due Process**
- **BASIC RULES OF EMPLOYEE DISCIPLINE:**
 - **Applying Due Process Fairly**





UTAH SCHOOL ORDERLY TERMINATION PROCEDURES ACT

- **The Utah School Orderly Termination Procedures Act is found in Utah Code 53A (Appendix G), and it does the following:**
 - **outlines the definitions in the Act;**
 - **determines the rights of the School Board;**
 - **outlines dismissal procedures; and**
 - **delineates the rights of the employee.**
- ***GEA is recognized as the “exclusive representative of the teachers” in any grievances outlined in Article 6 of the Professional Agreement. *It is our responsibility to protect the process!***

THE RIGHT AND LEFT SIDES OF ORDERLY TERMINATION

• Improper Conduct (Cause)

- Post the rules.
- Document incidents of improper conduct
- Give verbal notice
- Give verbal warning
“ASK”
- Give written warning
“ASK”
- Provide opportunity to improve
“ASK”

• Classroom Performance

- Post the rules
- Observe class and take notes
- Have post-observation conference
- Give verbal warning
“ASK”
- Give written notice of unsatisfactory teaching performance
“ASK”
- Provide written plan of assistance
“ASK”

✘ Recommend suspension

“ASK”

✘ Recommend non-renewal/termination

• **RELATIONSHIP OF JUST CAUSE AND DUE PROCESS TO DISCIPLINARY ACTION**

LAW



JUST CAUSE
Proper Reason
Show Harm



DUE PROCESS
Fair Play
Protection of Individual Rights



DISCIPLINARY ACTION
Verbal Warning
Written Warning
Suspension
Termination

JUST “CAUSE”

- As per the Utah School Termination Procedures Act, examples of “just cause” (for disciplinary action, up to and including suspension or dismissal), include such acts or omissions as:
 - Improper Conduct:
 - action that violates the Professional Agreement;
 - action which violates the criminal law of Utah or the United States;
 - **conduct which violates common established standards of morality;**
 - conduct which exposes the District to censure, ridicule, damage, or reproach;
 - bringing and an intoxicant onto school property, using an intoxicant on school property, or reporting to working under the influence of an intoxicant;*
 - theft;
 - dishonesty or falsification of any information supplied to the school.**

“JUST CAUSE” (cont.)

- **Neglect of duty, including, but not limited to:**
 1. **Unexcused absences.**
 2. **Excessive tardiness.**
 3. **Abuse of leave polices.**
- **Insubordination.**
- **Failure to perform duties properly.**
- **Excessive absenteeism.**
- **Incapacity due to mental or physical disability.**
- **Any other reason that the District in its sole discretion deems reasonable and appropriate (applies to provisional teachers only [so far]).**

CORRECTIVE DISCIPLINE FOR PERFORMANCE

Performance

- Post the rules
- Observe class and take notes
- Have post-observation conference
- Give verbal warning
- “ASK”
- Give written notice of unsatisfactory teaching performance
- “ASK”
- Provide written plan of assistance
- “ASK”
- Recommend suspension
- “ASK”
- Recommend non-renewal/termination





PERFORMANCE BASED ON STANDARDS

I. Instruction and Assessment

Example: “The educator consistently communicates clearly and accurately.”

II. Planning and Preparation

Example: “The educator sets goals and makes instructional decisions based on data gathered from multiple sources.”

III. Learning Environment

Example: “The educator supports colleagues.”

IV. Professional Responsibilities

Example: “The educator interacts and communicates with all constituency groups.”

EMPLOYEE RIGHTS/EMPLOYER RESPONSIBILITY*

1. Employees have the right to know what is expected of them and what the consequences of not fulfilling whose expectations will be.
2. The employee has a right to consistent and predictable employer responses to violations of rules.
3. The employee as a right to fair discipline based on facts.
4. The employee has a right to question the facts and to present a defense.
5. The employee has the right to appeal the disciplinary decision.
6. The employee has the right to progressive discipline.
7. The employee has a right to be considered as an individual.

* Based on James R. Redeker's Discipline: Policies and Procedures.

ADMINISTRATIVE TRAINING AND CORRECTIVE DISCIPLINE

- Administrators are now being trained on how to effectively remove educators from the classroom using the Orderly Termination Procedures Act.
- Granite's Corrective Discipline Handbook is the tool used to remove "poor" teachers.
- The District provides checklists, clearly defined lists for conducting investigations, forms needed for nearly an occasion, and sample letters for verbal and written warnings, and evaluation tools and letters.
- The following slide is one sample checklist that an administrator is given in order to avoid grievances filed by the Association.



“PREVENTION CHECKLIST”

(FOR ENSURING THAT RULES AND STANDARDS HAVE BEEN GIVEN TO EMPLOYEES)

- Have I published the standards and rules and distributed them to all staff members?
- Have I assured myself that all staff members have received a copy of the standards and rules; e.g. a handbook?
- Have I stated the standards and rules simply and in clear, understandable form?
- Have I made the standards and rules reasonable and enforceable, and are they directly related to the orderly, efficient, and safe operation of the building?

WHAT YOU NEED TO KNOW

- ▶ Always urge your members to:
 - use common sense, especially in dealings with students, parents, and administration;
 - contact you or the GEA office at the first indication that a meeting with an administrator may be a reprimand. (Refer to the *Red Flag Moments* on the GEA website under “Association Representatives.”).
- ▶ As an AR, try to always be aware of things an administrator might do that you feel may violate Orderly Termination (e.g. skip a step in the process). If that should happen, please call us immediately.

Remember: Confidentiality is your best tool in keeping your finger on the pulse of the school.

***If you need additional help navigating Corrective Discipline, please give us a call, and we will help with that.**

**WE APPRECIATE ALL
THAT YOU DO FOR
YOUR MEMBERS AND
FOR GEA!**

