

Policy

STANDARDS FOR STAFF DISCIPLINE

Purpose.

The Camden City School District directs all staff members (teacher and support staff) to observe statutes of the State of New Jersey, rules of the State Board of Education, policies of this board, and duly promulgated administrative rules and regulations governing staff conduct. Violations of those statutes, rules, policies and regulations will be subject to discipline.

Acceptable and Unacceptable Conduct.

All employees are expected to maintain standards of conduct suitable and acceptable to the work environment. Disciplinary action, including dismissal, may be imposed for unacceptable conduct in the performance of one's duties.

- A. Examples of acceptable conduct include, but are not limited to:
- i. Compliance with rules, State, Federal and district policies and procedures;
 - ii. Communicating with colleagues, students, parents and all stakeholders politely and in a respectful tone;
 - iii. Reporting to work and attending all meetings punctually;
 - iv. Being forthright and honest in sharing information with colleagues;
 - v. Respecting the confidentiality of information shared by colleagues and managers;
 - vi. Dressing appropriately given the nature of daily tasks;
 - vii. Avoidance of the usage of profanity or obscene language.
- B. Examples of unacceptable conduct include, but are not limited to:
- i. Falsification of attendance records (including time record or the time records of another employee or any documentation submitted to support an absence), personnel records, other institutional records or reports;
 - ii. Neglect of duties or wasting time during working hours;
 - iii. Smoking in or on Board property;
 - iv. Gambling on Board of Education property at any time [This does not include minor and benign intra-office contests such as District-sponsored raffles or team-initiated pools for fundraising or team-building (i.e. March Madness contests)];
 - v. Bringing, using, possessing or selling alcohol, intoxicants, drugs or controlled substances during working hours, or being under the influence of the same during working hours and/or while operating employer-owned vehicles or equipment;
 - vi. Theft, abuse, misuse, or misappropriation of Board of Education property or resources or the same of another employee;
 - vii. Violations of local, State, Federal, or Board of Education safety rules or generally accepted safety practices;
 - viii. Fighting, encouraging a fight, threatening or attempting to cause injury to any person during working hours or on Board property;
 - ix. Duty of Care - All staff owe a duty to take reasonable care to protect those children and/or young people in their care and control;
 - x. Dishonesty;
 - xi. Destroying or defacing Board of Education property or resources, or the personal property or records of a student or another employee;
 - xii. Violations of the policies or regulations of the Camden Board of Education or of administrative directives; and
 - xiii. Publicly disclosing another employee's or student's private information.

STANDARDS FOR STAFF DISCIPLINE (continued)Performance and Duties.**A. General.**

Each employee shall comply with all requirements of the law, and shall perform (1) all duties commonly performed in his/her position and (2) all duties assigned to him/her by the Board, the Superintendent or School Business Administrator/Board Secretary and the employee's immediate supervisor or supervisors.

All District employees are expected to perform such tasks completely and in the time period designated by their supervisor. If an employee does not perform such tasks adequately, completely or in a timely fashion, then the supervisor is expected to give feedback regarding such performance concerns to the employee.

The supervisor should also consider such performance concerns during annual performance reviews/evaluations. If the tasks are continually performed in an inadequate, incomplete or untimely manner, without improvement, then the supervisor may institute progressive discipline, up to and including dismissal. For purposes of this section only, supervisors are not expected to issue letters to file or pursue serious progressive discipline steps without first engaging in at least one feedback conversation with a direct report.

B. Lesson Plans.

All teachers are required to maintain and use an updated curriculum guide for preparation of lesson plans for each subject taught.

Lesson plans must include objectives, which specify what pupils should know, or be able to do, at the completion of that lesson. Lesson plans should be prepared in enough detail with enough clarity to enable a substitute teacher to carry on the program during the absence of a teacher. When the teacher plans to use materials not included in the curriculum guide, he/she should list these materials in the lesson plan. The Principal shall check lesson plans on a regular basis. A teacher that fails to leave a lesson plan for a substitute in his/her absence may be subject to progressive discipline-- as administered by the principal of the building or the Chief Talent Officer.

Meetings/Committees; Staff Meetings.

A critical component of staff responsibilities is their attendance of staff meetings as may be required for the proper functioning of a school, to serve on committees involved in curriculum development and textbook selection, and to participate in parent-teacher organizations and functions.

Insubordination.

Staff members are expected to follow and implement directives from their supervisor, as well as, guidance issued by, or on behalf of, the Superintendent. An employee may be subject to disciplinary action if he or she does not follow his/her supervisor's lawful and reasonable orders, or the Superintendent's lawful and reasonable orders, such that the refusal undermines a supervisor's or Superintendent's level of respect and ability to manage.

Healthy Workplace Environment.

Staff members are expected to engage with their supervisors, direct reports and colleagues in a manner that cultivates a healthy workplace environment. Any staff members that engages in Disruptive Behavior (as defined below) towards their colleagues may be subject to progressive discipline; as such, disruptive behavior undermines the ability of colleagues to work in a healthy and productive environment.

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A. Definition of Disruptive Behavior. The following acts are considered “Disruptive Behaviors.”

- i. Engaging in rude, disrespectful speech or behaviors, such as making insulting and demeaning statements;
- ii. Using angry, hostile tones;
- iii. Berating staff and colleagues in front of others;
- iv. Shouting, throwing things or slamming doors when displeased;
- v. Engaging in physical intimidation or disorderly conduct;
- vi. Engaging in harassment (including sexual harassment);
- vii. Using abusive language or gestures;
- viii. Using verbal intimidation tactics and making threats;
- ix. Making malicious, false and harmful statements about others; or
- x. Creating a hazardous condition or hostile environment for another person during working hours or on school property; or
- xi. Gratuitously sabotaging or undermining a person’s work performance.

B. Minor Incidents of Disruptive Behavior.

The District recognizes that occasional interpersonal conflicts occur, and single incidents may happen such that staff feel as if they experienced Disruptive Behavior from their colleagues. This type of limited or occasional interpersonal conflict is “Minor Disruptive Behavior,” for purposes of this policy. The District encourages all staff members to resolve any conflict involving Minor Disruptive Behavior through a healthy and constructive dialogue. Any staff member who believes that he or she has been subject to a Minor Disruptive Behavior (the “Reporting Staff Member”) may initiate the following procedures, if an informal dialogue is unsuccessful.

- i. Step 1: Formal Resolution Meeting. The Reporting Staff Member may invite the staff member with whom s/he has a conflict to a formal in-person meeting. At the meeting, both staff members should discuss the questionable behavior in good faith using these guidelines (See Exhibit 1, pages 15,16). As a result of the meeting, both staff members should agree upon a set of engagement norms that they will follow-- using this conflict resolution agreement (CRA). After the meeting, the conflict resolution agreement (See Exhibit 2, pages 17, 18) should be signed, uploaded and forwarded to the Senior Manager, Human Resources. This conflict resolution agreement is not a disciplinary action, but rather a guideline for engagement between colleagues. For this reason, a CRA will not be included in either staff member’s personnel file.
- ii. Step 2: Solicit Help. If the Disruptive Behavior continues and/or the terms of the constructive dialogue agreement are not being followed, the Reporting Staff Member should reach out to (1) his/her supervisor; or (2) the Affirmative Action Officer. Supervisors may issue progressive discipline (verbal warnings or letters to file) to any staff member who engages in minor incidents of Disruptive Behavior. Staff members may also provide a written report to the Affirmative Action Officer (pursuant to the paragraph below) if the Disruptive Behavior is repeated or egregious in nature and potentially creates an Unhealthy Workplace Environment. If the Disruptive Behavior is demonstrated by the Reporting Staff Member’s supervisor, the Reporting Staff Member may reach out directly to the Affirmative Action Officer.

C. Major or Repeated Incidents of Disruptive Behavior (Unhealthy Workplace Environment).

Any employee who demonstrates an egregious level, or a repeated pattern of, Disruptive Behaviors creates an Unhealthy Workplace Environment, and may be subject to disciplinary action up to and including termination of employment or certifying tenure charges. If a staff member believes that s/he has been subjected to an Unhealthy Workplace Environment, s/he may initiate the following process:

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- i. Written Report to the Affirmative Action Officer. The Reporting Staff Member may submit a written report to the Affirmative Action Officer. The written report shall provide specific details supporting the claim including, but not limited to, the specific conduct; the names of witnesses (if any) who may have observed such conduct; dates or times when such conduct occurred; and any other information the person(s) making the report believes will be informative and helpful to an investigation of the allegations.
- ii. Affirmative Action Officer Investigation. Upon receipt of a report, the Superintendent or designee will conduct an investigation and upon completion of the investigation will inform the person(s) who made the report such an investigation was completed. The amount of investigation information shared with the person(s) making the report will be at the discretion of the Superintendent or designee and may vary depending on whether the conduct reported was directed to the person(s) making the report, confidential personnel matters, and/or other issues as determined by the Superintendent or designee.

If the investigation determines conduct prohibited by this policy has taken place, the Superintendent or designee will meet with the offender(s) and the victim(s) to review the investigation results and to implement remedial measures to ensure such conduct does not continue or reoccur. Appropriate disciplinary action may be taken depending on the severity of conduct.

D. Additional Guidance.

- i. No Retaliation. There shall be no reprisals or retaliation against any person(s) who reports conduct prohibited by this policy.
- ii. No Insubordination or Disruptive Behavior from Reporting Staff Members. Reporting Staff Members may not engage in insubordination or other forms of Disruptive Behavior in response to their concerns with challenging behavior from colleagues, peers or supervisors. Reporting Staff Members are similarly subject to the expectations of courtesy, and may be subject to progressive discipline if their behaviors qualify as "Disruptive Behavior" under this provision.
- iii. Supervisor Intervention. Supervisors who receive written complaints of Disruptive Behaviors, and then fail to intervene to support the resolution of the conflict, may be subject to progressive discipline. Supervisors can reach out to the Affirmative Action Officer to receive additional support on conflict resolution.
- iv. Distinguishing Fair Management Practices from Disruptive Behavior. For the sake of clarity, supervisors are not engaging in Disruptive Behavior when they are giving their direct reports unfavorable evaluations, constructive feedback or progressive discipline in a professional manner and such evaluations, feedback or discipline are supported by credible evidence.

Absenteeism and Tardiness.

Staff members are expected to report to work timely and consistently, unless they miss a work day due to an approved absence.

- A. Approved Absences. An approved absence is an absence for a partial or full day that:
 - i. Is requested in writing by a staff member in the Time and Attendance System as soon as practicably possible (i.e. at least 24 hours notice, except in the case of emergencies) and approved by his/her supervisor; and

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- ii. Is permissible or available to a staff member pursuant to Federal or State Law, District Policy or a collective bargaining agreement (i.e. sick day, personal day, professional development, bereavement, duly accrued vacation days etc); and
- iii. Is supported by appropriate documentation (i.e. medical note from doctor) at the request of the supervisor. The supervisor must request the documentation in writing within three days of the absence.

All three conditions must be met in order to be an "Approved Absence."

B. Unapproved Absences.

- i. An Unapproved Absence is any absence that does not qualify as an Approved Absence (as defined above). If a staff member does not notify/request an absence from a supervisor within 24 hours of an emergent situation, and does not report to work, then the supervisor may categorize the absence as an Unapproved Absence.
- ii. Unapproved Absence (One Incident). Any employee who misses all or a portion of a work day and such missed time does not qualify as an Approved Absence (1) will either be subject to progressive discipline or (2) will not be paid for their missed time, and counseled unless the staff member has vacation or personal days available to cover the missed time.
- iii. Unapproved Absences (Consecutive Days). If an employee has missed all or a portion of their workdays for three consecutive days, and such missed time does not qualify as approved absences, the employee may be recommended for additional and more serious progressive discipline, up to and including dismissal. The employee will not be paid for unapproved absences, unless the staff member has vacation or personal days available to cover the missed time.
- iv. Reporting Continued Absenteeism. All supervisors must report to DTLR instances in which an employee has accrued three unapproved absences and has failed to notify the supervisor of their whereabouts.
- v. Disciplinary Action
 - 1. No Discipline for Approved Absences. Staff members should not receive progressive discipline for (1) an Approved Absences; or (2) absence covered by an approved FMLA Leave, Personal Leave or Workers' Compensation Leave
 - 2. Discipline for Two or More Unapproved Absences.
 - a) Excessive Absenteeism. Excessive absenteeism is defined as two or more occurrences of an Unapproved Absence in a 30-day period. Excessive absenteeism will result in disciplinary action.
 - b) Discipline Steps. After the first Unapproved Absence, the supervisor must discuss the absence with the direct report, and issue a verbal warning. If there are two or more Unapproved Absences, the supervisor must issue a letter to file. The supervisor must issue a letter to file for each instance of an Unapproved Absence after two Unapproved Absences have occurred. If a supervisor does not follow these disciplinary steps, then the supervisor may be subject to progressive discipline. Five occurrences of an Unapproved Absence in a 10-month or 12-month period are considered grounds for

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disciplinary action up to and including termination or filing tenure charges.

C. Tardiness and Early Departures.

Staff members are expected to report to work on time and return from scheduled breaks on time. If staff members cannot report to work as scheduled, they must notify their supervisor no later than their regular starting time. This notification does not excuse the tardiness but simply notifies the supervisor that a schedule change may be necessary.

Staff members who must leave work before the end of their scheduled shift must notify a supervisor immediately.

i. Disciplinary Action

1. **Excessive Tardiness.** Excessive tardiness is defined as two or more occurrences of Unexcused Tardiness in a 30-day period and will result in disciplinary action.
2. **Discipline Steps.** After the first Unapproved Tardiness, the supervisor must discuss the tardiness with the direct report, and issue a verbal warning. If there are two or more Unapproved Tardiness, the supervisor must issue a letter to file. The supervisor must issue a letter to file for each instance of an Unapproved Tardiness after two incidences of Unapproved Tardiness have occurred. If a supervisor does not follow these disciplinary steps, then the supervisor may be subject to progressive discipline. Eight occurrences of Unapproved Tardiness in a 10-month or 12-month period are considered grounds for disciplinary action up to and including termination or filing tenure charges.

Inappropriate Staff Conduct and Professional Responsibility.

Inappropriate conduct by a school staff member will not be tolerated by the Board of Education. School staff's conduct in completing their professional responsibilities shall be appropriate at all times. This has been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate conduct and conduct unbecoming a school staff member to pupils. "Inappropriate conduct" includes, but is not limited to:

- i. A request by a staff member to engage in a social, emotional or physical relationship with a pupil that (1) is not necessary for, or directly related to, schoolwork or (2) is outside of the context of a reasonable staff/student relationship;
- ii. Acts, gestures, comments or behaviors by a staff member that indicate sexually harassing conduct towards a pupil;
- iii. Inappropriate touching by the staff member of a pupil;
- iv. Permission of, or failure to suspend, inappropriate touching by a pupil of a staff member;
- v. A request by a staff member for a pupil to expose private parts of their body, other than for school medical purposes, and a staff member exposing their own private parts of their body to a pupil;
- vi. Any physical contact between a staff member and pupil that is beyond the staff member/pupil professional relationship. This contact includes, but is not limited to, kissing, touching or feeling private parts of the body, holding hands or arms, and other contact that typically shows a sign of affection beyond the staff member/pupil professional relationship. "Inappropriate conduct" does not include a hug initiated by a pupil as a sign of the pupil's

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- appreciation to a school staff member at a school sponsored activity such as school banquets, school recognition programs, graduations, etc;
- vii. Quid Pro Quo sexual harassment, or when a school employee explicitly or implicitly conditions a pupil's participation in an educational program or activity or bases an educational decision on the pupil's submission to unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm;
 - viii. Comments of a sexual nature, sexually oriented humor or language, inappropriate comments about a pupil's or staff member's clothing or physical appearance, comments with sexual overtones, comments regarding a staff member's or pupil's dating partner or comments about the pupil's staff member's personal life that are not relevant to the professional responsibility of the school staff member;
 - ix. Sexual harassing conduct of a student or colleague, which can include sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit a pupil's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment;
 - x. Use of any profanity, obscene language, public lewdness or the use of public lewdness, comments with sexual overtones, distribution and/or discussion of any pornography;
 - xi. Engaging in inappropriate language or expression in the presence of pupils;
 - xii. Engaging or seeking to be in the presence of a pupil beyond the staff member's professional responsibilities;
 - xiii. Providing transportation to a pupil in their private vehicle or permit a pupil into their private vehicle unless there is an emergency or a special circumstance that has been approved in advance by the Building Principal/immediate supervisor and the parent/legal guardian;

Inappropriate conduct by a school staff member outside their professional responsibilities may be considered conduct unbecoming a staff member. Therefore, school staff members are advised to be concerned with such conduct which may include, but is not limited to, communications and/or publications using e-mails, text-messaging, social networking sites, or any other medium that is directed and/or available to pupils or for public display;

A school staff member is always expected to maintain a professional relationship with pupils and to protect the health, safety and welfare of school pupils. A staff member's conduct will be held to the professional standards established by the New Jersey State Board of Education and the New Jersey Commissioner of Education. Inappropriate conduct or conduct unbecoming a staff member may also include conduct not specifically listed in this Policy, but conduct determined by the New Jersey State Board of Education, the New Jersey Commissioner of Education, an arbitration process, and/or appropriate courts to be inappropriate or conduct unbecoming a school staff member;

Reporting Inappropriate Conduct.

All staff must promptly report instances of inappropriate staff conduct with regards to students. "Promptly report" is reporting by the end of the next school day. If school is not in session the next day, then by the end of the first day after the weekend or holiday break. If this reporting time would exceed seventy-two hours, the staff member shall notify the Principal no later than seventy-two hours after the required reporting time.

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In addition, school personnel having reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the New Jersey Department of Children and Families (Child Protection and Permanency) phone (1-855-463-6323) and in accordance with N.J.A.C. 6A:16-11.1 and inform the Building Principal or immediate supervisor after making such a report. However, notice to the Building Principal or designee need not be given when the school staff member believes such notice would likely endanger the referrer or child(ren) involved or when the staff member believes that such disclosure would likely result in retaliation against the child or in discrimination against the referrer with respect to his/her employment.

Failure to adhere to Internal Controls.

All staff members must adhere to internal controls and directives issued by the School Business Administrator.

Corporal Punishment.

Corporal Punishment is strictly prohibited and is a serious offense in the District. Corporal Punishment is defined as (1) the intentional infliction of physical pain upon the body of a child as a disciplinary measure, or (2) unreasonable physical restraint of a child, or use of force on a child, where such restraint or force can reasonably be expected to cause harm or pain.

This policy does not prohibit the use of reasonable and necessary physical restraint or force in self-defense or otherwise appropriate in order to:

- i. Obtain possession of a weapon, other dangerous objects, or controlled substances in the possession or under the control of a student.
- ii. Protect the student or another person from physical injury.
- iii. Remove from a situation a student who is violent or disruptive.
- iv. Protect property from being damaged.
- v. All staff are expected to use nonviolent methods of engaging with students when they exhibit challenging behavior. Staff members who engage in corporal punishment will be subject to serious progressive discipline, up to including dismissal.

Criminal History.

An employee shall be dismissed by (a) being disqualified for employment by the Office of Criminal History Review, or (b) for conviction of a felony.

An employee may be placed on a paid administrative leave if he or she is arrested for any of the following:

- i. An offense of the first or second degree; or
- ii. Endangering the welfare of a child, children and/or another person; or
- iii. An offense involving the manufacture, transportation, sale, possession, distribution or habitual use of a "controlled dangerous substance"; or
- iv. A crime involving the use of force or the threat of force to or upon a person or property including, but not limited to, robbery, aggravated assault, stalking, kidnapping, arson, manslaughter and murder; or
- v. A third degree crime or crimes listed below
- vi. Recklessly endangering another person; Terroristic threats,
- vii. Criminal restraint,
- viii. Luring, enticing child into motor vehicle, structure or isolated area,
- ix. Causing or risking widespread injury or damage,
- x. Criminal mischief,
- xi. Burglary,
- xii. Usury,
- xiii. Threats and other improper influence,

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- xiv. Perjury and false swearing,
- xv. Resisting arrest,
- xvi. Escape,
- xvii. Bias intimidation,
- xviii. Any crime of the fourth degree involving a victim who is a minor; or
- xix. Conspiracy to commit or an attempt to commit any of the crimes described in this act

Depending on the outcome of a conviction, the District may discipline the convicted staff member, including and up to termination or tenure charges.

NJSBA Review/Update: November 2009
 Adopted: March 4, 2021

Key Words

Discipline, Withholding Increments, Suspension, Dismissal, Tenure Charges, Corrective Sanctions

Legal References: N.J.S.A. 18A:6-10 et seq. Dismissal and reduction in compensation
N.J.S.A. 18A:11-1 General powers and duties
N.J.S.A. 18A: 27-4 Power of board to make rules governing employment
N.J.S.A. 18A:29-14 Withholding Increment; causes; notice of appeal

Possible

Cross References: 2130 Administrative staff
 *2131 Chief school administrator
 4000 Concepts and roles in personnel
 *4111 Recruitment, selection and hiring
 *4111.1/4211.1 Nondiscrimination/affirmative action
 *4112.2 Certification
 *4112.4/4212.4 Employee health
 4112.5 Criminal history check
 *4112.6/4212.6 Personnel records
 *4112.8/4212.8 Nepotism
 4117.51/4217.51 Withholding increment
 *4121 Substitute teachers
 *4211 Recruitment, selection and hiring
 *4222 Noninstructional aides
 *5120 Assessment of individual needs
 *6010 Goals and objectives

*Indicates policy is included in the Critical Policy Reference Manual.