

Staff Conduct

This policy applies to all School District staff employees unless this policy is inconsistent with an employee's contract, collective bargaining agreement, or statute. Unless altered by a written contract, collective bargaining agreement, or statute, all staff employees are employed at-will, which means that either the employee or the School District may terminate the employment relationship at any time with or without cause or notice. Nothing in this policy changes the at-will nature of employment or creates any contractual or due process rights.

Unless inconsistent with an employee's contract, collective bargaining agreement, or statute, the Superintendent may suspend a staff member with or without pay, during an emergency for a period extending to and including the next meeting of the School Board. In accordance with RSA 189:31, the Superintendent may also place a staff employee on administrative leave pending investigation. Finally, so long as it is not inconsistent with an employee's contract collective bargaining agreement, or statute, the Superintendent may suspend a staff member with or without pay as a form of discipline, as described below. If a salaried employee is suspended without pay, he or she will be given written notification at least one pay period in advance. The School Board shall be notified immediately of all suspensions.

The Superintendent may exercise his or her discretion in deciding whether to suspend and/or recommend termination and does not have to suspend before recommending termination. The discipline, suspension or dismissal may be based upon, but not limited to, immorality, incompetence, or failure to conform to or comply with laws or regulations prescribed.

Violations of this policy or other School District policies or regulations may result in more severe disciplinary action, up to and including, termination.

Immorality Defined

Conduct which impairs the employee's effectiveness to perform their duties by reason of the employee's moral unfitness or lack of judgment and impacts professional achievement or places the school community in jeopardy.

Mrs. Norma Joy Chairperson
Mrs. Bonnie Cyr
Mrs. Beth Seldin
Mr. Stephen Brown
Mr. Robert Ouellette

Adopted by the Board: 6 January 2011
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Staff Conduct
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Examples shall include but not be limited to:

1. Arrest for activities contrary to the mission of the District.
2. Unlawful harassment of or discrimination against staff, students and/or members of school community.
3. Inappropriate comments to students, staff and/or members of school community.
4. Communication of obscene and/or profane language or visual material to students, staff and/or members of the school community.
5. Inappropriate physical contact with students, staff and/or members of school community.
6. Inappropriate contact or communication with students, in or out of school, which lack appropriate student/staff boundaries. Prohibited conduct includes, but is not limited to, involving student(s) in a staff member's personal or employment issues.
7. Conviction of a crime involving moral turpitude.

Incompetence Defined

Lack of requisite ability or sustained failure to perform the duties of one's employment.

Examples for teachers shall include but are not limited to:

1. Lack of knowledge of the subject area.
2. Inability or failure to convey one's knowledge of subject area.
3. Inability or failure to effectively plan and present an organized lesson plan.
4. Inability or failure to maintain control in the classroom so as to permit learning to occur.
5. Neglect of duties (including but not limited to: failure to follow a student's I.E.P. or 504 Accommodations Plan, leaving students unsupervised, failure to discipline with consistency and/or failure to maintain proper building or classroom discipline, persistent and unexcused absence, and failure to prepare or follow lesson plans or course outlines).
6. Misconduct.

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Examples for other staff members shall include but are not limited to:

1. Lack of knowledge.
2. Inability or failure to complete a job assignment.
3. Inability or failure to follow instructions.
4. Inability or failure to operate equipment.
5. Inability or failure to perform job duties and responsibilities accurately⁷.
6. Neglect of duties
7. Misconduct.

Misconduct Defined

Misconduct means any illegal or unlawful behavior by a district employee in relation to his/her duties in the school district, performing acts which the employee had no right to perform, acts which were performed improperly, inappropriately, and/or a failure to act in the face of an affirmative duty to act.

Examples shall include but are not limited to:

1. Failure to comply with the policies or regulations of the Board of Education.
2. Administering improper forms of discipline (i.e. striking students with a ruler or other objects to maintain discipline, humiliating students in front of peers).
3. Failure to render assistance to a student when needed.
4. Deliberate failure to follow a student's I.E.P. or 504 Accommodations Plan.
5. Use of demeaning or derogatory words toward or regarding students, staff or members of the community.
6. Failure to take appropriate affirmative action when confronted with or after witnessing a situation in which a student is at risk of abuse, or mental or physical injury.
7. Possessing, carrying or being under the influence of intoxicating beverages or narcotics on school property or on duty.
8. Stealing or attempting to steal property from any individual on school property, or stealing or attempting to steal property from the School District.
9. Provoked or unprovoked bodily assault upon any person, or fighting on school property or on duty.
10. Unauthorized possession of firearms or any dangerous weapons, including explosives, on school property or on duty.
11. Threatening, coercing, intimidating or interfering with other employees or students.

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12. Insubordination to a supervisor, refusal to perform assignments, or directing abusive or threatening language at any supervisor, employee, or school official.
13. Disclosing confidential information or unauthorized persons.
14. Falsification of employment application(s), time cards, work reports or other employer records.
15. Defacing school property.
16. Conviction of a crime relating to duties.
17. Sleeping during work hours.
18. Accepting or soliciting any gift, gratuity, favor, loan or other item or consideration of monetary value from any person who has or is seeking to transact business with the school or from any person within or outside the school's employment whose interest may be affected by the employee's performance or nonperformance of official duty.
19. Absence of three (3) consecutive working days without notification. Subject to the School District's FMLA policy.
20. Inciting other employees or students to illegal actions.
21. Failure to comply with safety requirements.
22. Unsafe or negligent operation of equipment or destruction of employer property or material or the property of another employee.
23. Violation of any other School District policy.

Disciplinary Records and Correspondence

The immediate supervisor will create and maintain a written records at every stage of the discipline as to how he/she conducted the investigation and what was learned, including the dates and a summary of what was said at each meeting with the employee, and, where possible, the employee's explanations of facts and reactions to each level discipline.

Unless a different procedure is otherwise established pursuant to a collective bargaining agreement, individual contract or statute, when an investigation of employee conduct results in discipline a letter will be prepared by the Superintendent or designee and presented to the employee. The letter must detail the nature of the conduct, the basis for conclusion that the conduct took place, and the discipline imposed. When an employee is recommended for dismissal, the Superintendent or designee will prepare and present a letter of intent to terminate to the employee. In both cases, the employee will acknowledge receipt by signing both letters and retain one original copy of the letter. Another copy of the letter will be retained in the employee's official personnel file.

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All employees have the responsibility to make themselves familiar with, and abide by, the laws of the State of New Hampshire as they affect their work, the policies and decisions of the Board, and the administrative regulations designed to implement them.

All employees shall be expected to carry out their assigned duties, support and enforce Board policies and administrative regulations, submit required reports, protect District property, to oversee students and contribute to the education and development of District's students.

All Employees shall obey the rules and decisions of their supervisors.

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