**San Diego Education Association**

**Proposal To The**

**Gompers Preparatory Academy**

**ARTICLE 6: DISCIPLINE AND DISMISSAL**

**SDEA Proposal Passed May 16, 2019**

**6.1 Just Cause**

Subject to those limitations specified in Article 7, unit members may be disciplined or dismissed only for just cause, which shall include the use of progressive discipline procedures.

**6.2 Progressive Discipline**

6.2.1 The steps set forth below will be followed with respect to unit members whose performance and conduct warrants action by the administrator. Reasons for discipline include, but are not limited to, unsatisfactory performance, unprofessional conduct, and persistent violation of or refusal to obey the School’s policies and procedures, including excessive tardiness or unexcused absences.

6.2.1.1 Verbal Warning (oral only, not provided in writing). Verbal warnings are not subject to the grievance procedure.

6.2.1.2 Written Warning (maintained in unit member’s personnel file)

6.2.1.3 Letter of Reprimand (maintained in unit member’s personnel file)

6.2.2 The administrator shall have the discretion to determine the number of verbal and written warnings prior to issuing a letter of reprimand.

6.2.3 Nothing in the section shall prohibit GPA from suspending without pay or dismissing a unit member from employment in instances of egregious conduct as provided below.

6.2.4 Discipline Action — Time Limits. If a disciplinary action has been taken and the employee subsequently serves thirty-six (36) months without further such action, all materials regarding the disciplinary action shall be expunged from the employee’s personnel file.

6.2.5 Supports for Disciplined Employees. Each time an employee receives discipline, the Director or designee shall provide supports to help the employee avoid similar discipline in the future. This may include but is not limited to training, professional development, coaching and modeling.

**6.3 For Cause Suspension or Dismissal Process**

6.3.1 Suspension or dismissal shall be initiated in writing by the GPA administrator by providing Notice of Recommended Discipline (“Recommendation”) and serving such Recommendation upon the unit member in person or by certified mail. The recommendation shall contain a statement, in ordinary language, of the factual basis upon which the disciplinary action is based, any rule or regulation alleged to have been violated, and the proposed penalty. The unit member shall also be given a copy of any documentary materials upon which such action is based and a statement of the unit member’s right to respond, verbally and in writing, within ten (10) work days prior to the proposed discipline being imposed, unless the deadline is extended by mutual agreement of the administrator and the unit member.

6.3.2 If the unit member wishes to appeal the imposition of disciplinary action to the Board of GPA, the appeal must be filed with the office of the GPA Director within ten (10) work days from the time the Notice of Discipline is served on the unit member. The appeal must be in writing. The unit member shall be entitled to appear personally before the Board to present any evidence or testimony to contest the Notice of Discipline. This appeal to the Board is not an evidentiary hearing. If the unit member chooses to be accompanied by legal counsel or a union representative at such meeting, the unit member shall bear any cost therein involved. Within then (10) work days of the appeal meeting, the unit member shall be provided a written decision setting forth the decision of the Board.

6.3.3 No adverse action shall be taken against the unit member during the pendency of any disciplinary proceedings, however, the School reserves the right to place the unit member on paid administrative leave status.

6.3.4 In cases of egregious conduct, the administrator may issue discipline, up to and including suspension or termination, without having exhausted any of the steps of progressive discipline. For purposes of this section, “egregious conduct” includes, but is not limited to:

6.3.4.1 Dishonesty or fraud, including any falsifying of employment records, employment information, or other GPA records;

6.3.4.2 Theft or deliberate or careless damage or destruction of any GPA property, or the property of any employee or student;

6.3.4.3 Possession of any firearms or any other dangerous weapons on GPA premises at any time;

6.3.4.4 Possession, use, or under the influence of any intoxicant on GPA grounds or at school events, including alcohol, marijuana, or controlled substances (unless such substances are supported by a valid prescription);

6.3.4.5 Conviction of a felony or crime of moral turpitude;

6.3.4.6 Release of confidential information without authorization;

6.3.4.7 Abandonment of position;

6.3.4.8 Possession of any pornography or sexually explicit material on school grounds or at school events;

6.3.4.9 Sexual conduct towards a minor;

6.3.4.10 Any grounds identified in California Education Code Sections 44932 (a), 44836, or 44837;

6.3.4.11 Being charged with an optional or mandatory leave of absence offense as defined by California Education Code Section 44940.

**6.4 Reference to or Reliance Upon California Education Code**

The parties expressly agree that those provisions of the California Education Code for certificated discipline (suspension or dismissal) and interpreting case law do not apply to GPA except as provided herein.