

**San Diego Education Association
Proposal To The
Gompers Preparatory Academy**

ARTICLE 6: DISCIPLINE AND DISMISSAL

**SDEA Counter Proposal Passed November 22, 2019
GPA Counter Proposal Passed October 29, 2019
SDEA Proposal Passed May 16, 2019**

***** Proposed as a package with Article 7: EMPLOYMENT STATUS, Article 9: HOURS,
Article 10: WAGES, and Article 14: CLASS SIZE *****

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 ~~Except when the unit member's conduct is egregious, GPA shall utilize a progressive discipline procedure as set forth in this Article. In cases of egregious conduct, the Director may issue discipline, up to and including suspension or termination, without having exhausted any of the steps of progressive discipline. 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)

~~6.2.1.4 Unpaid suspension in accordance with Section 6.3~~

~~6.2.1.5 Termination in accordance with Section 6.3~~

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~~ Termination 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 Grounds for Discipline

Grounds for discipline pursuant to this Article shall include the following:

- 6.4.1 Fighting, violence, or engaging in conduct that is disrespectful, intimidating or retaliatory while on GPA premises, performing GPA work or attending GPA-sponsored events.
- 6.4.2 Inappropriate physical contact with a student or students including but not limited to corporal punishment, tugging or pulling on clothing or backpacks, shoving, pushing, pulling or grabbing, throwing objects at students, shoving objects into students or giving “wet willies”.
- 6.4.3 Using profanity or disrespectful or intimidating language while on GPA premises, performing GPA work or attending GPA-sponsored events.
- 6.4.4 Failing, refusing, or being unwilling to teach GPA-approved curriculum and teach, uphold and participate in GPA culture.
- 6.4.5 Teaching curriculum or culture or engaging in conduct that is contrary to GPA’s mission, practices or culture, including but not limited to any conduct which negatively impacts the student’s relationship with GPA or grooming.

instigating, manipulating or encouraging GPA students to break school rules or violate the Code of Conduct.

6.4.6 Failing or refusing to support or enforce GPA's code of conduct for GPA students.

6.4.7 Falsifying or altering GPA records or student achievement data.

6.4.8 Divulging confidential or protected student information including but not limited to student identifying information, student discipline, individual student data, student medical information, and/or student personal information without written permission from GPA.

6.4.8.1 This section does not apply to unit members who are counselors or nurses operating in the course and scope of their employment, or as required by law.

6.4.9 Unauthorized use of GPA property or supplies.

6.4.10 Unsatisfactory performance, as indicated by an overall composite evaluation score of inadequate.

6.4.11 Failing to obtain or maintain necessary credentials.

6.4.12 Being unfit for service, including the inability to appropriately instruct students or associate with students except to the extent prohibited by law.

6.4.13 Insubordination.

6.4.14 Falsifying or concealing information on employment records, employment information, an employment application, time record, or other GPA record.

6.4.15 Willfully or maliciously making false or untruthful statements to GPA Leadership.

6.4.16 Theft or the deliberate or careless damage or destruction of GPA property, or the property of GPA's employees or students or anyone on GPA property.

6.4.17 Possessing weapons on GPA property at any time, while performing work for GPA or while acting on behalf of GPA.

6.4.18 Possession of, being under the influence of, or using cannabis, products contain cannabis or CBD, e-cigarettes, vaping products, tobacco products, controlled substances, unless prescribed for the unit member, illegal drugs or alcohol on GPA grounds, while performing any professional duties or when publicly representing GPA, such as at a professional conference.

6.4.19 Engaging in criminal conduct on GPA grounds, while performing GPA duties or when publicly representing GPA.

6.4.20 Negligent conduct or willful misconduct leading to the endangerment or harm of a GPA student or students.

6.4.21 Excessive tardiness and absenteeism or being untruthful about the reasons for tardies and absenteeism, except as prohibited by law and allowed by the collective bargaining agreement.

6.4.22 Possession of, sharing, viewing or accessing pornographic, explicit, adult or sexually suggestive images or otherwise inappropriate content on GPA grounds or property, while working for GPA or while acting on behalf of GPA. This includes sharing with student(s) content which is not appropriate for the student(s)' age(s).

6.4.23 Violation of any GPA policies, practices or procedures.

6.5 Written Documentation of Disciplinary Actions

6.7.1 Within ten (10) work days of placing any discipline documentation in a unit member's personnel file, GPA will provide a copy to that unit member.

6.7.2 The unit member shall have the right to submit a written response to the discipline document provided to the unit member pursuant to Article 6.7.1 within ten (10) work days of receipt to be included in the unit member's personnel file. Any response not received within the time limit will not be placed in the unit member's personnel file.

6.6 Paid Administrative Leave

GPA reserves the right to place a unit member on paid administrative leave at its discretion.