

Scope of Policy

This policy does not address the nonrenewal of an individual employment contract under either section 118.22 or section 118.24 of the state statutes. The Board specifically intends that (1) discharge involving termination of an existing employment contract, and (2) the nonrenewal of an employment contract at the conclusion of the contract's term (even when the nonrenewal decision gives consideration to the employee's conduct/performance) are distinct concepts and involve distinct and different procedures.

Nothing in this policy shall be interpreted to supersede the valid and enforceable terms of an employment contract that the Board has executed with an employee.

Discipline

To the extent consistent with applicable law, disciplinary consequences may be imposed against an employee in appropriate circumstances, including for conduct, action, or inaction that the District determines is sufficiently detrimental to the interests of the District and/or the District's students; for violations of statutes, regulations, policies, or procedures; for failure to meet supervisory directives or expectations; or for unsatisfactory job performance.

Where no statute, regulation, contract, or Board policy requires the Board to make the final disciplinary decision, the District Administrator and/or any appropriate administrative-level or supervisory-level designee, as determined by the District Administrator, may determine the disciplinary action to be taken against an employee. However, the authority to make the decision to discharge a District employee for disciplinary reasons is more specifically addressed in the next section of this policy.

The substantive standard applicable to the imposition of discipline shall be the standard (if any) expressly identified in the *Employee Handbook* for the situation in question, provided that such disciplinary action is also otherwise consistent with the District's and the employee's respective rights and obligations under applicable law and under any contract held by the employee. If no disciplinary standard is expressly set forth in the *Employee Handbook* that is applicable to

the specific situation, then discipline shall meet the minimum requirement that it shall not be unlawful or arbitrary and capricious.

Typically, disciplinary action will involve any of four actions: verbal warning, written warning / reprimand, suspension with or without pay, and termination of employment.

Discharge for Disciplinary Reasons

Whenever a District employee holds a written, individual employment contract for a specified term, the Board, rather than the administration, shall make any disciplinary decision to discharge the employee and terminate the contract.

Where no statute, regulation, contract, or separate Board policy requires the Board to make the final disciplinary decision to discharge an employee, the District Administrator may take final action to discharge an employee for disciplinary reasons.

Not every termination of the employment relationship short of an express retirement or resignation shall be considered a discharge. For example, in appropriate circumstances, job abandonment reasonably may be construed as a voluntary quit, rather than a disciplinary discharge.

Administrative Leave

The District Administrator or an appropriate administrative-level or supervisory-level designee, as determined by the District Administrator, may place an employee on a non-disciplinary, paid administrative leave pending the further investigation or further resolution of a potentially-disciplinary matter.

In appropriate circumstances, an employee may also be involuntarily suspended under this policy without pay pending the further investigation or further resolution of a pending matter, but such involuntary suspension without pay shall itself be considered disciplinary action in at least those situations where the employee is otherwise available for and willing to work.

Applicability of Grievance Procedure

If an employee is disciplined, such adverse employment action is subject to processing through the grievance procedure that the District has adopted pursuant to section 66.0509(1m) of the state statutes.

Legal References:

Wisconsin Statutes

[Section 66.0509\(1m\)](#) [public employer grievance procedures covering termination, discipline, and workplace safety]

[Section 118.21](#) [teacher contracts]

[Section 118.22](#) [nonrenewal of teacher contracts]

[Section 118.24](#) [administrator contracts and nonrenewal]

Adopted: 12/21/20