

# Idaho State Board of Education

## GOVERNING POLICIES AND PROCEDURES

### SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES

#### Subsection: L. Discipline - Adequate Cause – All Employees

December 2008

##### 1. Classified Employees

Classified employees are subject to discipline, up to and including dismissal, as provided for in Chapter 53, Title 67, Idaho Code and the rules of the State Division of Human Resources.

##### 2. Non-classified Employees

All University of Idaho classified employees, and all non-classified employees (including all faculty employees) of the Board or of any Board governed agency or institution are subject to discipline, up to and including dismissal, for adequate cause.

##### 3. Definition

“Adequate cause” means one (1) or more acts or omissions which, singly or in the aggregate, have directly and substantially affected or impaired an employee’s performance of his professional or assigned duties or the interests of the Board, institution or agency. In addition, any conduct seriously prejudicial to the Board, an institution or agency may constitute adequate cause for discipline, up to and including dismissal. Examples include, but are not limited to, one or more instances of sexual harassment or other form of harassment prohibited by law; immorality; criminality; dishonesty; unprofessional conduct; actions in violation of policies, directives, or orders of the Board, an institution or agency; unsatisfactory or inadequate performance of duties, or failure to perform duties.

##### 4. Procedures

In each case the issue of whether or not adequate cause exists should be determined fairly by the institution or agency recognizing and affording protection to the rights of the employee and to the interests of the Board and its institutions or agencies.

- a. Discipline, up to and including dismissal, of employees before the expiration of the stated period of appointment or employment contract will be only for adequate cause, as determined by the appropriate administrative officers to whom this responsibility is delegated by the Chief Executive Officer of the institution. Each institution or agency shall have a process that provides employees with written notice of contemplated discipline and an opportunity to be heard. The employee may be placed on administrative leave with pay until he or she has exercised the opportunity to respond, or declined, either affirmatively or through inaction to do so, and the recommendation has been acted upon by the Chief Executive Officer or designee.

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The Chief Executive Officer or designee must notify the employee of the recommendation and proceed in the following manner:

- (1) The notice must be in writing, and may be personally served upon the employee, or be sent by first-class mail, postage pre-paid, to the employee at the last known address on file for the employee.
  - (2) The notice must contain a concise statement of the reasons and nature of the discipline.
  - (3) Each institution or agency shall provide for internal grievance procedures in addition to the foregoing in accordance with Section II.M., Grievance and Appeal Procedure. Except as set forth in Section II.M, discipline, up to and including dismissal may be effective prior to the initiation by the employee of the internal grievance procedure.
- b. Upon receipt of the final findings and recommendations, including those resulting from an internal grievance, an employee may file an appeal with the Board as set forth in Section II.M. The Board may, if it chooses to hear an appeal, by a majority of the total membership, approve, reject, or amend such findings, recommendations, or suggestions, if any, or may remand the matter for additional evidence, recommendations, or suggestions, if any. Reasons for approval, rejection, or amendment of such findings, recommendations, or suggestions will be stated in writing and communicated to the employee. The Board may employ a hearing officer for carrying out the Board's duties under this paragraph.
- c. If, under extraordinary circumstances, the Board itself initiates discipline, up to and including dismissal, against an employee, it must, by majority vote, direct the Chief Executive Officer or any other administrator as may be appropriate to follow established procedures for discipline of the employee.