

**PROFESSIONAL ADMINISTRATIVE STANDARDS**

**Policy Statement**

It is the policy of the Board of Trustees that all management and supervisory employees shall, at all times, conduct themselves in a manner consistent with a professional educator. The purpose of this policy is to develop a procedure to help enforce those standards and to ensure that the Capistrano Unified School District administration exemplifies the ideals of employment and administration.

**Professional Standards**

The expectation of management is to uphold the public trust and responsibility placed in them in the positions they are assigned. Abuses, misuses, or derelictions of such duties suffice as grounds for disciplinary action under this policy. In addition to any disqualifying or actionable causes otherwise provided for by statute, policy, or administrative regulation, each of the following constitute cause for disciplinary action against a classified management or confidential employee:

1. Incompetency.
2. Unsatisfactory performance.
3. Inefficiency.
4. Neglect of duty or poor performance.
5. Inattention to or dereliction of duty.
6. Discourteous, abusive, or threatening treatment of the public, fellow employees or students.
7. Dishonesty.
8. Immoral conduct.
9. Improper political activity.
10. Willful disobedience.
11. Misuse of District property.
12. Violation of District, Board, or departmental rule, policy or procedure.
13. A physical or mental disability which precludes the employee from the proper performance of his/her duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law regulating the retirement of employees.

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14. Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age against students, the public, or other employees while acting in the capacity of a District employee.
15. Unlawful retaliation against any student, other District office or employee or member of the public who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on the job or directly related thereto.
16. Committing or threatening to commit an act of violence in the workplace.
17. Any other failure of good behavior either during or outside of duty hours which is of such nature that it causes discredit to the District or to his/her employment.

**Procedure**

1. Any act or omission by an employee covered by this policy which is deemed by the immediate supervisor to warrant consideration for suspension should be reported immediately to the Superintendent or designee for review.
2. If the Superintendent or designee determines the action or omission warrants imposition of discipline, the matter shall be referred to the Superintendent with a recommendation.
3. The Superintendent, or designee, shall provide written notice to the employee which shall contain the following:
  - a. The proposed discipline and effective date
  - b. A statement of the specific act or omission upon which the proposed disciplinary action is based
  - c. A copy of the written documents upon which the discipline is based
4. The Superintendent, or designee, shall meet with the employee prior to the imposition of discipline to provide the employee an opportunity to or respond to the charges being alleged.
5. The Superintendent, or designee, shall within 10 days of the meeting, as noted in (4), notify the employee of the action to be taken.
6. The employee may request the matter be heard by the Board of Trustees. Such requests shall be made in writing to the Superintendent or designee within five calendar days of receipt of the response, as noted above. Such hearing will be held under the following rules:

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- a. The matter shall be discussed in closed session unless open session is requested by the affected employee.
  - b. The employee shall be invited into the Closed Session to provide information to the Board and the Board may ask any questions of the employee.
  - c. The employee will then be excused so that the Board may deliberate and come to a decision.
  - d. The employee will be notified of the Board's decision in writing.
7. Within five calendar days after receiving the Board's decision, the employee may request an evidentiary hearing by filing a written request with the Superintendent or designee. If the employee fails to file a notice of appeal within the specified time he/she shall be deemed to have waived his/her right to appeal.
  8. All disciplinary hearings shall be heard by a hearing officer appointed by the Board, except in those cases where the Board determines to hear the appeal itself. In any case in which the Board hears the appeal, the Board may use the services of counsel as a hearing officer in ruling upon procedural questions, objections of evidence, and issues of law. If the appeal is heard by the Board, the Board may affirm, modify, or rescind the recommended disciplinary action.
  9. If the appeal is heard by a hearing officer, he/she shall prepare a proposed decision in a form that may be adopted by the Board as its decision in the matter.
  10. The decision of the Board shall be certified to the Superintendent or designee and he/she shall enforce and follow this decision. A copy of the decision shall be delivered to the employee or his/her designated representative personally or by registered mail. The decision of the Board shall be final.

**General Provisions**

1. This policy is not intended to replace or limit the District's rights under California law or other existing policies regarding other employment actions including but not limited to oral and written reprimands, releases, reassignment, and dismissal proceedings.
2. All actions taken under this policy shall be handled in as confidential a manner as possible.