

**I. Policy Statement**

The Board of Education believes that all employees will conduct themselves in accordance with standards of behavior that reflect the educational and human relations philosophies of the Howard County Public School System (HCPSS). The Board values the important role that exemplary employee conduct and quality performance provide to the achievement of a safe, inclusive, and nurturing environment.

All employees are expected to perform their duties and responsibilities in a professional manner. In the event that an employee fails to meet expectations in the performance of duties or of professional conduct, uniform and consistent application of disciplinary action will be applied.

**II. Purpose**

The purpose of this policy is to articulate expectations for employee conduct and establish standards to achieve the Board's goal of providing a safe, inclusive, and nurturing environment within the HCPSS. The policy also establishes employee discipline procedures to guide responses in cases of alleged misconduct.

**III. Definitions**

Within the context of this policy, the following definitions apply:

- A. Administrative Leave With Pay – An assigned status that relieves an employee of specified responsibilities but allows them to keep their regular compensation package. Administrative leave is not a disciplinary action.
- B. Dismissal – Discharge from employment.
- C. Due Process – A procedure by which an employee suspected of wrong-doing is given notice of the allegations, an explanation of the evidence, and an opportunity to respond to the allegations.
- D. Employee Assistance Program (EAP) – A referral and treatment program designed to identify employee needs and provide subsequent referral recommendations and services as needed in the areas including, but not limited to, drug and substance abuse, alcoholism, and family or financial problems. Referral to EAP is not a disciplinary action.

- E. Fitness for Duty Evaluation – An evaluation of an employee’s emotional, mental, or physical health status to determine whether they are able to safely perform their job duties. A Fitness for Duty Evaluation is not a disciplinary action.
- F. Immorality – An act or course of conduct or behavior that conflicts with generally held moral principles of the community and is not in keeping with the standards expected of individuals who are employed by the HCPSS.
- G. Incompetence – Lacking in knowledge, skills, ability, or failing to adequately perform the duties and responsibilities of an assigned position.
- H. Insubordination – Failure to follow a valid directive from a person in a position of authority.
- I. Letter of Reprimand – A written statement notifying an employee that there has been a serious or repeated violation of expected conduct or performance and which will be made a part of the employee’s personnel file.
- J. Misconduct in Office – Any wrongdoing by an employee in relation to the duties and responsibilities of his/her assigned position.
- K. Oral Warning – A statement spoken to an employee indicating that his/her conduct or performance fails to meet an acceptable level.
- L. Progressive Discipline – A discipline system that uses a graduated range of responses to employee misconduct and permits an administrator to tailor discipline to the particular circumstances of a case.
- M. Suspension – The temporary removal for disciplinary reasons, without pay, of an employee from his/her assignment.
- N. Willful Neglect of Duty – Failure to knowingly follow a requirement of public school law, Board policies, and HCPSS procedures, school system directives, or job duties and responsibilities.
- O. Written Warning – A written statement to an employee which indicates that conduct or performance fails to meet an acceptable level and which will be made a part of the employee’s personnel file.

#### **IV. Standards**

- A. Employees will perform their duties and responsibilities in a satisfactory manner and will exhibit the professional conduct necessary to meet these expectations.
- B. Employees will exhibit professional conduct and will model responsible citizenship during work hours as well as during off-duty hours.

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- C. Employees will use the internet, email, and other electronic communication in an appropriate manner at all times.
- D. The Board recognizes that any disciplinary action needed will conform to the standards established for employees by law, regulation, policy, and duties and responsibility of the HCPSS. Appropriate disciplinary action for all employees may include suspension or dismissal of the employee.
- E. The Board recognizes the following as reasons that might warrant imposition of disciplinary action. This list is not all inclusive.
1. Immorality
    - a. Immodest, lewd, obscene conduct or language that renders the employee unfit for the performance of his/her duties
    - b. Inducing students or others to participate in, or commit an act or acts, which are immodest, indecent, or obscene
    - c. Conduct contributing to the delinquency of a minor
    - d. Child abuse or neglect
    - e. Criminal conduct
    - f. Violent behavior
    - g. Conduct negatively affecting an employee's fitness to perform their duties and responsibilities, including serving as a role model for students.
  2. Misconduct in office
    - a. Knowingly failing to report suspected child abuse
    - b. Sexual harassment (Policy 1020 Sexual Harassment)
    - c. Intimidation of students, staff, or citizens at large, including use of racial slurs and/or other derogatory remarks
    - d. Bullying, cyberbullying, or harassment of students, staff, or citizens at large (Policy 1060 Bullying, Cyberbullying, Harassment, or Intimidation)
    - e. Theft and misuse or negligent treatment of Board property
    - f. Disclosing confidential information to unauthorized persons
    - g. Inappropriate relationships with students or parents, such as romantic, emotional, and sexual grooming or interactions
    - h. Dating and/or having a sexual relationship with a student
    - i. Inappropriate/unprofessional conduct toward or relations with other persons
    - j. Abuse of alcohol and other controlled dangerous substances and possession and use of illegal drugs and controlled dangerous substances (Policy 7040 Alcohol and Other Noncontrolled Substance Abuse by Employees and Policy 7050 Drug Use by Employees: Illegal Drugs, Drug Paraphernalia, and Controlled Substances)
    - k. Falsifying of any school record, report, or school system document
    - l. Financial irregularities (e.g., fraud, embezzlement, bribery, kickbacks, forgery, etc.)

- m. Violation of ethics standards and/or regulations (Policy 2070 Ethics)
  - n. Disorderly conduct on school property or while on duty to include fighting, threatening, and/or attempting to inflict bodily harm on another person
  - o. Possession of firearms or other weapons on Board of Education property
  - p. Inappropriate use of email, internet, or other electronic communication
  - q. Violation of student data governance and privacy standards (Policy 3060 Student Data Governance and Privacy).
3. Insubordination
- a. Failure to perform all work and duties assigned by a supervisor/administrator in charge
  - b. Failure to follow the written or verbal instruction of a supervisor/administrator.
4. Incompetence
- a. Failing to complete work assignments
  - b. Performing work assignments in an inappropriate or unsatisfactory manner.
5. Willful neglect of duty
- a. Unexcused absences
  - b. Excessive tardiness
  - c. Unauthorized absence or misuse of leave
  - d. Failure to follow specified courses of study adopted by the Board of Education
  - e. Failure to follow policies adopted by the Board of Education and HCPSS implementation procedures.
- F. Because administrators and supervisors do not hold tenure in their positions, they may be reassigned to positions, including positions of lower rank and pay, without cause.
- G. An employee may be subject to disciplinary action for conduct that violates this policy regardless of whether the conduct occurred outside of work or whether it resulted in criminal prosecution or conviction.
- H. If an employee fails to conform to this policy, administrators and supervisors will take appropriate action to resolve the situation.
- I. Any employee will receive due process before the imposition of any discipline.
- J. Progressive discipline used in the HCPSS encompasses the following kinds of disciplinary action, any of which are available and will be used in accordance with the circumstances of the situation. The specific actions taken will be based on the circumstances involved in the case.

1. Oral Warning
2. Written Warning
3. Letter of Reprimand
4. Suspension
5. Dismissal.

- K. Supervisors and administrators may require an employee to undergo an evaluation for Fitness for Duty or be referred to the Employee Assistance Program (EAP) by the Superintendent/Designee to ensure that the employee is able to discharge their duties without harm to themselves or others.

A Fitness for Duty Evaluation or an EAP referral is not disciplinary action.

- L. The Superintendent/Designee may place an employee on administrative leave with pay when it is determined to be in the best interest of the HCPSS.

## **V. Responsibilities**

- A. The Superintendent/Designee will investigate alleged violations of this policy and take appropriate disciplinary action in accordance with this policy.
- B. Supervisors and administrators will take appropriate disciplinary action in accordance with this policy.
- C. The Office of Human Resources will ensure that all newly hired employees receive notification of this policy.
- D. The Superintendent/Designee will ensure that all employees are made aware of policy. Policy updates will be posted on the HCPSS website.

## **VI. Delegation of Authority**

The Superintendent is authorized to develop appropriate procedures to implement this policy.

## **VII. References**

- A. Legal  
The Annotated Code of Maryland, Education Article, Section 4-205  
The Annotated Code of Maryland, Education Article, Section 6-202
- B. Other Board Policies  
Policy 1000 Civility  
Policy 1020 Sexual Harassment  
Policy 1030 Child Abuse and Neglect  
Policy 1060 Bullying, Cyberbullying, Harassment, or Intimidation  
Policy 2070 Ethics

Policy 3040 Technology Security  
Policy 3060 Student Data Governance and Privacy  
Policy 7040 Alcohol and Other Noncontrolled Substance Abuse by  
Employees  
Policy 7050 Drug Use by Employees: Illegal Drugs, Drug Paraphernalia, and  
Controlled Substances  
Policy 8080 Responsible Use of Technology and Social Media  
Policy 8120 Testing: State and Local Responsibilities and Protocols  
Policy 9050 Student Records

C. Relevant Data Sources

D. Other

Master Agreement Between the Board of Education and the American Federation of  
State, County and Municipal Employees  
Master Agreement Between the Board of Education and Educational Support  
Professionals  
Master Agreement Between the Board of Education and the Howard County  
Administrators Association  
Master Agreement Between the Board of Education and the Howard County  
Education Association

## **VIII. History**

ADOPTED: March 14, 1996  
REVIEWED:  
MODIFIED: September 6, 2018  
REVISED: June 10, 2010  
EFFECTIVE: September 6, 2018

**EMPLOYEE CONDUCT AND DISCIPLINE**

Effective: September 6, 2018

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**I. Discipline Guidelines**

If an employee fails to meet expected standards of job performance, disciplinary action will be taken. The following guidelines will be employed in the Howard County Public School System (HCPSS):

- A. All employee disciplinary information will be kept strictly confidential and consistent with federal and state law. Only HCPSS personnel, with a need to know, will have access to employee disciplinary information.
- B. Progressive discipline will guide disciplinary actions. However, not all steps of progressive discipline need to be taken before more serious actions can be taken.
- C. During a personnel investigation, the Superintendent/Designee has authority to make changes in regular assignments, to temporarily reassign employees to positions, or to place an employee on administrative leave with pay.

**II. Violations**

If an employee does not meet the expected standards of job performance, several types of infractions could warrant disciplinary action. These infractions are cited below by category and include examples. The list is not inclusive and the examples may apply to more than one category.

- A. Immorality
  - 1. Immodest, lewd, obscene conduct or language that renders the employee unfit for the performance of his/her duties
  - 2. Inducing students or others to participate in, or commit an act or acts, which are immodest, indecent, or obscene
  - 3. Conduct contributing to the delinquency of a minor
  - 4. Child abuse or neglect
  - 5. Criminal conduct
  - 6. Violent behavior
  - 7. Conduct negatively affecting an employee's fitness to perform their duties, including serving as a role model for students.
- B. Misconduct in Office
  - 1. Knowingly failing to report suspected child abuse

2. Sexual harassment (Policy 1020 Sexual Harassment)
3. Intimidation of students, staff, or citizens at large, including use of racial slurs and/or other derogatory remarks
4. Bullying, cyberbullying, or harassment of students, staff, or citizens at large (Policy 1060 Bullying, Cyberbullying, Harassment, or Intimidation)
5. Theft and misuse or negligent treatment of Board of Education property
6. Disclosing confidential information to unauthorized persons
7. Inappropriate relationships with students or parents, such as romantic, emotional, and sexual grooming or interactions
8. Dating and/or having a sexual relationship with a student
9. Inappropriate/unprofessional conduct toward or relations with other persons
10. Abuse of alcohol and other controlled dangerous substances and possession and use of illegal drugs and controlled dangerous substances (Policy 7040 Alcohol and Other Noncontrolled Substance Abuse by Employees and Policy 7050 Drug Use by Employees: Illegal Drugs, Drug Paraphernalia, and Controlled Substances)
11. Falsifying of any school record, report, or school system document
12. Financial irregularities (e.g., fraud, embezzlement, bribery, kickbacks, forgery, etc.)
13. Violation of ethics standards and/or regulations (Policy 2070 Ethics)
14. Disorderly conduct on school property or while on duty to include fighting, threatening, and/or attempting to inflict bodily harm on another person
15. Possession of firearms or other weapons on Board of Education property
16. Inappropriate use of email, internet, or other electronic communication
17. Violation of student data governance and privacy standards (Policy 3060 Student Data Governance and Privacy).

C. Insubordination

1. Failure to perform all work and duties assigned by a supervisor/administrator in charge
2. Failure to follow the written or verbal instruction of a supervisor/administrator.

D. Incompetence

1. Failing to complete work assignments
2. Performing work assignments in an inappropriate or unsatisfactory manner.

E. Willful Neglect of Duty

1. Unexcused absences
2. Excessive tardiness
3. Unauthorized absence or misuse of leave
4. Failure to follow specified courses of study adopted by the Board of Education



5. Failure to follow policies adopted by the Board of Education and HCPSS implementation procedures.

### **III. Disciplinary Investigation Process**

When disciplinary action is warranted, an investigation of the circumstances of the case will be employed, as described below.

- A. An investigation will precede any disciplinary action. Investigations are usually conducted by the employee's immediate supervisor; however, an administrator with superseding authority may assume investigatory responsibilities or assign other central office personnel to pursue the investigation.
  1. It may be necessary for administrators conducting an investigation to make credibility determinations regarding alleged victims, wrong doers, and witnesses.
  2. It is legal for an administrator to base a discipline decision upon a belief that a particular individual is being truthful or not. Accordingly, if the individuals have different versions, and if the administrator finds one individual to be more credible than the other, the administrator may take action and impose discipline.
- B. Administrative Leave With Pay During an Investigation

HCPSS has the authority to implement administrative leave with pay for any reason because administrative leave is not disciplinary action and administrative leave does not affect the financial interests of an employee.
- C. Due Process
  1. Any employee will receive due process before the imposition of any discipline.
  2. In most cases, a due process meeting with the employee should be conducted at the end of an investigation. This allows the investigating administrator to review and use all of the information, evidence, documents, etc., obtained during the investigation, enabling the administrator to conduct a better interview and to more accurately assess the employee's responses. It also ensures that the administrator will be able to provide the employee with the opportunity to respond to all the allegations that arose during the investigation.
  3. If the due process interview is held before the end of the investigation, the administrator will re-interview the employee prior to taking disciplinary action if any new allegations arise after the previous interview. During this

meeting the employee will be given the opportunity to respond to the new allegations.

D. Resolution

1. Following the Due Process meeting, the administrator will review the case to determine next steps. These steps may include:
  - a. Closing of the matter without discipline
  - b. Imposition of disciplinary action
  - c. Further investigation
  - d. Conferral with other school system officials.
2. The employee will receive timely notice of next steps. If a disciplinary decision is issued, the employee will receive written notice of the decision along with any appeal rights. The written notice will be copied to the employee's personnel file and to supervising administrators who have a need to know.

**IV. Discipline/Administrative Leave Authority Based on Employee's Job Classification**

School-based administrators and supervisors throughout the HCPSS will respond to employee discipline issues based on the employee's job classification, as described below.

A. Principals

1. The Chief of School Management and Instructional Leadership or Community Superintendent is responsible for addressing discipline issues involving a principal.
2. The Chief of School Management and Instructional Leadership or Community Superintendent has authority to place a principal on administrative leave with pay, with notification to the Superintendent/Designee.
3. Principals may only be suspended without pay or terminated upon recommendation by the Superintendent and approval by the Board.
4. If the Superintendent recommends suspension without pay or termination, the Board will provide the employee written notification of the charges and will give the employee an opportunity to request a hearing within ten days, in accordance with the Annotated Code of Maryland, Education Article, Section 6-202.

B. Assistant Principals

1. The principal is responsible for addressing discipline issues involving an assistant principal and will inform the Chief of School Management and Instructional Leadership or Community Superintendent of all disciplinary actions concerning an assistant principal.
2. The Chief of School Management and Instructional Leadership or Community Superintendent has authority to place an assistant principal on administrative leave with pay, with notification to the Superintendent/Designee.
3. If suspension without pay or termination is to be imposed, the discipline procedures outlined in Section IV.A.3.-4. for principals, will be applied.

C. School-based Certificated Employees

1. School-based administrators will respond to all incidents or alleged incidents of misconduct by either investigating and taking disciplinary action, or by conferring with the Chief of School Management and Instructional Leadership or Community Superintendent, based on the incident and type of discipline appropriate to the circumstances.
2. School-based administrators are responsible for:
  - a. Providing counseling
  - b. Issuing oral or written warnings
  - c. Issuing written letters of reprimand
  - d. Directing an employee to leave the school site.
3. School-based certificated employees may only be placed on administrative leave with pay by the Chief of School Management and Instructional Leadership or Community Superintendent.
  - a. When a principal or other designee outlined in Appendix A is aware of a disciplinary case that has the potential to involve a suspension without pay or termination (due to the seriousness of the incident or the employee's prior conduct), he or she must inform the Chief of School Management and Instructional Leadership or Community Superintendent to obtain review by the Superintendent/Designee.
  - b. If the discipline imposed is a suspension without pay or termination, the discipline and confirming letter will be administered through the Superintendent's office in consultation with legal counsel.

- c. When an employee is returning to a school or other job site, from a period of administrative leave or suspension, the supervisor will, as appropriate:
        - i. Address school-based issues
        - ii. Address transition issues upon the employee's return to school
        - iii. Follow up and monitor the employee's performance after return to work (which may involve an action plan)
        - iv. Consider the discipline imposed in evaluating the employee's performance for the year.
    4. If suspension without pay or termination is to be imposed, the discipline procedures outlined in Section IV.A.4. for principals will be applied.
  - D. Central Office Certificated Employees
    1. The employee's immediate supervisor is responsible for addressing discipline issues involving a central office certificated employee.
    2. The Superintendent/Designee has the authority to place a certificated central office employee on administrative leave with pay.
    3. If suspension without pay or termination is to be imposed, the discipline procedures outlined in Section IV.C.3.-4. for school-based certificated employees will be applied.
  - E. School-based Support Employees
    1. Discipline/administrative leave authority for school-based support employees is outlined in Appendix A.
    2. A school-based support employee may appeal a disciplinary decision issued under this section by submitting a written notice to the Superintendent/Designee. This notice must be received by the Superintendent/Designee within ten calendar days of the date of the discipline decision.
      - a. The Superintendent/Designee, under the Annotated Code of Maryland, Education Article, Section 4-205, will hear and decide the appeal, in consultation with legal counsel.
      - b. The employee, if dissatisfied with the decision from the Superintendent/Designee, may appeal to the Board by submitting a written notice to the Board. This notice must be received in the Board

Office within 30 calendar days from the date of the Superintendent/Designee's decision.

F. Non-School Based Support Employees

1. Discipline/administrative leave authority for non-school based support employees is outlined in Appendix B.
2. A non-school based employee may appeal a disciplinary decision issued under this section by submitting a written notice to the Superintendent/Designee. This notice must be received by the Superintendent/Designee within ten calendar days of the date of the discipline decision.
  - a. The Superintendent/Designee, under the Annotated Code of Maryland, Education Article, Section 4-205, will hear and decide the appeal in consultation with legal counsel.
  - b. The employee, if dissatisfied with the decision from the Superintendent/Designee, may appeal to the Board by submitting a written notice to the Board. This notice must be received in the Board Office within 30 calendar days from the date of the Superintendent/Designee's decision.

G. Administrative, Management, and Technical Staff (AMT)

1. Immediate supervisors are responsible for addressing discipline issues involving a member of the Administrative, Management, and Technical (AMT) employee group.
2. The supervisor has authority to place a member of the AMT employee group on administrative leave with pay.
3. A suspension without pay or termination will only be issued by the Superintendent/Designee.
4. An employee may appeal a disciplinary decision issued under this section by submitting a written notice to the Superintendent/Designee. This notice must be received within ten calendar days of the date of the disciplinary decision.
5. An employee, if dissatisfied with the decision from the Superintendent/Designee, may appeal to the Board by submitting a written notice to the Board. This notice must be received in the Board Office within 30 calendar days from the date of the Superintendent/Designee's decision.

**V. EAP and Fitness for Duty Evaluations**

In the event that an administrator is concerned that an employee's emotional or mental state presents a danger to the employee or others, Employee Assistance Program (EAP) or Fitness for Duty Evaluations may be implemented.

- A. An employee may be directed to the EAP or to a Fitness for Duty Evaluation, after authorization by the Superintendent/Designee.
- B. An employee's participation in EAP, or any other counseling program, is a confidential matter. The content of an employee's EAP or counseling sessions is not a legitimate area of interest or information to an administrator.
- C. Employees will be required to follow the recommendations of their EAP referral or fitness for duty evaluation and will provide HCPSS with all necessary releases to certify that they have complied with the recommendations. Failure to comply with these recommendations may result in disciplinary action.

**VI. History**

ADOPTED: March 14, 1996  
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