

Administrative Guidelines:



Employee Code of Excellence



Whitman-Hanson Regional School District

VERSION CONTROL

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ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



INTRODUCTION



610 Franklin Street
Whitman, MA 02382
Phone 781-618-7000
Fax 781-618-7099
TTY 781-618-7402
Web: www.whrsd.org

Dear Whitman-Hanson Regional School District Employee:

The Whitman-Hanson Regional School District (WHRSD) maintains and upholds high standards for employee ethics, conduct, and professional competency. Traditionally, these standards and expectations have been embedded in District policies, job descriptions, handbooks, and collective bargaining agreements. The WHRSD Employee Code of Conduct (ECOC) is the consolidation of employee standards into one document as a tool for assisting all staff in understanding and meeting professional expectations.

The WHRSD Employee Code of Conduct (ECOC) was developed by a team of District representatives to provide all employees with a better understanding of:

- The District's expectations for ethical staff behavior defined in the ECOC;
- Their responsibilities to our communities for meeting these expectations;
- The types of incidents that demonstrate a failure to meet these expectations;
- The rationale for the District's approach to staff misconduct; and
- Their rights before, during, and after any disciplinary action, where applicable.

Where applicable, disciplinary action will be taken:

- In accordance with federal laws, the Massachusetts General Laws (MGL), WHRSD policies, and applicable collective bargaining agreements;
- In a reasonable, fair, and consistent manner; and
- Without regard to race, creed, color, gender, gender identity, age, national origin, military status, disability, economic status, or any other basis in federal or state law in accordance with WHRSD policy GBA.

The ECOC does not establish new policies or procedures in these areas of staff conduct and employee discipline. In addition, the ECOC is not a substitute for good judgment, nor does it cover every possible conduct or disciplinary situation that may be encountered by a staff member or employee during his or her employment in the District.

If you have questions or concerns about any specific action or behavior, please consult your direct supervisor or the Superintendent's Office.

Sincerely,

A handwritten signature in blue ink that reads "Ruth C. Gilbert-Whitner".

Ruth C. Gilbert-Whitner, ED.D
Superintendent, Whitman-Hanson Regional School District

**ADMINISTRATIVE GUIDELINES:
EMPLOYEE CODE OF EXCELLENCE (WHRSD)**



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ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



1.0 STATEMENTS OF PURPOSE AND INTENT

The following administrative statements were developed to assist all employees of Whitman-Hanson Regional School District (herein "WHRSD" or "District") in understanding the purpose and intent of the *Employee Code of Excellence* (herein "ECOE").

PURPOSE OF THE EMPLOYEE CODE OF EXCELLENCE

The purpose of the ECOE is to ensure that each staff member is aware of his or her responsibility for supporting the mission, vision, ethical philosophy and goals of the District:

- **Mission.** We believe our schools [WHRSD AD]:
 - Make all decisions in the best interest of students.
 - Are committed to providing a safe, secure, and healthy environment.
 - Set high academic standards that provide an opportunity for each student to reach his or her full potential.
 - Embrace personal responsibility and an understanding and respect for others.
 - Provide student-centered learning environments where successes and mistakes are valued as part of the learning process.
 - Support staff initiative, innovation, and professional development.
 - Share the responsibility for education with students, parents and community.
 - Promote broad-based communication and school-family-community partnerships.
 - Utilize technology as an essential part of teaching and learning.
- **Vision.** The Whitman-Hanson Regional School District provides a safe learning environment and comprehensive student-centered learning opportunities that are relevant and challenging. In partnership with all stakeholders, our district is committed to developing a solid academic foundation that emphasizes critical thinking, creativity, and effective communication skills. Each student, as a life-long learner, is prepared to face the challenges of the future with the skills needed to become a responsible citizen.
- **Ethical Philosophy.** The School Committee expects members of its professional staff to be familiar with the code of ethics that applies to their profession and to adhere to it in their relationships with students, parents, coworkers and officials of the District [WHRSD ADDA].
- **Goals.** The School Committee has established the following goals for each of its areas of operation:
 - **School Committee.** The School Committee is responsible to the people for whose benefit the District has been established [WHRSD BA]. The Committee's current decisions will influence the course of education in our schools for years to come [WHRSD BA]. The Committee and each of its members must look to the future and to the needs of all people more than the average citizen finds necessary [WHRSD BA]. This requires a comprehensive perspective and long-range planning in addition to attention to immediate problems [WHRSD BA]. The School Committee's primary responsibility is to establish those purposes, programs, and procedures that will best produce the educational achievement needed by our students [WHRSD BA]. The Committee is charged with accomplishing this while also being responsible for wise management of resources available to the District [WHRSD BA]. The Committee must fulfill these responsibilities by functioning primarily as a legislative body to formulate and adopt policy, by selecting an executive officer to implement policy, and by evaluating the results [WHRSD BA]. It must carry out its functions openly, while seeking the comments of public, students, and staff in its decision-making processes [WHRSD BA]. In accordance with these principles, the technique will involve [WHRSD BA]:
 - Periodically setting performance objectives for the School Committee itself and evaluating their accomplishment.
 - Setting objectives for performance for each position and function in the system.
 - Allowing the people responsible for carrying out objectives to have a role in setting them.
 - Establish practical and simple goals.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



1.0 STATEMENTS OF PURPOSE AND INTENT-CONT'D. *PURPOSE OF THE EMPLOYEE CODE OF EXCELLENCE-CONT'D.*

- Conducting a concrete and periodic review of performance against these goals.
- **Administration.** It is the intent of the School Committee that the District employs qualified personnel to administer the District efficiently and to require the Superintendent to organize the administration in a manner that will make clear the functions of each position and the relationships among them [WHRSD CA]. The Superintendent will establish clear lines of communication, both vertically and horizontally, and will form any staff councils or committees needed to provide for efficient conduct of school business [WHRSD BA]. In order to engage in this process in an orderly and effective fashion, each individual and group will be given particular, clear-cut responsibilities [WHRSD CA]. Channels will be established so that the recommendations and decisions of each group can be heard and reviewed by the chief administrative officer concerned, and, where appropriate, by the Superintendent and School Committee [WHRSD CA]. The organization and administration of the schools will balance responsibility with commensurate authority, subject to the reserved legal powers of the School Committee [WHRSD CA]. This means that a staff member, when assigned a responsibility or a position, will be given the authority to make the decisions necessary to perform the assigned tasks [WHRSD CA]. For the schools to operate effectively, each administrative officer will be responsible and accountable for making a plan of development for all staff assigned to his or her area of operation [WHRSD CA].
- **Fiscal Management.** The quantity and quality of learning programs are directly dependent on the effective, efficient management of allocated funds [WHRSD DA]. It follows that achievement of the District's purposes can best be achieved through excellent fiscal management [WHRSD DA]. As trustee of local, state, and federal funds allocated for use in public education, the Committee will fulfill its responsibility to see that these funds are used wisely for achievement of the purposes to which they are allocated [WHRSD DA]. Because of resource limitations, there is sometimes a temptation to operate so that fiscal concerns overshadow the educational program [WHRSD DA]. Recognizing this, it is essential that the District take specific action to make sure education remains central and that fiscal matters are ancillary and contribute to the educational program [WHRSD DA]. This concept will be incorporated into Committee operations and into all aspects of District management and operation [WHRSD DA]. In the District's fiscal management, it is the Committee's intent [WHRSD DA]:
 - To engage in thorough advance planning, with staff and community involvement, in order to develop budgets and to guide expenditures so as to achieve the greatest educational returns and the greatest contributions to the educational program in relation to dollars expended.
 - To establish levels of funding that will provide high quality education for the students.
 - To use the best available techniques for budget development and management.
 - To provide timely and appropriate information to all staff with fiscal management responsibilities.
 - To establish maximum efficiency procedures for accounting, reporting, business, purchasing and delivery, payroll, payment of vendors and contractors, and all other areas of fiscal management.
- **Facilities.** The School Committee believes that any educational program is influenced greatly by the environment in which it functions [WHRSD FA]. The development of a quality educational program and school facilities that help to implement the program must go hand in hand [WHRSD FA]. Therefore, it is the Committee's goal to provide the facilities needed for the number of students in the District, and to provide the kind of facilities that will best support and accommodate the educational program [WHRSD FA]. In planning facilities, the Committee recognizes that capital outlay funds are limited, and that priorities must be established to make the best use of the school building dollar [WHRSD FA]. The Committee's first objective will be to develop a plan that eliminates overcrowding and minimizes the need

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1.0 STATEMENTS OF PURPOSE AND INTENT-CONT'D. *PURPOSE OF THE EMPLOYEE CODE OF EXCELLENCE-CONT'D.*

- for extended day programs and double sessions [WHRSD FA]. Whenever possible, the cultural as well as educational needs of the community will be considered in planning facility expansions [WHRSD FA]. Architects retained by the Committee are expected to plan for simplicity of design; sound economics, including low long-range maintenance costs and efficiency in energy needs; low insurance rates; high educational use; and flexibility [WHRSD FA].
- **Personnel.** The District's specific personnel goals are [WHRSD GA]:
 - To develop and implement those strategies and procedures for personnel recruitment, screening, and selection that will result in the employment and retention of individuals with the highest capabilities, strongest commitment to quality education, and greatest probability of effectively implementing the system's learning program.
 - To develop a general staff assignment strategy that will contribute to the learning program, and to use it as the primary basis for determining staff assignments.
 - To provide positive programs of staff development that contribute both to improvement of the learning program and to each staff member's career development aspirations.
 - To provide for a genuine team approach to education.
 - To develop and use for personnel evaluation positive processes that contribute to the improvement of both staff capabilities and the learning program.
 - **Negotiations.** The School Committee recognizes that education is a public trust; it therefore is dedicated to providing the best possible educational opportunities for the young people of this community [WHRSD HA]. In negotiations, this objective may be best attained if there is a climate of mutual trust and understanding between the negotiating parties [MGL 150E §1 et seq.; WHRSD HA]. The School Committee believes that the best interests of public education will be served by establishing procedures that provide an orderly method for the School Committee and representatives of the staff to discuss matters of common concern [WHRSD HA]. It is further recognized that nothing in negotiations will compromise the School Committee's legal responsibilities nor will any employee's statutory rights and privileges be impaired [WHRSD HA].
 - **School/Community Relations.** The School Committee believes that the District is an integral part of the community and that community support is necessary for the District's operation and achievement of excellence [WHRSD KA]. The School Committee and District staff members recognize that community support is based on a mutual exchange, a dynamic process in which the District contributes to the community's success and, in turn, benefits from the community's resources [WHRSD KA]. In order to maintain productive relationships with the community, the District is committed to sustaining [WHRSD KA]:
 - Effective, accurate, and meaningful communications that facilitate dialogue, encourage involvement in District programs, and create community advocacy for its public schools.
 - Volunteer programs that provide mutually enriching experiences for our students, staff, and community volunteers.
 - Recognition programs that publicly honor the contributions of our students, employees, and community partners and express pride in our individual and collective accomplishments. Community service efforts which enable the District's staff and students to express their commitment to the community.
 - **Educational Agency Relations.** The School Committee appreciates the place and importance of an educational system in its greater environment, which includes other organizations and institutions dedicated to education [WHRSD LA]. It believes that much is gained through cooperative endeavors with other agencies WHRSD LA]. In order to make a

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



1.0 STATEMENTS OF PURPOSE AND INTENT-CONT'D. *PURPOSE OF THE EMPLOYEE CODE OF EXCELLENCE-CONT'D.*

maximum contribution to education, within the District and to other educational agencies, the Committee establishes these broad goals WHRSD LA]:

- To encourage liaison with other educational agencies.
- To supply educational services to and/or share with other educational agencies.

Employees fulfill this responsibility when their actions and behaviors – both professionally and personally – reflect the following general standards for ethical conduct:

- **Legal Expectations for Conduct.** All staff members have a responsibility to familiarize themselves with and abide by the laws of the state (Massachusetts General Laws; herein “MGL”) and the regulations designed to implement them (*Code of Massachusetts Regulations*; herein “CMR”) [WHRSD GBEB].
- **Professional Expectations for Conduct.** All Certified Employees are expected to comply with the *Massachusetts Professional Standards for Educators* (MPSE) [703 CMR 7.08].
- **District Expectations for Conduct.** All staff members have a responsibility to familiarize themselves with the policies of the School Committee (herein WHRSD) and the regulations, rules, procedures and routines established by the Superintendent of his/her designee to implement them [WHRSD GBEB].

INTENT OF THE EMPLOYEE CODE OF EXCELLENCE

In accordance with this purpose, the intent of the ECOE is:

- To alert each Certified Employee and Classified Employee to the types of actions and behaviors that most commonly represent violations of the general standards for ethical conduct outlined above, and as such, grounds for employee discipline;
- To define a rational course of action for addressing potentially unethical employee conduct in a manner consistent with federal law, state statute and District policy; and
- To ensure that this course of action remains consistent with the provisions of each Collective Bargaining Agreement (or “CBA”) and/or Memorandum of Understanding (or “MOU”) in effect between the District (as a Public Employer) and each recognized bargaining unit (as an Exclusive Representative) [MGL 71 §36A, §37E and 150E §1 et seq.; WHRSD HA, HB and HF.; see [Appendix 1.01](#)]. Recognized bargaining units include the following:
 - **Teachers:** Unit A of the *Whitman-Hanson Education WHEA* (or “WHEA-A”).
 - **Administrators:** Unit B of the *Whitman-Hanson Education WHEA* (or “WHEA-B”).
 - **Administrative Assistants:** Unit C of the *Whitman-Hanson Education WHEA* (or “WHEA-C”).
 - **Paraprofessionals:** Unit D of the *Whitman-Hanson Education WHEA* (or “WHEA-D”).
 - **Food Services:** Cafeteria Managers and Cafeteria Workers (or “FSD”).

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



2.0 EXPECTED ACTIONS & BEHAVIORS

Figure 1

WHITMAN-HANSON REGIONAL SCHOOL DISTRICT

Re: Employee Expected Actions and Behaviors – Employee Code of Excellence

Each Whitman-Hanson Regional School District employee shall:

1. Report to work prepared for duty.
2. Carry out assigned duties both diligently and as directed.
3. Comply with justifiable directives issued by duly recognized sources of authority that are legal and safe.
4. Identify and control unsafe conditions and/or safety hazards and maintain safe and secure working and/or learning environments.
5. Demonstrate professionalism, respect, fairness, and dignity when interacting with students, staff, parents, community members or others.
6. Comply with federal laws, state statutes, and WHRSD policies that prohibit conduct that could reasonably be construed as coercive, retaliating, harassing, intimidating, bullying, discriminating or threatening.
7. Communicate honestly with regard to any matter of interest to the WHRSD and ensure that all records, disclosures or other written communications are full, fair, accurate, timely, and understandable to the best of your knowledge.
8. Acquire, use, maintain and dispose of district assets in an ethical and responsible manner.
9. Maintain the confidentiality of information as required under federal laws, state statutes, and WHRSD policies.
10. Use established protocols to report actions or behaviors and/or intervene against behaviors on school grounds or at school sanctioned activities that may represent one or more violations of federal law, state statute, or WHRSD policy.
11. Comply with all other federal laws, state statutes, and WHRSD policies as well as established operational routines or procedures.
12. Professional dress at work and at District-sponsored events not only balances between comfort, professionalism, safety and functionality, but also prevents possible distractions and/or disruptions in the work environment.

Endorsed this 29 day of August 2018.

Signed: 
Robert Hayes, Chair, WHRSD School Committee

Signed: 
Robert Trotta, Vice Chair, WHRSD School Committee

Signed: 
Jeffrey Szymaniak, Superintendent of Schools

Signed: 
Kevin Kavka, President, WHEA

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



3.0 CONDUCT MANAGEMENT OVERVIEW

The following administrative regulations and guidelines were developed to ensure that issues involving staff ethics or conduct issues are managed in accordance with the purpose and intent of the ECOE:

RATIONALE FOR DISCIPLINARY ACTIONS

It is essential that prompt, corrective action is taken whenever conduct standards are not being met by District personnel. In situations where employee action(s) or behavior(s) are found to represent one or more violations of the ECOE, disciplinary action must be considered and should reflect the following District goals for the disciplinary process:

- REASONABLENESS:** For the purpose of this ECOE, *reasonableness* is defined as the management of comparable incidents in a similar manner (i.e., “*like penalties for like offenses in like circumstances*”).
- FAIRNESS:** For the purpose of this ECOE, *fairness* is defined as the full consideration of all relevant case facts before a specific disciplinary option is selected or recommended to address any specific incident. Because no two disciplinary situations are completely identical, the ECOE was designed to support the consideration of all aggravating and mitigating circumstances before disciplinary action is initiated to ensure that the accused are treated in a just manner before, during and after the employee disciplinary process.
- CONSISTENCY:** For the purpose of this ECOE, *consistency* is defined as the use of the same or substantially similar types of employee discipline in situations involving the same or substantially similar incidents. As such, the ECOE was designed to ensure a high level of internal consistency in disciplinary matters involving employees.

If necessary, disciplinary action will be taken promptly and in compliance with federal law, state statute and District policy to protect both the interests of the District and, where applicable, the due process rights of the employee(s) involved. Disciplinary action will be taken equitably and without regard to race, creed, color, age, sex, gender identity, national origin, disability, sexual orientation, or any other basis in federal or state law, and the private and confidential nature of each such action will be respected at all times [WHRSD GBA; WHEA-A 1 §C; WHEA-D 1].

An overview of the employee discipline process is as follows (see [Appendix 3.01](#)):

- **Step #1: Establish Grounds.** The grounds for employee discipline must be determined. Where required under state statute, School Committee policy and/or CBA, “Good Cause” or “Just Cause” must be established [MGL 71 §41 and §42; WHEA-A 12 §C2; WHEA-B 20 §4; WHEA-C 13].
- **Step #2: Verify Grounds.** The grounds for employee discipline must be verified by an informal inquiry or a formal investigation conducted under presumption of innocence (see investigation documentation examples in [Appendix 3.02](#) and [Appendix 3.03](#)). If these grounds are substantiated, the specifics of a charge will be described in as much detail (e.g., the “who”, “what”, “where”, “when” and “how”) as possible supported by all relevant evidence (e.g., documentation that leave was disapproved in a case where an employee is later disciplined for unauthorized absence). Where applicable, a connection may be made for the employee between the charge and the mission, vision, ethical philosophy and goals of the District.
- **Step #3: Determine a General Course of Action.** Only after the grounds for employee discipline have been substantiated will one of the following two general courses of disciplinary action be taken based on the specific ECOE violation involved and the presence or absence of the same or substantially similar disciplinary events in the past (where applicable): 1) Informal action; or 2) Formal action.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



3.0 CONDUCT MANAGEMENT OVERVIEW-CONT'D. RATIONALE FOR DISCIPLINARY ACTIONS-CONT'D.

- **Step #4: Assess the Case Facts.** Prior to initiating or recommending a specific type of discipline to accomplish either course of action, both the aggravating and the mitigating factors in the case must be considered. This process should be guided by a standard set of "Douglas Factors" to ensure that the selected or recommended consequence is an appropriate response to the specific incident(s) involved (see [Appendix 3.04](#)):
 1. The nature and seriousness of the offense and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or inadvertent, or was committed maliciously or for gain, or was frequently repeated.
 2. The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.
 3. The employee's past disciplinary record.
 4. The employee's employment record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
 5. The effects of the offense upon the employee's ability to perform at a satisfactory level and its effect upon the supervisor's confidence in the employee's ability to perform assigned duties.
 6. Consistency of the penalty with those imposed upon and on other employees for the same or similar offenses.
 7. Consistency of the penalty with any applicable District table of penalties.
 8. The notoriety of the offense or its impact upon the reputation of the District.
 9. The clarity with which the employee was previously notified of any rules violated in committing the offense, or had previously received non-disciplinary counseling regarding the conduct in question, if applicable.
 10. The potential for the employee's rehabilitation.
 11. Mitigating circumstances surrounding the offense such as unusual job tension, personality problems, mental impairment, harassment, bad faith, malice or provocation on the part of others involved in the matter.
 12. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or by others.

NOTE: Depending on the specific circumstances, any of these factors can be either mitigating or aggravating, and all relevant factors in the case must be considered. As a general rule, aggravating factors support a more severe disciplinary action, while mitigating factors support less severe disciplinary action.

- **Step #5: Consider the need for progressive discipline.** It should be noted that a single occurrence of some actions and behaviors may be as grave as to warrant immediate formal action up to and including Dismissal of Contract; however, repetitive misconduct of a lesser nature may require progressively more serious sanctions. In such cases of chronic employee conduct, progressive action should be taken when it is evident that either: 1) Non-disciplinary strategies, where used, did not result in a modification or suppression of the employee's action(s) or behavior(s); or 2) Previous disciplinary actions failed to correct a chronic ECOE violation.
- **Step #6: Select or Recommend a Specific Action.** Each ECOE violation is classified into one of five "tracks" based on its severity relative to all other ECOE violations. Except for disqualifying offenses, incidents within the same classification are processed along the same track from a progressive employee discipline standpoint when applicable. A range of permitted disciplinary options is provided for each violation-interval pairing within the ECOE. In situations where progressive discipline may result, the specific action taken or recommended should reflect whether case facts involved were predominantly aggravating, predominantly mitigating, or roughly equal based on the specific facts of the case.
- **Step #7: Document the Action.** It is important that accurate documentation is maintained before, during, and after each disciplinary action to protect both the interests of the District and the rights of the employee involved. Documentation of the action is subject to applicable open records and records maintenance and access provisions (see [Section 9.0](#)).

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



3.0 CONDUCT MANAGEMENT OVERVIEW-CONT'D. *DELEGATION OF AUTHORITY*

While the School Committee and Superintendent are ultimately responsible for all disciplinary actions within the District, the following lines of authority are designated for each specific type of disciplinary action:

- **Informal Actions.** Authority to take informal disciplinary actions (**Acknowledged Oral Warnings** and **Written Warnings**) is delegated by the Superintendent to those Principals, Administrators and other supervisors directly responsible for planning, directing and/or overseeing the work of others.
- **Formal Actions.** Authority to take or recommend formal disciplinary actions (**Official Reprimands**, **Suspensions** and **Dismissals**) will remain with the Superintendent or Principal.

ROLES & RESPONSIBILITIES

District personnel who supervise 1 (one) or more employees should be aware of all disciplinary regulations and guidelines, including those involving actions outside the scope of authority permitted for their job descriptions under state statute and/or District policy. As a general rule, cases involving less serious violations of the ECOE will typically be managed by the employee's direct supervisor; however, cases involving more serious violations of the ECOE must be managed by, or referred to, the Superintendent or Principal.

Responsibilities related either directly or indirectly to employee discipline within the District include, but are not limited to, the following:

- **School Committee.** The School Committee (or "Committee") is responsible for:
 - Hiring and terminating superintendents, assistant superintendents and/or associate superintendents in accordance with state statute and School Committee policy [MGL 71 §37, §59, §59A, §61, §63 and §64; WHRSD BBA, BBAA and CB].
 - Evaluating the performance of the Superintendent [WHRSD CBI].
 - Maintaining two-way communication with citizens of the community [WHRSD AB and BBAA].
 - Establishing policies and make decisions on the basis of declared educational philosophy and goals [WHRSD AB, BBAA, BG and BGB].
 - Acting as a truly representative body for members of the community in matters involving public education [WHRSD AB and BBAA].
 - Determining policies and practices [WHRSD AB and BBAA].
 - Adhering to the Code of Ethics of the Massachusetts Association of School Committees in the course of its operation [WHRSD BCA].
 - Avoiding actual or potential conflicts of interest in decision-making [WHRSD BDB].
 - Providing direction to the Superintendent [WHRSD BDC].
 - Leaving to the Superintendent all matters of decision and administration that come within his or her scope as executive officer or as professional leader of the District [WHRSD BDD].
 - Conducting its meetings in accordance with state statute [MGL 4 §7(26), 30A §18 through 25 and 66 §10; WHRSD BEC, BEDA et seq., BEDD, BEDF, BEDG, BEDH et seq., BEE, BGF and BHE].
 - Approving administrative procedures: 1) When required by law; or 2) When strong community attitudes, or possible student or staff reaction, make it necessary or advisable for regulations to have the advance approval of the School Committee [WHRSD BGD].
 - Participating in Grievance proceedings as necessary and where permitted under state statute and/or District policy.
 - Seeking the advice of legal counsel when indicated [MGL 71 §16(j), §37E 71 and §37F; WHRSD BDG].

NOTE: Members of the School Committee have authority only when acting as a Committee legally in session [WHRSD BBAA]. The School Committee will not be bound in any way by any statement or action on the part of an individual member except when such statement or action is a result of specific instructions of the Committee [WHRSD BBAA].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



3.0 CONDUCT MANAGEMENT OVERVIEW-CONT'D. RESPONSIBILITIES FOR EMPLOYEE DISCIPLINE-CONT'D.

- **Superintendent.** The Superintendent is responsible for:
 - Hiring and terminating administrators, principals and other personnel not assigned to particular schools in accordance with state statutes and the policies established by the School Committee [MGL 71 §59B; WHRSD BCA, GCBB, GCF, GCG, GCGA; WHEA-A 2 §A and §B].
 - Acting in accordance with MGL 71 §59, performing such other duties consistent with MGL 71 §59 and WHRSD CB as the School Committee may determine, preparing such reports as may be required by the Department and submitting materials for the Committee's annual report to the Selectmen of the member towns in sufficient time for printing in the annual reports of the member municipalities [MGL 71 §16 and §59; 72 §3 and 72 §4; WHRSD CB, CL and CM].
 - Asking for guidance from the School Committee with respect to matters of operation whenever appropriate [WHRSD BDD].
 - Assisting the School Committee in reaching sound judgments and establishing policies and placing before the Committee all relevant facts, information, and reports necessary to keep the Committee adequately informed of situations or business at hand [WHRSD BDD].
 - Issuing regulations and procedures to implement School Committee policies with approval of the School Committee: 1) When required by law; or 2) Upon request of the School Committee [WHRSD BGD, CH and CHA].
 - Establishing and maintaining an orderly plan for preserving and making accessible the policies adopted by the School Committee and the regulations needed to put them into effect [WHRSD BGE and CHA].
 - Taking action within the District where the School Committee has provided no guides for administrative action (subject to Committee review) [WHRSD CHD].
 - Seeking the advice of legal counsel when indicated [MGL 71 §16(j), §37E 71 and §37F; WHRSD BDG].
 - Developing and/or adopting procedures to provide adequate due process for all personnel actions.
 - Overseeing all personnel actions, including assignments, transfers, suspensions, dismissals, reinstatements, promotions and demotions.
 - Making regulations and other conditions of employment known to all employees.
 - Providing written notification to employees of personnel actions where required.
 - Ensuring that all personnel actions are recorded in the minutes of the School Committee at the next meeting after the action is taken.
 - Assisting administrators, principals and other supervisors in determining the appropriate disciplinary action to be taken in specific cases.
 - Ensuring that disciplinary actions are administered: 1) Fairly, impartially and uniformly; and 2) In accordance with applicable federal law, state statute and District policy.
 - Conducting technical reviews of all proposals for formal disciplinary actions.
 - Participating in Grievance or appeal proceedings as necessary.

- **Principals.** Each Principal is responsible for:
 - Being responsible, consistent with District personnel policies and budgetary restrictions and subject to the approval of the Superintendent, for hiring all teachers, athletic coaches, instructional or administrative aides, and other personnel assigned to the school, and for terminating all such personnel, subject to review and prior approval by the Superintendent and subject to the provisions of MGL 71 § 1 et seq. [MGL 71 §59B; WHRSD GCF; GCG; GCGA].

NOTE: The Principal of any school which requires an examination for student admission shall be solely and exclusively responsible for hiring all teachers, instructional or administrative aides and other personnel, and for terminating all such personnel without the requirement of review or prior approval by the Superintendent before said hiring or termination [MGL 71 §59B].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



3.0 CONDUCT MANAGEMENT OVERVIEW-CONT'D. RESPONSIBILITIES FOR EMPLOYEE DISCIPLINE-CONT'D.

- Supervising the operation and management of their schools and school property, subject to the supervision and direction of the Superintendent [MGL 71 §59B; WHRSD GCBB].
- Promoting participatory decision making among all professional staff in consultation with professional staff for the purpose of developing educational policy [MGL 69 §1B and 71 §59B].
- Co-Chairing and forming the School Council [MGL 71 §38Q and §59C; WHRSD BDFA et seq.].
- Preparing a written school improvement plan on an annual basis in conjunction with the School Council and submitting the plan to the Superintendent for approval no later than July 1 [WHRSD BDFA et seq.].

NOTE: The School Council shall: 1) Have no authority over collective bargaining matters; and 2) May not expand the scope of its authority beyond that established in law or expressly granted by School Committee policy [MGL 150E §1 et seq.; WHRSD BDFA et seq.].

- Informing staff members in their schools or departments of existing policies and regulations and for seeing that these are implemented in the spirit intended [WHRSD CH].
 - Using non-disciplinary discussions whenever reasonable and appropriate.
 - Correcting misconduct constructively, individually and in private.
 - Gathering, analyzing, and carefully considering all facts and circumstances before taking or recommending disciplinary actions.
 - Ensuring that informal disciplinary actions are administered fairly, impartially and uniformly.
 - Making final decisions in cases involving informal actions.
 - Referring recommendations for formal discipline up the chain of command where required by law (e.g., in the case of an employee with responsibilities at multiple job locations).
 - Participating in Grievance or appeal proceedings as necessary.
 - Maintaining data regarding informal disciplinary actions at the building or site level.
- **Administrators.** District personnel who supervise others and report organizationally to the Superintendent of Principal are responsible for:
 - Informing staff members in their schools, departments or divisions of existing policies and regulations and for seeing that these are implemented in the spirit intended [WHRSD CH].
 - Using non-disciplinary discussions whenever reasonable and appropriate.
 - Correcting misconduct constructively, individually and in private.
 - Gathering, analyzing and carefully considering all facts and circumstances before taking or recommending disciplinary actions.
 - Guiding supervisors who report directly to them in the completion and interpretation of disciplinary rubrics to determine appropriate disciplinary actions.
 - Ensuring that disciplinary actions are administered fairly, impartially and uniformly.
 - Ensuring that disciplinary actions are taken in accordance with applicable federal law, state statute and District policy.
 - Making final decisions in cases involving informal actions.
 - Referring recommendations for formal discipline up the chain of command.
 - Participating in Grievance or appeal proceedings as necessary.
 - Maintaining data regarding formal disciplinary actions at the District level.
 - **District Personnel.** All District personnel are responsible for:
 - Adhering to the regulations, procedures and rules developed to implement School Committee policy by the Superintendent or his/her designee [WHRSD CH].
 - Reading, understanding, abiding by, and asking questions about the ECOE.
 - Discharging their assigned professional duties ethically, conscientiously, competently and professionally.
 - Maintaining their personal lives in a manner that avoids potential off-duty ECOE conflicts.

**ADMINISTRATIVE GUIDELINES:
EMPLOYEE CODE OF EXCELLENCE (WHRSD)**



**3.0 CONDUCT MANAGEMENT OVERVIEW-CONT'D.
*RESPONSIBILITIES FOR EMPLOYEE DISCIPLINE-CONT'D.***

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ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS

The ECOE is not intended to cover every possible type of employee misconduct, and District personnel must not conclude that disciplinary action cannot arise out of actions or behaviors not specifically mentioned herein. Many of the incidents that constitute grounds for employee discipline combine several forms of related misconduct into one overarching category, thereby making their meanings representative, rather than absolute, in nature.

POTENTIAL VIOLATIONS OF POLICY ALONE

The following actions and/or behaviors represent grounds for employee discipline within the District, based on violations of policy and/or regulation alone:

ATTENDANCE, PUNCTUALITY, OR CONTRACT DAY POLICY VIOLATION

Definition: The term *Attendance, Punctuality or Contract Day Policy Violation* means any lack of compliance with an established policy, routine, procedure or contract provision relating to an employee's time on duty.

Examples: Include, but are not limited to, the following:

- Reporting to work after the required start time.
- Using personal leave without approval except where permitted in policy.
- Using sick or other leave fraudulently.
- Using leave in excess of earned leave per contract year without obtaining prior approval.
- Leaving an assigned duty station early without prior authorization.
- Being absent without leave.
- Failing to follow proper absence notification procedures.

Related alignment(s) include, but may not be limited to, the following:

Federal: *Fair Labor Standards Act of 1938, As Amended* [FLSA; 29 USC §201 et seq.]; *Family Medical Leave Act of 1993* [FMLA; 29 USC §2601 and 29 CFR §825]; *Uniformed Services Employment and Re-employment Rights Act of 2005* [USERRA; 38 USC §4301 et seq.]

State: MGL 4 §7; 33 §59A; 33 §60; 69 §1G; 71 §1; 71 §4; 71 §4A; 71 §18; 71 §19; 71 §20; 71 §28; 71 §31A; 71 §41; 71 §41A; 71 §41B; 71 §42; 71 §42B; 71 §44; 71 §52; 71 §63; 71 §73; 71 §80; 136 §12; 268A §1; 150E §1 et seq.

603 CMR 27.00

District Policy: WHRSD AE; DA; GBEA; GBEB; GBEC; GBGB; GBI; GCBC; GCCC; GCIA; GCRD; GDB; HA; IC/ICA; IHCA; JP; KHA

CBA(s): WHEA-A 2 §B; 3 §E2; 4 §D and §E; 5 §A; 5 §B; 5 §C; 5 §D; 5 §E; 5 §F; 7; 11 §C; 15 §A et seq.; 16 §A et seq.; 17 §A et seq.; 18 §A et seq.; 20 §A et seq.; 23; 25 §A et seq.; 26 §B; 28 §C; 30 §A et seq.; 31 §A et seq.

WHEA-B 3; 7; 11; 12; 13; 14; 15; 16; 17; 18; 19; 25 §2; 25 §3; 25 §8; 25 §10; 25 §12; 26

WHEA-C 5; 6; 7; 8; 9; 11; 19

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

ATTENDANCE, PUNCTUALITY, OR CONTRACT POLICY VIOLATION-CONT'D.

WHEA-D 5; 9; 13; 14; 15; 17; 20; 21; 26

FSD Holidays; Inclement Weather; Bereavement Leave; Military Duty;
Jury Duty; Personal Days; Sick Leave; Transfers, New Assignments
and Terminations

Additional consideration(s) include, but may not be limited to, the following:

- Classification:** MINOR
Initial Case Management: BUILDING OR SITE LEVEL SUPERVISOR
Mandatory Reporting: NO

Disciplinary Options: Attendance, Punctuality or Contract Day Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Suspension
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal

Commentary:

1. These grounds exclude time approved in accordance with federal law, state statute or District policy.
2. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

DISHONESTY (NON-CRIMINAL)

Definition: The term *Dishonesty (Non-Criminal)* means any lack of truthfulness or deception that is a matter of interest to the District only.

Examples: Include, but are not limited to, the following:

- Engaging in an act of commission (e.g., the misrepresentation of facts, such as the reporting of an uncompleted task as completed).
- Engaging in an act of omission (e.g., the failure to relate all pertinent details to a supervisor, such as giving an incomplete account of an event or incident).

Related alignment(s) include, but may not be limited to, the following:

Federal: NONE

State: MGL 7 §22; 7 §22A; 7 §22B; 15 §55A; 30B §1 et seq.; 41 §41; 41 §52; 41 §56; 44 §1 et seq.; 69 §1B; 71 §16A; 71 §16B; 71 §16B.5; 71 §16E; 71 §34; 71 §36A; 71 §37A; 71 §38; 71 §38N; 71 §41; 71 §42; 71 §47; 71 §52; 71 §67; 71 §71C; 71 §71E; 71 §71F; 71 §74; 148 §2A; 150E §1 et seq.; 268A §1

603 CMR 10.00 and 30.00

District Policy: WHRSD AE; DA; DB et seq.; DBI; DBJ; DD; DFA; DGA; DH; DI; DIA; DIE; DJ; DJA; DJH; DK; DKC; DM; GBEA; GBEB; GBEC; GCF; GCG; GCGA; GDB; HA; IHCEA; IJJ; IJK; IJL; IJLA; JL; JP; KCD; KHA; KHB

CBA(s): WHEA-A 2 §B

WHEA-B 3

Additional consideration(s) include, but may not be limited to, the following:

Classification: MODERATE

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: NO

**ADMINISTRATIVE GUIDELINES:
EMPLOYEE CODE OF EXCELLENCE (WHRSD)**



**4.0 ECOE VIOLATIONS-CONT'D.
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.**

DISHONESTY (NON-CRIMINAL)-CONT'D.

Disciplinary Options: Dishonesty (Non-criminal)				
Case Facts	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	Dismissal
Relatively Equal	Official Reprimand	Suspension	Dismissal	Dismissal
Mostly Aggravating	Suspension	Dismissal	Dismissal	Dismissal

Commentary:

1. Some acts may represent violations of criminal law or civil statute and are addressed elsewhere in the ECOE.
2. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

FALSIFICATION OF OR FAILURE TO ACCURATELY PROVIDE INFORMATION (NON-CRIMINAL)

Definition: The term *Falsification of or Failure to Accurately Provide Information (Non-Criminal)* means any written act of dishonesty that is a matter of interest to the District only.

Examples: Include, but are not limited to, the following:

- Misrepresenting one's professional qualifications.
- Falsifying documentation related to the completion of in-service or continuing education credit hours.
- Making a non-disqualifying false statement on an application for employment.
- Writing a recommendation for employment, promotion, admission or scholarship known to contain incorrect information.
- Including false information in the written performance evaluation of a staff member.
- Filing an inaccurate report.
- Failing to account for the receipt, deposit or disbursement of funds in a manner required by policy.

Related alignment(s) include, but may not be limited to, the following:

Federal: NONE

State: MGL 7 §22; 7 §22A; 7 §22B; 15 §55A; 30B §1 et seq.; 41 §41; 41 §52; 41 §56; 44 §1 et seq.; 69 §1B; 71 §16A; 71 §16B; §16B.5; 71 §34; 71 §16E; 71 §16G.5; 71 §20A; 71 §37G; 71 §38; 71 §38G; 71 §38N; 71 §41; 71 §42; 71 §47; 71 §71C; 150E §1 et seq.

603 CMR 10.00, 30.00, 44.00 and 46.00

District Policy: WHRSD AE; BBA; DA; DB et seq.; DBI; DBJ; DD; DFA; DGA; DH; DI; DIA; DIE; DJ; DJA; DJH; DK; DKC; DM; GBEB; GCF; GCG; GCGA; GCS et seq.; GDB; HA; IHCEA; IJJ; IJK; IJL; IJLA; JKAA

CBA(s): WHEA-A 2 §B
WHEA-B 3

Additional consideration(s) include, but may not be limited to, the following:

Classification: MODERATE

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: NO

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

FALSIFICATION OR FAILURE TO ACCURATELY PROVIDE INFORMATION (NON-CRIMINAL)-CONT'D.

Disciplinary Options: Falsification of or Failure to Accurately Provide Information (Non-criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	Dismissal
Relatively Equal	Official Reprimand	Suspension	Dismissal	Dismissal
Mostly Aggravating	Suspension	Dismissal	Dismissal	Dismissal

Commentary:

1. Some acts may represent violations of criminal law or civil statute and are addressed elsewhere in the ECOE.
2. See also *Education Department General Administrative Regulations* (EDGAR 34 CFR §74-86 and 97-99).
3. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

INADEQUATE PREPARATION FOR EMPLOYEE JOB RESPONSIBILITIES

Definition: The term *Inadequate Preparation for Employee Job Responsibilities* means substandard and/or inconsistent use of required skills or resources to fulfill one or more established job responsibilities.

Examples: Include, but are not limited to, the following:

- Failing to prepare for the execution of job responsibilities as assigned.
- Failing to use allotted time effectively.
- Failing to plan for, and except in unforeseen emergencies, provide adequate direction during an absence.
- Remaining unwilling or unable to use equipment or resources appropriately.

Related alignment(s) include, but may not be limited to, the following:

Federal: 20 USC §703

State: MGL 69 §1B; 69 §1D; 69 §1E; 69 §1I; 69 §1J; 69 §1K; 69 §6; 71 §1; 71 §4; 71 §13D; 71 §18; 71 §36A; 71 §37G; 71 §38; 71 §38C; 71 §38G; 71 §38G.5; 71 §38H; 71 §38Q; 71 §38Q.5; 71 §41; 71 §42; 71 §59; 71 §59A; 71 §59B; 71 §71D; 71B §1 et seq.; 150E §1 et seq.

603 CMR 6.00, 28.00, 35.00, 44.00 and 46.00

District Policy: WHRSD ACE; ADF; AE; BDFA et seq.; CA; CBI; GA; GBEB; GCA; GCBA; GCE; GCF; GCG; GCGA; GCQF; GCIA; GCJ; GCK; GCO; GDA; GDB; GDO; HA; IHB; IHBA; JKAA

CBA(s): WHEA-A 2 §A; 2 §B; 4 §A to §C; 5 §C; 5 §E; 7; 12 §A et seq.; 24 §A et seq.; 30 §A et seq.; 31 §A et seq.

WHEA-B 3; 10; 20; 25 §8; 25 §14; 25 §16

WHEA-C 4; 16; 17

WHEA-D 10; 25

FSD Evaluation

Additional consideration(s) include, but may not be limited to, the following:

Classification: MINOR

Initial Case Management: BUILDING OR SITE LEVEL SUPERVISOR

Mandatory Reporting: NO

**ADMINISTRATIVE GUIDELINES:
EMPLOYEE CODE OF EXCELLENCE (WHRSD)**



**4.0 ECOE VIOLATIONS-CONT'D.
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.**

INADEQUATE PREPARATION FOR EMPLOYEE JOB RESPONSIBILITIES-CONT'D.

Disciplinary Options: Inadequate Preparation for Employee Job Responsibilities				
Case Facts	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Suspension
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal

Commentary:

1. For additional information and examples, consult your direct supervisor or the Superintendent's office.
2. Performance standards for Teachers and other District employees shall be established by the School Committee upon the recommendation of the Superintendent, provided that where Teachers are represented for collective bargaining purposes, all Teacher performance standards shall be determined in accordance with MGL 71 §38 (see [Appendix 4.01](#)).

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

INADEQUATE SUPERVISION OF STAFF

Definition: The term *Inadequate Supervision of Staff* means: 1) The neglect of assigned staff supervisory responsibilities; or 2) The failure to provide proper monitoring, guidance, oversight or direction to subordinates during the school/work day, during an assigned duty or during a school/District-sponsored event/activity.

Examples: Include, but are not limited to, the following:

- Failing to properly orient new employees to their work environments.
- Failing to ensure that subordinates are provided sufficient opportunities and support to demonstrate the skills needed to perform their job duties as required.
- Neglecting performance evaluation responsibilities.

Related alignment(s) include, but may not be limited to, the following:

Federal: NONE

State: MGL 71 §38G; 71 §41; 71 §42; 71 §52; 71 §59; 71 §59A; 71 §59B; 150E §1 et seq.; 268A §1

District Policy: WHRSD AE; GBEA; GBEB; GDB; HA; IJOB; IJOC

CBA(s): WHEA-A 2 §B
WHEA-B 3; 20

Additional consideration(s) include, but may not be limited to, the following:

Classification: MINOR

Initial Case Management: BUILDING OR SITE LEVEL SUPERVISOR

Mandatory Reporting: NO

**ADMINISTRATIVE GUIDELINES:
EMPLOYEE CODE OF EXCELLENCE (WHRSD)**



**4.0 ECOE VIOLATIONS-CONT'D.
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.**

INAPPROPRIATE SUPERVISION OF STAFF-CONT'D.

Disciplinary Options: Inadequate Supervision of Staff				
Case Facts	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Suspension
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal

Commentary:

1. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

INADEQUATE SUPERVISION OF STUDENTS

Definition: The term *Inadequate Supervision of Students* means: 1) The neglect of assigned student supervisory responsibilities; or 2) The failure to provide proper monitoring, guidance, oversight or direction to students before, during or after the school/work day, an assigned duty or a school/District-sponsored event/activity.

Examples: Include, but are not limited to, the following:

- Leaving students unsupervised during a school related activity (e.g., a field trip), before or after school or during recess.
- Placing a student in a hallway as a disciplinary measure during instructional time without oversight.
- Engaging in actions or behaviors on assigned duty which distract from supervision responsibilities.
- Failing to monitor a register line during cafeteria duty.

Related alignment(s) include, but may not be limited to, the following:

Federal: NONE

State: MGL 69 §1B; 69 §8A; 71 §7A; 71 §16C; 71 §37H ; 71 §37L; 71 §37N; 71 §37O; 71 §41; 71 §42; 71 §47; 71 §48A; 71 §54A; 71 §54B; 71 §55C; 71 §68; 71 §71A; 71 §82; 71 §83; 71 §85; 71 §86; 71 §93; 71B §1 et seq.; 74 §8A; 76 §1; 76 §14; 90 §7B; 150E §1 et seq.; 269 §17; 269 §19

603 CMR 33.00 and 49.00

District Policy: WHRSD ADF; AE; EB; EBB; EBC; EEA; EEAA; EEAE; EEAEC et seq.; EEB; GBEB; GCG; GCGA; GDB; HA; IHBH; IJND; IJNDB; IJNDC et seq.; IJOA; JBA; JIC; JICAC; JL; JLCD; JI; JIC; JICA; JICC; JICE; JICF; JICFA; JIFCB; JICG; JICH; JJ; JJA; JJE; JJH et seq.; JJIB; JH; JL; JLC; JLCD; KHA

CBA(s): WHEA-A 2 §B; 5 §F; 6; 13 §B

WHEA-B 3; 20

WHEA-D 6

Additional consideration(s) include, but may not be limited to, the following:

Classification: MINOR

Initial Case Management: BUILDING OR SITE LEVEL SUPERVISOR

Mandatory Reporting: NO

**ADMINISTRATIVE GUIDELINES:
EMPLOYEE CODE OF EXCELLENCE (WHRSD)**



**4.0 ECOE VIOLATIONS-CONT'D.
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.**

INAPPROPRIATE SUPERVISION OF STUDENTS-CONT'D.

Disciplinary Options: Inadequate Supervision of Students				
Case Facts	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Suspension
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal

Commentary:

1. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (NON-CRIMINAL)

Definition: *Inappropriate, Abusive, or Offensive Conduct (Non-criminal)* is defined as any act which interferes with the personal rights of employees, students or the legitimate interests of the District that is a matter of interest to the District only.

Examples: Include, but are not limited to, the following:

- Engaging in conduct directed toward supervisors, employees or students that is improper for the circumstances in which it occurs.
- Engaging in discourteous, derisive or disruptive action(s) or behavior(s).
- Engaging in conduct that runs counter to either a "reasonable person standard" or community values.
- Engaging in an act of retaliation not prohibited by law.
- Failing to follow established operational procedures

Related alignment(s) include, but may not be limited to, the following:

Federal: 20 USC §1232h (a)

State: MGL 6 §167; 6 §167A; 6 §168; 7 §22; 7 §22A; 7 §22B; 15 §55A; 30A §20; 30B §1 et seq.; 41 §41; 41 §52; 41 §56; 44 §1 et seq.; 69 §1B; 69 §1C; 69 §1D; 69 §1E; 69 §1J; 69 §1K; 69 §1L; 69 §8; 69 §8A; 71 §1; 71 §1A; 71 §1B; 71 §1C; 71 §2; 71 §2B; 71 §2C; 71 §3; 71 §4; 71 §4A; 71 §6; 71 §6A; 71 §7A; 71 §13; 71 §13D; 71 §13F; 71 §16A; 71 §16B; §16B.5; 71 §16C; 71 §16E; 71 §34; 71 §20A; 71 §28; 71 §30; 71 §32A; 71 §34B; 71 §34D; 71 §34E; 71 §34H; 71 §36A; 71 §37G; 71 §37L; 71 §37N; 71 §37O; 71 §38; 71 §38G; 71 §38K; 71 §38M; 71 §38N; 71 §38O; 71 §39; 71 §41; 71 §42; 71 §42C; 71 §44; 71 §45; 71 §47; 71 §48; 71 §48A; 71 §49A; 71 §50; 71 §52; 71 §54; 71 §54A; 71 §54B; 71 §55; 71 §55A; 71 §55C; 71 §56; 71 §57; 71 §59; 71 §59A; 71 §59B; 71 §59C; 71 §59D; 71 §67; 71 §68; 71 §69; 71 §71; 71 §71A; 71 §71B; 71 §71C; 71 §71D; 71 §71E; 71 §71F; 71 §74; 71 §75; 71 §76; 71 §82; 71 §83; 71 §84; 71 §85; 71 §86; 71 §87; 71 §88; 71 §90; 71 §91; 71 §92; 71 §93; 71A §1 et seq.; 71B §1 et seq.; 74 §4 through §7A; 74 §8A; 76 §1; 76 §6; 76 §12; 76 §14; 76 §15; 76 §16; 76 §17; 76 §20; 90 §7B; 90 §16B; 111F §1 et seq.; 150E §1 et seq.; 268A §1; 269 §17; 269 §19

540 CMR 27.00; 603 CMR 2.00, 3.00, 4.00, 5.00, 6.00, 8.00, 10.00, 14.00, 17.00, 18.00, 23.00, 27.00, 28.00, 30.00, 33.00, 38.00, 44.00, 46.00, 48.00, 49.00 and 50.00

District Policy: WHRSD AA; ACE; ADF; AE; BEDA; BEDB et seq.; DA; DB et seq.; DBI; DBJ; DD; DFA; DGA; DH; DI; DIA; DID; DIE; DJ; DJA; DJG; DJH; DK; DKC; DM; DN; EB; EBAB; EBB; EBC; EBCD; EC; ECA; EDC; EEA; EEAA; EEAE; EEAE et seq.; EEAG; EEAJ; EEB; EFC; EFDA; FA; FCB; FF; GBEA; GBEB; GBEB; GBGB; GBI; GBJ; GBK; GCF; GCG; GCGA; GCK; GCRD; GCS; GCS-R; GDB; HA; JL; JLC; JLCD; IE; IGD; IHA; IHAM et seq.; IHAMA; IHAMB; IHB; IHBA; IHBA; IHBA; IHBD; IHBEA; IHBF; IHBG; IHBH; IHBIBA; IHCA; IHCEA; IJ et seq.; IJJ; IJK; IJL; IJLA; IJND; IJNDB; IJNDC et seq.; IJOA; IJOB; IJOC; IK; IKE; IKFB; IMA; IMD; IMG; JBA; JF; JFABC; JFABD; JFBB; JH; JHD; JI; JIB;

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (NON-CRIMINAL)-CONT'D.

JIC; JICA; JICC; JICE; JICF; JICFA; JIFCB; JICH; JIE; JIH; JII; JJ; JJA;
JJE; JJH et seq.; JJIB; JJIF; JH; JKA; JKAA; JL; JLC; JLCA; JLCB;
JLCC; JLCD; JP; JQ; JRA et seq.; JRAA; JRD; KBBA; KDB; KDD; KE;
KEB; KEC; KF; KHA; KHB; KI; KJA; KLG et seq.; LB; LDA

CBA(s):

WHEA-A 1 §C; 2 §B; 3 §A et seq.; 6; 7; 9 §A et seq.; 10 §A; 10 §B; 11 §A; 11 §B; 13 §A; 13 §B; 14 §A; 14 §B; 14 §C; 22 §A et seq.; 23; 25 §A et seq.; 26 §A; 32 §A et seq.

WHEA-B 3; 6; 8; 9; 15; 24; 25 §1; 27

WHEA-C 1; 4; 5; 20

WHEA-D 1

WHEA-D 6; 11; 12; 21

Additional consideration(s) include, but may not be limited to, the following:

- Classification:** MODERATE
- Initial Case Management:** SUPERINTENDENT/DESIGNEE
- Mandatory Reporting:** NO

Disciplinary Options: Inappropriate, Abusive or Offensive Conduct (Non-criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	Dismissal
Relatively Equal	Official Reprimand	Suspension	Dismissal	Dismissal
Mostly Aggravating	Suspension	Dismissal	Dismissal	Dismissal

Commentary:

- Some acts may represent violations of civil or criminal law and are addressed elsewhere in the ECOE.
- Operators of school buses and personal motor vehicles, including students, faculty, staff and visitors, are restricted from idling such vehicles on school grounds [MGL 71 §37H and 90 §16B; 540 CMR 27.00; WHRSD EEAJ].
- For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

INAPPROPRIATE USE OF TECHNOLOGY RESOURCES

Definition: The term *Inappropriate Use of Technology Resources* means any deviation from the *Electronic Information Services* (EIS) guidelines and procedures outlined in the District's *Acceptable Use Policy* (AUP) that is a matter of interest to the District only.

Examples: Include, but are not limited to, the following:

- Using District technology resources disproportionately for personal reasons.
- Providing authentication data to unauthorized parties (e.g., giving a student the password to a computer or program).
- Accessing unauthorized online activities or sites (e.g., social networks) during the work day.
- Accessing or displaying inappropriate materials, content or information.
- Failing to monitor student use of district technology or failing to limit student access to the internet and/or World-Wide Web as required.
- Compromising network security either intentionally or through neglect.
- Failing to monitor the safety and security of minor students using electronic mail, social media or other forms of direct electronic communications impacting the school day.
- Connecting personal equipment to hardware or networks owned by the District without prior approval from the District Director of Technology or his or her designee.
- Loading unapproved software on computers owned by the District.
- Transferring/permitting the transfer of District software to personal computers without written permission of the District Director of Technology or his or her designee.

Related alignment(s) include, but may not be limited to, the following:

Federal: *Communications Act of 1934; Family Educational Rights and Privacy Act of 1974* [FERPA; 20 USC §1232g]; 20 USC §9134; *Children's Online Privacy Protection Act of 1998* [COPPA; 15 USC §6501 et seq.]; *Children's Internet Protection Act of 2000* [47 USC §254; FCC Order 03-188]

State: MGL 71 §41; 71 §42; 71 §93; 150E §1 et seq.

District Policy: WHRSD AE; BHE; GBEB; GDB; HA; IJND; IJNDB; IJNDC et seq.; JRD

CBA(s): WHEA-A 2 §B

WHEA-B 3

Additional consideration(s) include, but may not be limited to, the following:

Classification: MINOR

Initial Case Management: BUILDING OR SITE LEVEL SUPERVISOR

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

INAPPROPRIATE USE OF TECHNOLOGY RESOURCES-CONT'D.

Mandatory Reporting: NO

Disciplinary Options: Inappropriate Use of Technology Resources				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Suspension
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal

Commentary:

1. Some acts may represent violations of criminal law or civil statute and are addressed elsewhere in the ECOE.
2. Although limited personal use of District technology resources is permitted, employees have no expectation of privacy when using workspaces, computers, phone systems, email or other communication vehicles that may be used to create, access, transmit or store information.
3. For additional information and examples, consult the *WHRSD Acceptable Use Policy (AUP)* [WHRSD IJND, IJNDB and IJNDC et seq.], your direct supervisor or the Superintendent's office.
4. Employees are prohibited from identifying themselves as members of the District at any time when using a social network site (e.g., Facebook® or Twitter®) without the prior written permission of the Superintendent.
5. Initiating or developing relationships with students using tools and resources other than those provided by the District (e.g., Facebook® or Twitter®) may represent a violation of the *Children's Internet Protection Act of 2000* [47 USC §254; FCC Order 03-188].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

INSUBORDINATION

Definition: The term *Insubordination* means any refusal to comply with a legitimate directive issued by a recognized source of authority, which the employee had both the knowledge of and the capacity to carry out.

Examples: Include, but are not limited to, the following:

- Refusing to complete a reasonably assigned task.
- Acting in opposition to or in defiance of an established authority.
- Failing or refusing to recognize or submit to an established authority to which the employee is subordinate.
- Disobeying an established authority.
- Defying an established authority.

Related alignment(s) include, but may not be limited to, the following:

Federal: NONE
State: MGL 71 §41; 71 §42; 150E §1 et seq.
District Policy: WHRSD AB; AE; GBEB; GDB; HA; KDB
CBA(s): WHEA-A 1 §C; 2 §B
WHEA-B 3

Additional consideration(s) include, but may not be limited to, the following:

Classification: MODERATE
Initial Case Management: BUILDING OR SITE LEVEL SUPERVISOR
Mandatory Reporting: NO

**ADMINISTRATIVE GUIDELINES:
EMPLOYEE CODE OF EXCELLENCE (WHRSD)**



**4.0 ECOE VIOLATIONS-CONT'D.
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.**

INSUBORDINATION-CONT'D.

Disciplinary Options: Insubordination				
Case Facts	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	Dismissal
Relatively Equal	Official Reprimand	Suspension	Dismissal	Dismissal
Mostly Aggravating	Suspension	Dismissal	Dismissal	Dismissal

Commentary:

1. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

LACK OF TEAMWORK

Definition: The term *Lack of Teamwork* means any refusal to work with or cooperate with designated or assigned team(s) or individuals in a professional manner.

Examples: Include, but are not limited to, the following:

- Refusing to share district resources as appropriate with team members.
- Failing to engage in planning activities with other team members to ensure equal access.
- Refusing to cooperate with others to share instructional strategies.
- Failing to communicate with others in advance of an absence.
- Refusing to offer assistance to others, including but not limited to substitutes, staff or contractors, as needed and/or requested.

Related alignment(s) include, but may not be limited to, the following:

Federal: NONE

State: MGL 40 §4E; 71 §41; 71 §42; 71 §59C; 71 §59D; 150E §1 et seq.

District Policy: WHRSD AE; BDFA et seq.; CE; CHA; DA; GA; GBEB; GDB; HA; IHBA; IJ et seq.; IJJ; IJK; IJL; IJLA; IK; JIB; KBA; KBE; KI; KJA; KLG et seq.; KLK; LB; LBC

CBA(s): WHEA-A 2 §B; 7
WHEA-B 3

Additional consideration(s) include, but may not be limited to, the following:

Classification: MINOR

Initial Case Management: BUILDING OR SITE LEVEL SUPERVISOR

Mandatory Reporting: NO

**ADMINISTRATIVE GUIDELINES:
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**4.0 ECOE VIOLATIONS-CONT'D.
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.**

LACK OF TEAMWORK-CONT'D.

Disciplinary Options: Lack of Teamwork				
Case Facts	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Suspension
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal

Commentary:

1. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

OFF-DUTY MISCONDUCT

Definition: The term *Off-Duty Misconduct* means any act occurring either off District property or before or after the school/work day or District - sponsored events/activities that impacts the ability of an employee to perform his or her job duties, undermines the legitimate interests of the District or creates a disruption of District operations that is a matter of interest to the District only.

Examples: Include, but are not limited to, the following:

- Accepting part-time employment that creates a conflict of interest for the employee.
- Selling or publishing works containing the intellectual property of the District without prior written approval.
- Engaging in outside activities that create undue notoriety for the District.
- Speaking on behalf of the District without authorization.
- Misrepresenting the District in person, in print or on a website.
- Posting information and/or negative comments on social media (e.g., Facebook® or Twitter®) that disrupts the District, interferes with District goals or unduly harms the reputation of the District.

Related alignment(s) include, but may not be limited to, the following:

Federal: NONE

State: MGL 71 §41; 71 §42; 71 §44; 71 §52; 71 §80; 71 §93; 268A §1; 150E §1 et seq.

District Policy: WHRSD AE; GBEA; GBEB; GBEC; GBI; GCRD; GDB; HA; JP; KHA

CBA(s): WHEA-A 2 §B; 3 §E2; 5 §C; 5 §E; 14 §A; 23
WHEA-B 3; 24
WHEA-C 6
WHEA-D 12; 19

Additional consideration(s) include, but may not be limited to, the following:

Classification: MODERATE

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: NO

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

OFF-DUTY MISCONDUCT-CONT'D.

Case Facts	Disciplinary Options: Off-Duty Misconduct			
	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	Dismissal
Relatively Equal	Official Reprimand	Suspension	Dismissal	Dismissal
Mostly Aggravating	Suspension	Dismissal	Dismissal	Dismissal

Commentary:

1. Some acts may represent violations of criminal law or civil statute and are addressed elsewhere in the ECOE.
2. The private and personal life of a professional employee is not within the appropriate concern or attention of the District except as it may interfere with the employee's responsibilities to and relationships with students and/or the District [WHEA-A 23; WHEA-B 24].
3. Employees shall use good judgment in their relationships with students beyond their work responsibilities and/or outside of the school setting and shall refrain from excessive informal and social involvement with individual students. Any appearance of impropriety shall be avoided.
4. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

TOBACCO POLICY VIOLATION

Definition: The term *Tobacco Policy Violation* means any act which violates a federal, state and/or District Tobacco Free Schools policy.

Examples: Include, but are not limited to, the following:

- Using cigarettes, eCigarettes, cigars, pipes, snuff, chewing tobacco or other tobacco products either outside of permitted zone(s) and/or timeframes.
- Using tobacco products at school sponsored activities.
- Using tobacco products in District-owned vehicles.

Related alignment(s) include, but may not be limited to, the following:

Federal: *Pro-Children Acts of 1994* [20 USC §6081; Public Law 103-227] and *2001* [20 USC §7181; Public Law 107-110]; 20 USC §7161; 20 USC §7184

State: MGL 71 §1; 71 §2A; 71 §37H; 71 §41; 71 §42; 150E §1 et seq.; 270 §22; 272 §43A

District Policy: WHRSD ADC; AE; GBEB; GBED; GDB; HA; IHAMB; JICG; KHB

CBA(s): WHEA-A 2 §B
WHEA-B 3

Additional consideration(s) include, but may not be limited to, the following:

Classification: MINOR

Initial Case Management: BUILDING OR SITE LEVEL SUPERVISOR

Mandatory Reporting: NO

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

TOBACCO POLICY VIOLATION-CONT'D.

Disciplinary Options: Tobacco Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Suspension
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal

Commentary:

1. The use of any tobacco product within the school buildings, the school facilities or on the school grounds or on school buses by any individual, including school personnel, is prohibited [MGL 71 §37H; WHRSD GBED].
2. For additional information and examples, see the *WHRSD Employee Tobacco Policy (ETP)* [WHRSD GBED].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

OTHER POLICY VIOLATION

Definition: The term *Other Policy Violation* means any incident involving a failure to adhere to a policy, rule or procedure of the school/District not specified elsewhere in this section of the ECOE that is a matter of interest to the District only.

Examples: Include, but are not limited to, the following:

- Engaging in any action or behavior that violates one or more policies or administrative procedures ratified by the School Committee.
- Engaging in any action or behavior that violates a District, building or site-level rule or regulation of which the employee has been made duly aware.

Related alignment(s) include, but may not be limited to, the following:

Federal: Includes all federal level regulations not otherwise specified

State: Includes MGL 71 §41, 71 §42, 150E §1 et seq. and all state level regulations not otherwise specified

District Policy: Includes WHRSD AE, GBEB, HA and all district level regulations not otherwise specified

CBA(s):

Includes WHEA-A 2 §B and all right to manage considerations not otherwise specified

Includes WHEA-B 3 and all right to manage considerations not otherwise specified

Includes WHEA-C 14 and all right to manage considerations not otherwise specified

Includes WHEA-D 2 §B and all right to manage considerations not otherwise specified

Additional consideration(s) include, but may not be limited to, the following:

Classification: MINOR

Initial Case Management: BUILDING OR SITE LEVEL SUPERVISOR

Mandatory Reporting: NO

**ADMINISTRATIVE GUIDELINES:
EMPLOYEE CODE OF EXCELLENCE (WHRSD)**



**4.0 ECOE VIOLATIONS-CONT'D.
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.**

OTHER POLICY VIOLATION-CONT'D.

Disciplinary Options: Other Policy Violation				
Case Facts	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Suspension
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal

Commentary:

1. Some acts may represent violations of criminal law or civil statute and are addressed elsewhere in the ECOE.
2. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CIVIL STATUTE

The following actions and/or behaviors represent grounds for employee discipline within the District based on violations of policy that may also involve violations of federal, state or local civil statute:

BREACH OF CONFIDENTIALITY

Definition: The term *Breach of Confidentiality* means the inappropriate access, use, disclosure, misuse, failure to protect or disposition of private, confidential, restricted, secure or proprietary information, data or records that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Compromising financial, payroll, personnel, student or health records.
- Disclosing identifiable educational data or other information under FERPA, IDEA or HIPAA in an improper manner.
- Accessing or using information contained within an Individualized Education Plan (IEP) or Section 504 Plan or other confidential record without a “need to know”.
- Disclosing District operational information without proper authorization.
- Assisting unauthorized users to gain access of secure information.
- Leaving confidential information unattended in a non-secure area.
- Removing sensitive data from the District physically or electronically regardless of purpose or stated intent.
- Disposing of protected information in a manner contrary to state statute, School Committee policy or regulation.
- Disclosing *Personally Identifiable Information* about a student on social media.

Related alignment(s) include, but may not be limited to, the following:

Federal: Section 504 of the *Rehabilitation Act of 1973*; *Family Education Rights Privacy Act of 1974* [FERPA; 20 USC §1232g; 34 CFR §99 et seq.]; *Individuals with Disabilities Education Act of 1997 and 2004* [IDEA; 20 USC §1400 et seq.; 34 CFR §300.1 et seq.; Public Law 94-142]; *Health Insurance Portability and Accountability Act of 1996* [HIPAA; 45 CFR §160 and §164]; *Protection of Pupil Rights Amendment of 1998*; 20 USC §1232h; 34 CFR Part 98; *Healthy, Hunger-Free Kids Act of 2010* [Reauthorization of the *Child Nutrition Act of 1966*; Public Law 111-296]; 20 USC §1232f and h (b); 20 USC §6311 et seq.; 20 USC §7908; 42 USC §13942; *Children’s Internet Protection Act of 2000* [47 USC §254; FCC Order 03-188]

State: MGL 4 §7(26); 6 §167; 6 §167A; 6 §168; 15 §1G; 30A §18 through §25; 66 §10; 69 §1B; 69 §1C; 69 §31B; 71 §1C; 71 §2C; 71 §13F; 71 §34A; 71 §34D; 71 §34E; 71 §34H; 71 §36A; 71 §37H; 71 §37L; 71 §38; 71 §38K; 71 §41; 71 §42; 71 §42C; 71 §51; 71 §52; 71 §54; 71 §54B; 71 §55; 71 §55A; 71 §56; 71 §57; 71 §71D; 71 §72; 71 §84; 71 §86; 71 §87; 71 §88; 71 §91; 71 §93; 71B §1 et seq.; 150E §1 et seq.; 151F §1 et seq.; 152 §1 et seq.; 265 §24C; 268A §1

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CIVIL STATUTE-CONT'D.

BREACH OF CONFIDENTIALITY-CONT'D.

603 CMR 10.00, 23.00, 26.00, 28.00 and 33.00

District Policy: WHRSD ACE; ADF; AE; BEDG; BEC; BGE; EB; EBB; EFC; GBEA; GBEB; GBGB; GBJ; GBK; GCBB; GCBC; GCF; GCG; GCGA; GCS et seq.; GDB; HA; JLCD; IE; IHB; IHBA; IHBA; IHBA; IHBF; IJLA; IJND; IJNDB; IJNDC et seq.; JIC; JICA; JIE; JH; JL; JLC; JLCA; JLCB; JLCC; JLCD; JRA et seq.; JRAA; JRD; KBBA; KDB; KDD; KEB; KEC

CBA(s): WHEA-A 2 §B; 3 §A et seq.
WHEA-B 3

Additional consideration(s) include, but may not be limited to, the following:

Classification: MODERATE
Initial Case Management: SUPERINTENDENT/DESIGNEE
Mandatory Reporting: YES

Disciplinary Options: Breach of Confidentiality				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	Dismissal
Relatively Equal	Official Reprimand	Suspension	Dismissal	Dismissal
Mostly Aggravating	Suspension	Dismissal	Dismissal	Dismissal

Commentary:

1. All incidents potentially involving these grounds must be reported to the Superintendent's Office.
2. The lack of an actionable civil complaint or outside agency interest is not a factor for establishing or verifying this ECOE violation.
3. In accordance with IDEA Part B, all persons collecting or using *Personally Identifiable Information* (or "PII") must receive training or instruction regarding state confidentiality policies and procedures under IDEA Part B and FERPA. Additionally, the District must maintain, for public inspection, a current listing of the names and positions of employees who may have access to PII [34 CFR §300.623].
4. For considerations with off-duty incidents, see [Off-Duty Misconduct](#).
5. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CIVIL STATUTE-CONT'D.

DISCRIMINATION

Definition: The term *Discrimination* means the prejudicial treatment of an individual or a group differently than others based on perceived categories such as race, creed, color, age, sex, religion, national origin, sexual orientation, gender identity or disability or any other basis in federal law, state statute or District policy that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Making comments referencing race or national origin.
- Seeking termination of an employee based solely on his or her age.
- Excluding student subgroups from opportunities available to other students.
- Condoning the race-based intimidation of a student either explicitly or implicitly.
- Harassing co-workers who practice a common faith.
- Denying promotion opportunities to a subordinate on the basis of his or her disability.
- Disparaging a student or staff member based on his or her real or perceived sexual orientation.

Related alignment(s) include, but may not be limited to, the following:

Federal: Amendment XIV, U.S. Constitution; *Equal Pay Act of 1963* [29 USC §206(d)]; Title VI of the *Civil Rights Act of 1964* [42 USC §2000d; Public Law 88-352]; Title VII of the Equal Employment Opportunity Act of 1964 [42 USC §2000e et seq.]; *Age Discrimination in Employment Act of 1967* [ADEA; 29 USC §621 et seq.]; Title IX of the *Education Amendments of 1972* [20 USC §1681 et seq.]; Sections 501 through 505 of the *Rehabilitation Act of 1973* [29 USC §720 et seq.; Public Law 93-112]; *Pregnancy Discrimination Act of 1978*; *Immigration Reform and Control Act of 1986* [IRCA; 8 USC §1324(a) et seq.; Public Law 99-603]; *McKinney-Vento Homeless Assistance Act of 1987* [42 USC §11301 et seq.; Public Law 100-77]; *Americans with Disabilities Act of 1990* [ADA; 42 USC §12101 et seq.]; *Individuals with Disabilities Education Act of 1997 and 2004* [IDEA; 20 USC §1400 et seq.; 34 CFR §300.1 et seq.; Public Law 94-142]; *Genetic Information Nondiscrimination Act of 2008* [GINA; 42 USC §2000ff et seq.; 29 CFR §1635 et seq.]; 20 USC §1684; 20 USC §1703; 20 USC §3001 et seq.; 20 USC §4071; 20 USC §6301 et seq.; 28 CFR §35.101 et seq.; 29 CFR §1600.101 et seq.; 34 CFR §100.1 et seq.; 34 CFR §200.1 et seq.

State: MGL 4 §7; 15 §1G; 15 §1I; 69 §1B; 69 §1C; 69 §1J; 69 §1K; 69 §9; 71 §1C; 71 §6; 71 §6A; 71 §13I; 71 §28; 71 §30; 71 §36A; 71 §37C; 71 §37D; 71 §37H; 71 §37I; 71 §37J; 71 §39; 71 §41; 71 §42; 71 §47; 71 §48; 71 §57; 71 §68; 71 §71; 71 §71D; 71 §72; 71 §76; 71 §84; 71 §85; 71 §86; 71 §87; 71 §88; 71 §91; 71A §1 et seq.; 71B §1 et seq.; 76 §5; 76 §6; 76 §12A; 76 §12B; 76 §15; 76 §16; 150E §5; 150E §10; 150E §12; 151B §1 et seq.; 151C §1 et seq.; 151E §1 et seq.

603 CMR 14.00, 17.00, 26.00 and 28.00

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CIVIL STATUTE-CONT'D.

DISCRIMINATION-CONT'D.

District Policy: WHRSD AC; ACA; ACE; AE; BDFa et seq.; EEA; EEB; EFC; GBA; GBEB; GCE; GCF; GCG; GCGA; GCK; GCQE; JB; GDB; GDQC; HA; IE; IGD; IHB; IHBA; IHBA; IHBA; IHBD; IHBEA; IHBF; IHBH; IHBIBA; IHCA; IHCEA; IJ et seq.; IJJ; IJK; IJL; IJLA; IJOB; IJOC; IKE; IMD; IMG; JB; JBA; JC; JCA; JF; JFABD; JFBB; JH; JHD; JI; JIC; JICA; JICF; JIE; JJ; JJA; JJIB; JH; JLCB; JQ; KE; KEB; KEC; KF

CBA(s): WHEA-A 1 §C; 2 §B; 22 §B; 23
 WHEA-B 3; 8; 24
 WHEA-C 4
 WHEA-D 1; 7; 19

Additional consideration(s) include, but may not be limited to, the following:

Classification: MODERATE
Initial Case Management: SUPERINTENDENT/DESIGNEE
Mandatory Reporting: YES

Disciplinary Options: Discrimination				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	Dismissal
Relatively Equal	Official Reprimand	Suspension	Dismissal	Dismissal
Mostly Aggravating	Suspension	Dismissal	Dismissal	Dismissal

Commentary:

1. All incidents potentially involving these grounds must be reported to the Superintendent's Office.
2. The lack of an actionable civil complaint or outside agency interest is not a factor for establishing or verifying this ECOE violation.
3. Evidence of intentionality is not a required factor for verifying this ECOE violation.
4. Evidence of an actual detriment to the affected individual or group is not a required factor for verifying this ECOE violation.
5. For considerations with off-duty incidents, see [Off-Duty Misconduct](#).
6. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CIVIL STATUTE-CONT'D.

SEXUAL HARASSMENT

Definition:

The term *Sexual Harassment* means sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: 1) Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or 2) Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment [MGL 151B §1(18)].

Examples:

Include, but are not limited to, the following:

- Engaging in prohibited physical actions or behaviors (e.g., unwelcome sexual advances, touching, indecent exposure, sexual contact).
- Engaging in prohibited verbal actions or behaviors (e.g., unwelcome requests for sexual favors; propositions or pressure for sexual activity; continued suggestions for a date or social activity outside the workplace after it has been made clear that such suggestions are unwelcome; unwanted or offensive flirtations; offensive jokes; suggestive remarks; sexual innuendos or double entendres; lewd comments; inquiring about someone's sexual preferences, fantasies or activities, and phone calls)
- Engaging in prohibited non-verbal actions or behaviors (e.g., the display of pornographic or sexually suggestive images, objects, written materials, emails, text-messages or faxes. It includes leering, whistling, sexually suggestive gestures, movements, or facial expressions).
- Engaging in prohibited gender-specific actions or behaviors (e.g., conduct that denigrates, ridicules, or intimidates another person; conduct that leads to physical abuse of a person because of his or her sex; derogatory or degrading remarks or insults about his or her gender or body).
- Engaging in prohibited job-specific actions or behaviors (e.g., explicit or implicit pressure for sexual activity as a condition of hire, continued employment or advancement).

Related alignment(s) include, but may not be limited to, the following:

Federal:

Title VI of the *Civil Rights Act of 1964* [42 USC §2000d]; Title VII of the Equal Employment Opportunity Act of 1964 [42 USC §2000e et seq.]; Title IX of the *Education Amendments of 1972* [20 USC §1681 et seq.]; 29 CFR §1604.1 et seq.

State:

MGL 71 §41; 71 §42; 76 §5; 76 §16

District Policy:

WHRSD ACA; ACAB; AE; GBEB; GDB; HA; JB; JBA

CBA(s):

WHEA-A 2 §B

WHEA-B 3; 4

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CIVIL STATUTE-CONT'D.

SEXUAL HARASSMENT-CONT'D.

Additional consideration(s) include, but may not be limited to, the following:

- Classification:** MODERATE
- Initial Case Management:** SUPERINTENDENT/DESIGNEE
- Mandatory Reporting:** YES

Disciplinary Options: Sexual Harassment				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	Dismissal
Relatively Equal	Official Reprimand	Suspension	Dismissal	Dismissal
Mostly Aggravating	Suspension	Dismissal	Dismissal	Dismissal

Commentary:

1. All incidents potentially involving these grounds must be reported to the Superintendent's Office.
2. Discrimination on the basis of sex shall include, but not be limited to, Sexual Harassment [MGL 151B §1(18)].
3. The lack of an actionable civil complaint or outside agency interest is not a factor for establishing or verifying this ECOE violation.
4. Evidence of intentionality is not a required factor for verifying this ECOE violation.
5. Evidence of an actual detriment to the affected individual or group is not a required factor for verifying this ECOE violation.
6. For considerations with off-duty incidents, see [Off-Duty Misconduct](#).
7. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CIVIL STATUTE-CONT'D.

OTHER CIVIL VIOLATION

Definition: The term *Other Civil Violation* means any incident which negatively impact(s) the work environment, a learning environment or the rights of one or more students, staff members or others not specified elsewhere in this section of the ECOE that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Creating or contributing to a hostile work environment.
- Harassing a subordinate, co-worker or member of the community verbally, in writing or on social media.
- Intimidating or bullying staff, students or others.
- Failing to address student-to-student harassment, intimidation or bullying situations.
- Engaging in an act of retaliation prohibited under federal, state or local civil statute.
- Disregarding established student search procedures.
- Violating a copyright or software *End-User License Agreement* (EULA).
- Engaging in an act of software piracy.
- Engaging in a Strike.

Related alignment(s) include, but may not be limited to, the following:

Federal: Includes Amendments I, IV, V, VI of the U.S. Constitution and all federal level civil violations not otherwise specified

State: Includes MGL 4 §7, 6 §167, 6 §167A, 6 §168, 7 §22, 7 §22A, 7 §22B, 15 §1G, 30B §1 et seq., 41 §41, 41 §52, 41 §56, 44 §1 et seq., 69 §1B, 69 §1C, 69 §1J, 69 §1K, 69 §8, 69 §8A, 69 §9, 71 §1A, 71 §1B, 71 §1C, 71 §2, 71 §2C, 71 §3, 71 §7A, 71 §13D, 71 §13F, 71 §13I, 71 §16A, 71 §16B, 71 §16B.5, 71 §16C, 71 §16E, 71 §16G.5, 71 §28, 71 §30, 71 §31, 71 §31A, 71 §32, 71 §32A, 71 §34A, 71 §34B, 71 §34D, 71 §34E, 71 §34H, 71 §36A, 71 §37B, 71 §37G, 71 §37H, 71 §37H.5, 71 §37L, 71 §37N, 71 §37O, 71 §38, 71 §38F, 71 §38O, 71 §38R, 71 §39, 71 §40, 71 §41, 71 §42, 71 §42C, 71 §43, 71 §44, 71 §45, 71 §47, 71 §48, 71 §48A, 71 §53, 71 §53A, 71 §53B, 71 §54, 71 §54A, 71 §54B, 71 §55, 71 §55A, 71 §55C, 71 §56, 71 §57, 71 §59, 71 §59A, 71 §59B, 71 §63, 71 §67, 71 §68, 71 §69, 71 §69A, 71 §71, 71 §71A, 71 §71D, 71 §72, 71 §76, 71 §82, 71 §83, 71 §84, 71 §85, 71 §86, 71 §87, 71 §88, 71 §91, 71 §93, 71A §1 et seq., 71B §1 et seq., 74 §8A, 76 §1, 76 §12B, 76 §14, 76 §15, 76 §17, 90 §7B, 111F §1 et seq., 151 §1 et seq.; 150E §10, 150E §15, 151F §1 et seq., 152 §1 et seq., 153 §1 et seq., 154 §1 et seq., 268A §1, 269 §17, 269 §19 and all state level civil violations not otherwise specified

603 CMR 10.00, 18.00, 28.00, 33.00, 46.00 and 49.00

803 CMR 3.05

District Policy: Includes WHRSD ACE, ADDA et seq., ADF, AE, DA, DB et seq., DBI, DBJ, DD, DFA, DGA, DH, DI, DIA, DID, DIE, DJA, DJE, DJH, DK, DKC,

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CIVIL STATUTE-CONT'D.

OTHER CIVIL VIOLATION-CONT'D.

DM, EB, EBAB, EBB, EBC, EC, ECA, EDC, EEA, EEAA, EEAE, EEAEAC et seq., EEAG, EEB, EFC, FA, GBEB, GBGB, GBI, GBK, GCBA, GCBB, GCBC, GCF, GCG, GCGA, GCK, GCQE, GDB, HA, IE, IHAMA, IHB, IHBA, IHBA, IHBD, IHBEA, IHBF, IHBIBA, IHCA, IHCEA, IJ et seq., IJJ, IJK, IJL, IJLA, IJND, IJNDB, IJNDC et seq., IJOA, IJOB, IJOC, IKE, IMA, IMD, IMG, JHD, JI, JIC, JICA, JICC, JICE, JICF, JICFA, JIFCB, JIE, JIH, JII, JJ, JJA, JJH et seq., JJIB, JJIF, JH, JKA, JKAA, JL, JLA, JLC, JLCA, JLCB, JLCC, JLCD, KBA, KBBA, KE, KEB, KEC, KF, KHB, KI, KLG et seq., LDA and all district level civil violations not otherwise specified

- CBA(s):**
- Includes WHEA-A 2 §B and all right to manage considerations not otherwise specified
 - Includes WHEA-B 3 and all right to manage considerations not otherwise specified
 - Includes WHEA-C 14 and all right to manage considerations not otherwise specified
 - Includes WHEA-D 2 §B and all right to manage considerations not otherwise specified

Additional consideration(s) include, but may not be limited to, the following:

- Classification:** MODERATE
- Initial Case Management:** SUPERINTENDENT/DESIGNEE
- Mandatory Reporting:** YES

Disciplinary Options: Other Civil Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	Dismissal
Relatively Equal	Official Reprimand	Suspension	Dismissal	Dismissal
Mostly Aggravating	Suspension	Dismissal	Dismissal	Dismissal

Commentary:

1. All incidents potentially involving these grounds must be reported to the Superintendent's Office.
2. The lack of an actionable civil complaint or outside agency interest is not a factor for establishing or verifying this ECOE violation.
3. Evidence of intentionality is not a required factor for verifying this ECOE violation.
4. Evidence of an actual detriment to the affected individual or group is not a required factor for verifying this ECOE violation.
5. For considerations with off-duty incidents, see [Off-Duty Misconduct](#).
6. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW

The following actions and/or behaviors represent grounds for employee discipline within the District based on violations of policy that may also involve violations of federal, state or local criminal law:

ALCOHOL OR DRUG POLICY VIOLATION

Definition: The term *Alcohol or Drug Policy Violation* means any act which violates the District's controlled substance or alcohol policies that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Being under the influence of alcohol, a controlled substance or other intoxicant while on the job or at a District-sponsored event/activity.
- Selling, purchasing, distributing, furnishing or possessing any naturally occurring or manufactured compound on the United States Drug Enforcement Agency's (DEA) schedule of regulated substances with effects on mood, perception or behavior, either without a legitimate prescription or for which no prescription may be legally written.
- Selling, purchasing, distributing, furnishing or possessing an alcoholic beverage on District property or at a District-sponsored event/activity.
- Possessing accessories, paraphernalia, chemical precursors, or equipment associated with controlled substances.

Related alignment(s) include, but may not be limited to, the following:

Federal: *Drug Free Workplace Act of 1988* [Public Law 100-690; 41 USC §701 et seq.; CFR §84.100 et seq.]; *Federal Omnibus Transportation Employee Testing Act of 1991*; 20 USC §7101 et seq.; 18 USC §341 et seq.; 21 USC §812; 42 USC §12644; 21 CFR §1308.01 et seq.; 34 CFR §86.1 et seq.; 49 CFR §40.1 et seq.; 49 CFR §382.01 et seq.

State: MGL 6 §167; 6 §167A; 6 §168; 30A §21; 69 §1B; 69 §6; 71 §1; 71 §30; 71 §37H; 71 §38R; 71 §41; 71 §42; 71 §91; 94C §1 to §19; 94C §21 et seq.; 111B §1 et seq.; 111E §1 et seq.; 111J §1 et seq.; 138 §1 et seq.; 272 §40A; 274 §1 et seq.

603 CMR 7.00 and 44.00; 803 CMR 3.05

District Policy: WHRSD ADDA et seq.; AE; AE; BEC; EB; GBEB; GBEC; GBGB; GCF; GCG; GCGA; JIC; JICAH; GDB; HA; IHAMB; JICH; KHB

CBA(s): WHEA-A 2 §B; 33 §A et seq.

WHEA-B 3

Additional consideration(s) include, but may not be limited to, the following:

Classification: MAJOR

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: YES

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT'D.

ALCOHOL OR DRUG POLICY VIOLATION-CONT'D.

Disciplinary Options: Alcohol or Drug Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable

Commentary:

1. All incidents potentially involving these grounds must be reported to the Superintendent's Office.
2. Some examples of this ECOE violation may be incompatible with initial or continued employment by the District. For management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
3. For staff with student transportation responsibilities (e.g., bus drivers), see [Other Criminal Violation \(Disqualifying\)](#).
4. Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or the Department) where mandated.
5. The District will provide a drug-free workplace and certifies that it will [WHRSD GBEC]:
 - a. Notify all employees in writing that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, is prohibited in the District's workplace, and specify the actions that will be taken against employees for violation of such prohibitions.
 - b. Establish a drug-free awareness program to inform employees about the dangers of: 1) Drug abuse in the workplace; 2) The District's policy of maintaining a drug-free work-place; 3) Available drug counseling, rehabilitation, and employee assistance programs; and 4) The penalty that may be imposed on employees for drug abuse violations occurring in the workplace.
 - c. Make it a requirement that each employee whose employment is funded by a federal grant be given a copy of the statement as required.
 - d. Notify the employee in the required statement that as a condition of employment under the grant, the employee will abide by the terms of the statement, and will notify the District of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 (five) days after such conviction.
 - e. Notify the federal agency within 10 (ten) days after receiving notice from an employee or otherwise receiving notice of such conviction.
 - f. Take one of the following actions within 30 (thirty) days of receiving notice with respect to any employee who is so convicted: 1) Take appropriate personnel action against such an employee, up to and including termination; or 2) Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health law enforcement, or other appropriate agency.
 - g. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all the provisions of WHRSD GBEC.
6. For considerations with off-duty incidents, see [Off-Duty Misconduct](#).
7. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT'D.

COMMISSION OF A SEX OFFENSE

Definition: The term *Commission of a Sex Offense* means any act which violates the District's professional or non-professional relationship policies that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Engaging in an inappropriate relationship with a student or other minor.
- Touching a staff member, student or other person in a sexually inappropriate manner.
- Engaging in sexual conduct with a student or other minor regardless of location or consensuality.
- Possessing child pornography.
- Committing another act of sexual misconduct prohibited under federal, state or local law.

Related alignment(s) include, but may not be limited to, the following:

Federal: *Adam Walsh Child Protection and Safety Act of 2006* [AWA; 42 USC §16902; Public Law 109-248]; *Sex Offender Registration and Notification Act* [SORNA; 42 USC §16911 et seq.]; 18 USC §2241 et seq.; 18 USC §2250 et seq.; 18 USC §2421

State: MGL 6 §167; 6 §167A; 6 §168; 30A §21; 69 §1B; 69 §6; 71 §37H; 71 §38R; 71 §41; 71 §42; 123A §1 et seq.; 265 §22; 265 §24; 272 §6 to §27; 274 §1 et seq.

603 CMR 7.00 and 44.00; 803 CMR 3.05

District Policy: WHRSD ADDA et seq.; AE; BEC; GBEB; GCF; GCG; GCGA; GDB; HA

CBA(s): WHEA-A 2 §B; 33 §A et seq.

WHEA-B 3

Additional consideration(s) include, but may not be limited to, the following:

Classification: DISQUALIFYING

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: YES

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT'D.

COMMISSION OF A SEX OFFENSE-CONT'D.

Disciplinary Options: Commission of a Sex Offense				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Dismissal	Not Applicable	Not Applicable	Not Applicable
Relatively Equal	Dismissal	Not Applicable	Not Applicable	Not Applicable
Mostly Aggravating	Dismissal	Not Applicable	Not Applicable	Not Applicable

Commentary:

1. All incidents potentially involving these grounds must be reported to the Superintendent's Office.
2. Most examples of this ECOE violation are incompatible with initial or continued employment by the District. For management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
3. Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or the Department) where mandated.
4. For considerations with off-duty incidents, see [Off-Duty Misconduct](#).
5. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT'D.

DISHONESTY (CRIMINAL)

Definition: The term *Dishonesty (Criminal)* means any lack of truthfulness or deception that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Engaging in an act of commission prohibited by law (e.g., the criminal misrepresentation of facts, such as initiating a false complaint alleging criminal activity or making false statements to law enforcement during the course of an investigation).
- Engaging in an act of omission prohibited by law (e.g., the failure to relate all pertinent details to an investigator, such as neglecting mandatory reporting responsibilities regarding suspected child abuse or withholding knowledge the existence of contradictory evidence).

Related alignment(s) include, but may not be limited to, the following:

Federal: 18 USC §201 et seq.; 18 USC §663; 18 USC §911; 18 USC §1001 et seq.; 18 USC §1169; 18 USC §1621 et seq.; 18 USC §2258; 18 USC §3600a; 42 USC §5119; 42 USC §13031; 42 USC §16990

State: MGL 6 §167; 6 §167A; 6 §168; 7 §22; 7 §22A; 7 §22B; 15 §55A; 30A §21; 30B §1 et seq.; 41 §41; 41 §52; 41 §56; 44 §1 et seq.; 69 §1B; 69 §6; 71 §16A; 71 §16B; §16B.5; 71 §16E; 71 §34; 71 §36A; 71 §37A; 71 §37L; 71 §37O; 71 §38; 71 §38N; 71 §38R; 71 §41; 71 §42; 71 §47; 71 §52; 71 §67; 71 §71C; 71 §71E; 71 §71F; 71 §74; 119 §51A; 108 §42 to §48; 109A §1 et seq.; 268 §1 to §5; 268 §13; 268 §13E; 268 §14; 268 §39 and §40; 268A §1 et seq.; 268B §1 et seq.; 269 §18; 274 §1 et seq.

603 CMR 7.00, 10.00, 44.00 and 49.00; 803 CMR 3.05

District Policy: WHRSD ADDA et seq.; AE; DA; DB et seq.; DBI; DBJ; DD; DFA; DGA; DH; DI; DIA; DID; DIE; DJ; DJA; DJE; DJH; DK; DKC; DM; GBEC; BEA; GBEB; GCF; GCG; GCGA; GDB; HA; IHCEA; JL; JIFCB; JL; KLG et seq.

CBA(s): WHEA-A 2 §B; 33 §A et seq.

WHEA-B 3

Additional consideration(s) include, but may not be limited to, the following:

Classification: MAJOR

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: YES

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT'D.

DISHONESTY (CRIMINAL)-CONT'D.

Case Facts	Disciplinary Options: Dishonesty (Criminal)			
	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable

Commentary:

1. All incidents potentially involving these grounds must be reported to the Superintendent's Office.
2. Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or the Department) where mandated.
3. For considerations with off-duty incidents, see [Off-Duty Misconduct](#).
4. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT'D.

FALSIFICATION OF OR FAILURE TO ACCURATELY PROVIDE INFORMATION (CRIMINAL)

Definition: The term *Falsification of or Failure to Accurately Provide Information (Criminal)* means any written act of dishonesty that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Submitting a signed affidavit known to contain false information.
- Filing a report required by federal, state or local authorities containing information known to be missing, incomplete or incorrect.
- Altering an official application or record after its submittal.
- Presenting forged credentials relating to eligibility for initial or continued employment.
- Making a false non-disqualifying statement on a fingerprint clearance card.
- Accounting for the receipt, deposit or disbursement of funds in a manner prohibited by law.

Related alignment(s) include, but may not be limited to, the following:

Federal: 18 USC §285 et seq.; 18 USC §470 et seq.; 18 USC §1001 et seq.; 18 USC §1341; 18 USC §1426

State: MGL 6 §167; 6 §167A; 6 §168; 7 §22; 7 §22A; 7 §22B; 15 §55A; 30A §21; 30B §1 et seq.; 41 §41; 41 §52; 41 §56; 44 §1 et seq.; 69 §1B; 69 §6; 71 §16A; 71 §16B; §16B.5; 71 §34; 71 §16E; 71 §16G.5; 71 §20A; 71 §38; 71 §38N; 71 §38R; 71 §41; 71 §42; 71 §47; 71 §71C; 71 §71E; 71 §71F; 71 §74; 150E §15; 266 §29B; 266 §35A; 266 §37 to §39; 266 §42 to §43; 266 §64 to §75; 266 §76 to §86; 266 §88 to §93; 266 §110 to §111C; 266 §147; 267 §1 et seq.; 268 §6 to §6B; 269 §13A' 269 §14B to §16; 274 §1 et seq.

603 CMR 7.00, 10.00 and 44.00; 803 CMR 3.05

District Policy: WHRSD ADDA et seq.; AE; BEC; DA; DB et seq.; DBI; DBJ; DD; DFA; DGA; DH; DI; DIA; DID; DIE; DJ; DJA; DJE; DJH; DK; DKC; DM; GBEB; GCF; GCG; GCGA; GDB; HA; IHCEA

CBA(s): WHEA-A 2 §B; 33 §A et seq.
WHEA-B 3

Additional consideration(s) include, but may not be limited to, the following:

Classification: MAJOR

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: YES

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT'D.

FALSIFICATION OF OR FAILURE TO ACCURATELY PROVIDE INFORMATION (CRIMINAL)-CONT'D.

Disciplinary Options: Falsification of or Failure to Accurately Provide Information (Criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable

Commentary:

1. All incidents potentially involving these grounds must be reported to the Superintendent's Office.
2. Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or the Department) where mandated.
3. See also *Education Department General Administrative Regulations* (EDGAR 34 CFR §74-86 and 97-99).
4. For considerations with off-duty incidents, see [Off-Duty Misconduct](#).
5. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT'D.

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (CRIMINAL)

Definition: The term *Inappropriate, Abusive or Offensive Conduct (Criminal)* is means any act which interferes with the personal rights of staff, students, others or the legitimate interests of the District that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Committing violence in the workplace.
- Causing injury or endangering a person directly or through neglect of duty.
- Assaulting or battering a person.
- Threatening a person, or damaging property, in an act of criminal harassment or civil rights intimidation.
- Stalking a person.
- Committing an act of indecent exposure.
- Engaging in an act of retaliation prohibited under federal, state or local criminal law.

Related alignment(s) include, but may not be limited to, the following:

Federal: 18 USC §111 et seq.; 18 USC §241 et seq.; 18 USC §871 et seq.; 18 USC §2231 et seq.; 18 USC §2261 et seq.

State: MGL 6 §167; 6 §167A; 6 §168; 30A §21; 69 §1B; 69 §6; 71 §37G; 71 §37H; 71 §37O; 71 §38R; 71 §41; 71 §42; 264 §11; 150E §10; 150E §15; 151B §1 et seq.; 265 §13A; 265 §13C to §13D.5; 265 §13G to §13I; 265 §13M; 265 §15 to §15C; 265 §20; 265 §25; 265 §29; 265 §30; 265 §32; 265 §34 to §37; 265 §39 and §40; 265 §43 and §43A; 268 §13B; 268 §14A and §14B; 269 §17; 269 §14A; 269 §17; 270 §1 and §1A; 270 §3 to §20; 270 §23 to §26; 272 §98 to §98C; 274 §1 et seq.

603 CMR 7.00, 44.00, 46.00 and 49.00; 803 CMR 3.05

District Policy: WHRSD ADDA et seq.; AE; BEC; GBEB; GCF; GCG; GCGA; GDB; HA; JBA; JICF; JICFA; JIFCB; JH; JKA; JKAA

CBA(s): WHEA-A 2 §B; 19 §A et seq.; 26 §A; 33 §A et seq.

WHEA-B 3; 8; 23

WHEA-C 1

WHEA-D 16; 21

Additional consideration(s) include, but may not be limited to, the following:

Classification: MAJOR

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: YES

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT'D.

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (CRIMINAL)-CONT'D.

Disciplinary Options: Inappropriate, Abusive or Offensive Conduct (Criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable

Commentary:

1. All incidents potentially involving these grounds must be reported to the Superintendent's Office.
2. Some examples of this ECOE violation may be incompatible with initial or continued employment by the District. For management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
3. Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or the Department) where mandated.
4. For considerations with off-duty incidents, see [Off-Duty Misconduct](#).
5. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT'D.

THEFT, ABUSE, OR UNAUTHORIZED USE OF PROPERTY

Definition: The term *Theft, Abuse or Unauthorized Use of Property* means any act which constitutes the stealing, wrongful appropriation, improper diversion, destruction or misuse of property belonging to the District, staff, students or others that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Stealing funds from any cash collection.
- Embezzling funds.
- Misappropriating materials rightly owned by another party.
- Diverting District assets for personal use.
- Destroying District property in an act of vandalism.
- Using District-owned equipment without proper authorization or approval after hours.

Related alignment(s) include, but may not be limited to, the following:

Federal: 18 USC §641 et seq.; 18 USC §2311 et seq.

State: MGL 6 §167; 6 §167A; 6 §168; 7 §22; 7 §22A; 7 §22B; 15 §55A; 30A §21; 30B §1 et seq.; 41 §41; 41 §52; 41 §56; 69 §1B; 69 §6; 71 §16A; 71 §16B; 71 §16B.5; 71 §16E; 71 §16G.5; 71 §16E; 71 §20A; 71 §37A; 71 §38R; 71 §41; 71 §42; 71 §47; 71 §71C; 71 §71E; 71 §71F; 71 §74; 264 §11; 265 §46; 266 §21 to §25; 266 §27 to §29; 266 §30 to §34; 266 §41; 266 §48; 266 §50 to §59; 266 §60; 266 §61 to §63; 266 §87 and §87A; 266 §94 to §100; 266 §103 to §109; 266 §112 to §115; 266 §121A to §127A; 266 §131 to §133; 266 §140; 266 §145; 274 §1 et seq.

603 CMR 7.00, 10.00 and 44.00; 803 CMR 3.05

District Policy: WHRSD ADDA et seq.; AE; BEC; DA; DB et seq.; DBI; DBJ; DD; DFA; DGA; DH; DI; DIA; DID; DIE; DJ; DJA; DJE; DJH; DK; DKC; DM; DN; ECA; ECAC; EDC; GBEB; GCF; GCG; GCGA; GDB; HA; IHCEA

CBA(s): WHEA-A 2 §B; 13 §A; 33 §A et seq.

WHEA-B 3 ; 27

WHEA-D 6

Additional consideration(s) include, but may not be limited to, the following:

Classification: MAJOR

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: YES

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT'D.

THEFT, ABUSE OR UNAUTHORIZED USE OF PROPERTY-CONT'D.

Disciplinary Options: Theft, Abuse or Unauthorized Use of Property				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable

Commentary:

1. All incidents potentially involving these grounds must be reported to the Superintendent's Office.
2. Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or the Department) where mandated.
3. See also *Education Department General Administrative Regulations* (EDGAR 34 CFR §74-86 and 97-99).
4. For considerations with off-duty incidents, see [Off-Duty Misconduct](#).
5. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT'D.

WEAPONS POLICY VIOLATION

Definition: The term *Weapon Policy Violation* means any unauthorized act which violates the District's weapons policies that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Possessing any device, instrument or item that fires a projectile by means of an explosive or propellant.
- Transporting any device, instrument or item that contains component(s) that may be converted into such a device.
- Selling, transferring or exchanging any device, instrument or item that may be reasonably characterized as an offensive or defensive weapon capable of inflicting temporary or permanent injury upon a person.
- Using any device, instrument or item to threaten or attack another person.
- Exhibiting or using any device, instrument or item that resembles such a weapon.

Related alignment(s) include, but may not be limited to, the following:

Federal: *Gun Control Act of 1968* [GCA; 18 USC §921 et seq.; Public Law 90-618], *Gun Free School Zones Act of 1990* [GFSZA; 18 USC §922 and 924] and *Gun Free Schools Act of 1994*; 18 USC §175 et seq.; 18 USC §229 et seq.; 18 USC §831 et seq.; 18 USC §841 et seq.; 27 CFR §447.1 et seq.

State: MGL 4 §7(26)(j); 6 §167; 6 §167A; 6 §168; 30A §21; 66 §10; 69 §1B; 69 §6; 69 §8A; 71 §1; 71 §37H; 71 §37L; 71 §38R; 71 §41; 71 §42; 265 §18A to §18C; 266 §101 to §102D; 266 §121; 269 §10 to §11C; 269 §11E to §12B; 269 §12D to §12F; 269 §14; 274 §1 et seq.

603 CMR 7.00 and 44.00; 803 CMR 3.05

District Policy: WHRSD ADDA et seq.; AE; BEC; GBEB; GBJ; GCF; GCG; GCGA; GDB; HA; KDB; JL

CBA(s): WHEA-A 2 §B; 33 §A et seq.

WHEA-B 3

Additional consideration(s) include, but may not be limited to, the following:

Classification: MAJOR

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: YES

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT'D.

WEAPONS POLICY VIOLATION-CONT'D.

Disciplinary Options: Weapons Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable

Commentary:

1. All incidents potentially involving these grounds must be reported to the Superintendent's Office.
2. Some examples of this ECOE violation may be incompatible with initial or continued employment by the District. For management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
3. Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or the Department) where mandated.
4. Evidence of intentionality is not a required factor for verifying this ECOE violation.
5. Personal protection sprays may not be used other than in self-defense as defined by state law.
6. For considerations with off-duty incidents, see [Off-Duty Misconduct](#).
7. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT'D.

OTHER CRIMINAL VIOLATION (NON-DISQUALIFYING)

Definition: The term *Other Criminal Violation (Non-disqualifying)* means any act that does not statutorily render an employee ineligible for employment not specified elsewhere in this section of the ECOE that may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Breaking and entering into a District-owned structure.
- Creating or contributing to a civil disturbance.
- Coercing a witness.
- Being convicted of Driving Under the Influence (DUI) while employed in a position requiring no transportation duties.

Related alignment(s) include, but may not be limited to, the following:

Federal: Includes 18 USC §81 et seq., 18 USC §228, 18 USC §231 et seq., 18 USC §331 et seq., 18 USC §351 et seq., 18 USC §371 et seq., 18 USC §401 et seq., 18 USC §751 et seq., 18 USC §1071 et seq., 18 USC §1084, 18 USC §1261 et seq., 18 USC §1301 et seq., 18 USC §1361 et seq., 18 USC §1425, 18 USC §1460 through 1466, 18 USC §1470, 18 USC §1501 et seq., 18 USC §1581 et seq., 18 USC §1751 et seq., 18 USC §1801, 18 USC §1831 et seq., 18 USC §1951 et seq., 18 USC §1961 et seq., 18 USC §2101 et seq., 18 USC §2325 et seq., 18 USC §2331 et seq., 18 USC §2341 et seq., 18 USC §2381 et seq., 18 USC §2510 et seq., 18 USC §2701 et seq. and all non-disqualifying federal level criminal violations not otherwise specified

State: Includes MGL 6 §167, 6 §167A, 6 §168, 69 §1B, 30A §21, 69 §6, 71 §38R, 71 §41, 71 §42, 137 §1 et seq.; 264 §1 to §4, 264 §11, 264 §17 to 23, 265 §14, 265 §21, 265 §21A, 265 §53, 266 §1 to §13A, 266 §60A, 268 §13C and §13D, 268 §15A and §16, 268 §17 to §36, 269 §1 to §8, 269 §13, 271 §1 et seq., 272 §1 et seq., 272 §28C to §29, 272 §32 to §43, 272 §59 to §97, 272 §99 and §99A, 272 §105, 273 §1 et seq., 274 §1 et seq. and all non-disqualifying state level criminal violations not otherwise specified

603 CMR 7.00 and 44.00; 803 CMR 3.05

District Policy: Includes WHRSD ADDA et seq., AE, BEC, GBEB, GCF, GCG, GCGA, HA all non-disqualifying District level criminal violations not otherwise specified

CBA(s): Includes WHEA-A 2 §B and all right to manage considerations not otherwise specified

Includes WHEA-B 3 and all right to manage considerations not otherwise specified

Includes WHEA-C 14 and all right to manage considerations not otherwise specified

Includes WHEA-D 2 §B and all right to manage considerations not otherwise specified

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT'D.

OTHER CRIMINAL VIOLATION (NON-DISQUALIFYING)-CONT'D.

Additional consideration(s) include, but may not be limited to, the following:

- Classification:** NON-DISQUALIFYING
- Initial Case Management:** SUPERINTENDENT/DESIGNEE
- Mandatory Reporting:** YES

Disciplinary Options: Other Criminal Violation (Non-Disqualifying)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Not Applicable	Not Applicable
Mostly Aggravating	Dismissal	Not Applicable	Not Applicable	Not Applicable

Commentary:

1. All incidents potentially involving these grounds must be reported to the Superintendent's Office.
2. Some examples of this ECOE violation are incompatible with initial or continued employment by the District. For management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
3. Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or the Department) where mandated.
4. For considerations with off-duty incidents, see [Off-Duty Misconduct](#).
5. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT'D.

OTHER CRIMINAL VIOLATION (DISQUALIFYING)

Definition: The term *Other Criminal Violation (Disqualifying)* means any act that statutorily renders an employee ineligible for employment not specified elsewhere in this section of the ECOE and may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Being convicted of a crime reportable to the Massachusetts School Committee or Department of Education for consideration of license Suspension/revocation or denial or fingerprint clearance forfeiture.
- Being convicted of Driving Under the Influence (DUI) while employed in a position requiring a Commercial Driving License (CDL).

Related alignment(s) include, but may not be limited to, the following:

Federal: Includes 18 USC §1111 et seq., 18 USC §1201 et seq., 18 USC §1466a, 18 USC §2111 et seq., 18 USC §2251 et seq., 18 USC §2423, 18 USC §2425, 18 USC §2427, 18 USC §3283 and all disqualifying federal level criminal violations not otherwise specified

State: Includes MGL 6 §167, 6 §167A, 6 §168, 30A §21, 69 §1B, 69 §6, 71 §37H, 71 §38R, 71 §41, 71 §42, 265 §1, §2 and §13, 265 §13B to §13.75, 265 §13J to §13L, 265 §16 to §18, 265 §19, 265 §22A to §23B, 265 §24B, 265 §26 to §28, 265 §44, 265 §48, 265 §50 to §52, 266 §14 to 266 §20B, 266 §49, 272 §1, 272 §4 to §4B, 272 §28, 272 §29A to §30, 272 §30D and §31, 272 §53A and §54, 272 §58, 274 §1 et seq. and all disqualifying state level criminal violations not otherwise specified

603 CMR 7.00 and 44.00; 803 CMR 3.05

District Policy: Includes WHRSD ADDA et seq., AE, BEC, GBEB, GCF, GCG, GCGA, HA and all disqualifying district level criminal violations not otherwise specified

CBA(s): Includes WHEA-A 2 §B and all right to manage considerations not otherwise specified

Includes WHEA-B 3 and all right to manage considerations not otherwise specified

Includes WHEA-C 14 and all right to manage considerations not otherwise specified

Includes WHEA-D 2 §B and all right to manage considerations not otherwise specified

Additional consideration(s) include, but may not be limited to, the following:

Classification: DISQUALIFYING

Initial Case Management: SUPERINTENDENT/DESIGNEE

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



4.0 ECOE VIOLATIONS-CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT'D.

OTHER CRIMINAL VIOLATION (DISQUALIFYING)-CONT'D.

Mandatory Reporting: YES

Disciplinary Options: Other Criminal Violation (Disqualifying)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Dismissal	Not Applicable	Not Applicable	Not Applicable
Relatively Equal	Dismissal	Not Applicable	Not Applicable	Not Applicable
Mostly Aggravating	Dismissal	Not Applicable	Not Applicable	Not Applicable

Commentary:

1. All incidents potentially involving these grounds must be reported to the Superintendent's Office.
2. All examples of these ECOE violations are incompatible with initial or continued employment by the District.
3. Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or the Department) where mandated.
4. For considerations with off-duty incidents, see [Off-Duty Misconduct](#).
5. For additional information and examples, consult your direct supervisor or the Superintendent's office.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



5.0 INFORMAL DISCIPLINARY ACTIONS ACKNOWLEDGED ORAL WARNINGS

An employee facing an [Acknowledged Oral Warning](#) will receive the following:

Professional Employees

- An explanation of the allegation(s) involved.
- A reasonable amount of time to respond to the allegation(s)
- Consideration of the response and all pertinent aggravating factors or mitigating factors in the case prior to making a decision to take action.
- An informal meeting with his or her supervisor in a private location [WHEA 12 §A2 and §C3; WHEA-D 10].
- An explanation of the reason(s) for taking action.
- A written, signed copy of the action that includes: 1) Expectations for correction (if any); and 2) Notification that further action may result if the action(s) or behavior(s) are not remediated.
- An opportunity to respond to the action in writing if applicable [WHRSD GBJ; WHEA-A 12 §A6; WHEA-D 10].

Support Staff Members

- See above.

Procedural considerations for this type of informal action are as follows:

Professional Employees

- **Principal:** An employee's direct supervisor may take this action.
 - **Before Action.** The supervisor will complete an informal inquiry that includes the employee's response to the allegation(s) involved.
 - **During Action.** The supervisor will:
 - Document the action (see [Appendix 5.01](#)).
 - Meet with the employee within a reasonable timeframe.
 - State his or her reason(s) for proceeding with the action.
 - Reference any aggravating factors and mitigating factors considered prior to making the decision.
 - Review the documentation with the employee.
 - Request written acknowledgement of receipt of the action from the employee.
 - **After Action.** The supervisor will provide the employee with an opportunity to respond in writing within a reasonable timeframe and inform the employee of his or her right to include any comments the employee deems appropriate [WHRSD GBJ]. Any written response must be attached to the documentation of the action.
- **Administrator:** An employee's direct supervisor may take this action.
 - **Before Action.** The supervisor will complete an informal inquiry that includes the employee's response to the allegation(s) involved.
 - **During Action.** The supervisor will:
 - Document the action (see [Appendix 5.01](#)).
 - Meet with the employee within a reasonable timeframe.
 - State his or her reason(s) for proceeding with the action.
 - Reference any aggravating factors and mitigating factors considered prior to making the decision.
 - Review the documentation with the employee.
 - Request written acknowledgement of receipt of the action from the employee.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



5.0 INFORMAL DISCIPLINARY ACTIONS-CONT'D. ACKNOWLEDGED ORAL WARNINGS-CONT'D.

- **After Action.** The supervisor will provide the employee with an opportunity to respond in writing within a reasonable timeframe and inform the employee of his or her right to include any comments the employee deems appropriate [WHRSD GBJ]. Any written response must be attached to the documentation of the action.
- **Teacher:** An employee's direct supervisor may take this action.

NOTE: No Teacher will be disciplined without Just Cause [WHEA-A 12 §C2].

- **Before Action.** The supervisor will complete an informal inquiry that includes the employee's response to the allegation(s) involved.

NOTE: In the event that a deficiency in the performance of a Teacher is observed by the administrative staff outside of the formal evaluation process, such deficiency will be called to the attention of the employee within 5 (five) work days [WHEA-A 12 §A1]. The Administrator shall fulfill this requirement by personal contact with the employee involved who may, at his or her discretion, after consideration of the stated purpose for said meeting, request the presence of a WHEA representative [WHEA-A 12 §A1].

Any complaint against a Professional Employee to an Administrator will be called to the attention of the employee within 2 (two) work days of the receipt of the complaint [WHEA-A 12 §A4].

- **During Action.** The supervisor will:
 - Document the action (see [Appendix 5.01](#)).
 - Meet with the employee within a reasonable timeframe.
 - State his or her reason(s) for proceeding with the action.
 - Reference any aggravating factors and mitigating factors considered prior to making the decision.
 - Review the documentation with the employee [WHEA-A 12 §A6].
 - Request written acknowledgement of receipt of the action from the employee [WHEA-A 12 §A6].

NOTE: If a Teacher is to be disciplined, he or she may request that a WHEA representative be present [WHEA-A 12 §C2]. However, the requirements of WHEA 12 §A3 and §C2 do not include meetings where the Employer simply wishes to inform the employee about a disciplinary action that has already been made and no information is sought by the Employer [WHEA-A 12 §A3].

- **After Action.** The supervisor will provide the employee with an opportunity to respond in writing within a reasonable timeframe and inform the employee of his or her right to include any comments the employee deems appropriate [WHRSD GBJ; WHEA-A 12 §A6]. Any written response must be attached to the documentation of the action [WHEA-A 12 §A6].

NOTE: There is no provision for the dispute of this action under state statute or district policy. A Teacher with Professional Teacher Status against whom disciplinary measures are taken because of the contents of the employee's evaluation report(s) shall have the right to file a Grievance pursuant to WHEA-A 3 §A et seq. [WHEA-A 12 §C1; see [Section 8.0](#)].

- **Paraprofessional:** An employee's direct supervisor may take this action.

- **Before Action.** The supervisor will complete an informal inquiry that includes the employee's response to the allegation(s) involved.

NOTE: In the event that a deficiency in the performance of a Paraprofessional is observed by the administrative staff outside of the formal evaluation process, such deficiency will be called to the attention of the employee within 2 (two) work days [WHEA-D 10]. The Administrator shall fulfill this requirement by personal contact with the employee involved who may, at his or her discretion, after consideration of the stated purpose for said meeting, request the presence of a WHEA representative [WHEA-D 10].

A written complaint against a Paraprofessional to a member of the professional administrative staff will be called to the attention of the employee within 2 (two) work days [WHEA-D 10].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



5.0 INFORMAL DISCIPLINARY ACTIONS-CONT'D. ACKNOWLEDGED ORAL WARNINGS-CONT'D.

- **During Action.** The supervisor will:
 - Document the action (see [Appendix 5.01](#)).
 - Meet with the employee within a reasonable timeframe.
 - State his or her reason(s) for proceeding with the action.
 - Reference any aggravating factors and mitigating factors considered prior to making the decision.
 - Review the documentation with the employee [WHEA-D 10].
 - Request written acknowledgement of receipt of the action from the employee [WHEA-D 10].
- **After Action.** The supervisor will provide the employee with an opportunity to respond in writing within a reasonable timeframe and inform the employee of his or her right to include any comments the employee deems appropriate [WHRSD GBJ; WHEA-D 10]. Any written response must be attached to the documentation of the action [WHEA-D 10].

NOTE: There is no provision for the dispute of this action under state statute or district policy. A Paraprofessional against whom disciplinary measures are taken because of the contents of the employee's evaluation report(s) shall have the right to file a Grievance pursuant to WHEA-D 3 [WHEA-D 10; see [Section 8.0](#)].

Support Staff Members

- **Before Action.** The supervisor will complete an informal inquiry that includes the employee's response to the allegation(s) involved. The inquiry must both establish and verify grounds for discipline that warrant this type of action.
- **During Action.** The supervisor will:
 - Document the action (see [Appendix 5.01](#)).
 - Meet with the employee within a reasonable timeframe.
 - State his or her reason(s) for proceeding with the action.
 - Reference any aggravating factors and mitigating factors considered prior to making the decision.
 - Review the documentation with the employee.
 - Request written acknowledgement of receipt of the action.
- **After Action.** The supervisor will provide the employee with an opportunity to respond in writing within a reasonable timeframe and inform the employee of his or her right to include any comments the employee deems appropriate [WHRSD GBJ]. Any written response must be attached to the documentation of the action.

NOTE: There is no provision for the contest of this action under state statute, District policy or negotiated agreement [MGL 150E §8].

Post-disciplinary considerations include, but are not limited to, the following:

Professional Employees

- **Records Management.** Documentation associated with the action will remain in an Unofficial supervisor's File (or "USF"). Additional records management provisions apply (see [Section 9.0](#)).
- **Withdrawal of Action.** There is no provision for the withdrawal of this action under state statute, District policy or CBA; however, withdrawal may be considered if all of the following conditions are met: 1) The Withdrawal Ineligibility Period has passed; 2) No further action was taken on the case (i.e., no incidents of a similar nature have occurred) before the withdrawal request is made; and 3) The issuing supervisor and/or the current supervisor deems the withdrawal appropriate.

NOTE: The Withdrawal Ineligibility Period for this action is 1 (one) calendar year from the date of issuance.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



5.0 INFORMAL DISCIPLINARY ACTIONS-CONT'D. ACKNOWLEDGED ORAL WARNINGS-CONT'D.

Additional considerations include the following:

- A withdrawn action may be used to justify future progressive employee discipline on the same or substantially similar grounds.
- Physical removal restrictions may apply under open records and records maintenance provisions of state statute and District policy.
- The supervisor is under no obligation to withdraw the action.

To initiate the withdrawal, the employee must submit a written request to the current Supervisor that:

- Outlines the reason(s) why the employee believes the withdrawal is warranted.
- Includes a statement indicating the employee will adhere to the requirements of the expected action(s) or behavior(s) in the future.
- Is signed and dated.

When processing the withdrawal request, the supervisor must respond with a written acknowledgement within a reasonable timeframe that:

- Respond in writing to the employee Accept or rejects the employee's request for withdrawal.
- Summarizes the reason(s) for the acceptance or withdrawal.
- Is signed and dated.

If the withdrawal request is approved, the supervisor must also:

- Convert the status of the case from "active" to "inactive."
- Remove the original document from the USF and include it in the response.
- Place the employee's written withdrawal request in the USF.

- **Expiration of Action.** There is no provision for the expiration of this action for progressive discipline purposes under state statute, District policy or CBA; however, the action shall be deemed as "inactive" or "expired" if all of the following conditions are met: 1) The Expiration Date has passed; and 2) No further action was taken on the case (i.e., no incidents of a similar nature have occurred since the action was documented).

NOTE: The Expiration Date for this action is 3 (three) calendar years from the date of issuance.

Additional considerations include the following:

- An expired action may not be used to justify future progressive employee discipline on the same or substantially similar grounds.
- Physical removal restrictions may apply under open records and records maintenance provisions of state statute and District policy.

Upon expiration, the Supervisor must:

- Convert the status of the case from "active" to "inactive."
- Remove the original document from the USF.

Support Staff Members

- **Records Management.** See above.
- **Withdrawal of Action.** See above.
- **Expiration of Action.** See above.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



5.0 INFORMAL DISCIPLINARY ACTIONS-CONT'D. WRITTEN WARNINGS

An employee facing a [Written Warning](#) will receive the following:

Professional Employees

- An explanation of the allegation(s) involved.
- A reasonable amount of time to respond to the allegation(s)
- Consideration of the response and all pertinent aggravating factors or mitigating factors in the case prior to making a decision to take action.
- An informal meeting with his or her supervisor in a private location [WHEA 12 §A2 and §C3; WHEA-D 10].
- An explanation of the reason(s) for taking action.
- A written, signed copy of the action that includes: 1) Expectations for correction (if any); and 2) Notification that further action may result if the action(s) or behavior(s) are not remediated.
- An opportunity to respond to the action in writing if applicable [WHRSD GBJ; WHEA-A 12 §A6; WHEA-D 10].

Support Staff Members

- See above.

Procedural considerations for this type of informal action are as follows:

Professional Employees

- **Principal**: An employee's direct supervisor may take this action.
 - **Before Action.** The supervisor will complete an informal inquiry that includes the employee's response to the allegation(s) involved.
 - **During Action.** The supervisor will:
 - Document the action (see [Appendix 5.02](#)).
 - Meet with the employee within a reasonable timeframe.
 - State his or her reason(s) for proceeding with the action.
 - Reference any aggravating factors and mitigating factors considered prior to making the decision.
 - Review the documentation with the employee.
 - Request written acknowledgement of receipt of the action from the employee.
 - **After Action.** The supervisor will provide the employee with an opportunity to respond in writing within a reasonable timeframe and inform the employee of his or her right to include any comments the employee deems appropriate [WHRSD GBJ]. Any written response must be attached to the documentation of the action.
- **Administrator**: An employee's direct supervisor may take this action.
 - **Before Action.** The supervisor will complete an informal inquiry that includes the employee's response to the allegation(s) involved.
 - **During Action.** The supervisor will:
 - Document the action (see [Appendix 5.02](#)).
 - Meet with the employee within a reasonable timeframe.
 - State his or her reason(s) for proceeding with the action.
 - Reference any aggravating factors and mitigating factors considered prior to making the decision.
 - Review the documentation with the employee.
 - Request written acknowledgement of receipt of the action from the employee.

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ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



5.0 INFORMAL DISCIPLINARY ACTIONS-CONT'D. WRITTEN WARNINGS-CONT'D.

- **After Action.** The supervisor will provide the employee with an opportunity to respond in writing within a reasonable timeframe and inform the employee of his or her right to include any comments the employee deems appropriate [WHRSD GBJ]. Any written response must be attached to the documentation of the action.
- **Teacher:** An employee's direct supervisor may take this action.

NOTE: No Teacher will be disciplined without Just Cause [WHEA-A 12 §C2].

- **Before Action.** The supervisor will complete an informal inquiry that includes the employee's response to the allegation(s) involved.

NOTE: In the event that a deficiency in the performance of a Teacher is observed by the administrative staff outside of the formal evaluation process, such deficiency will be called to the attention of the employee within 5 (five) work days [WHEA-A 12 §A1]. The Administrator shall fulfill this requirement by personal contact with the employee involved who may, at his or her discretion, after consideration of the stated purpose for said meeting, request the presence of a WHEA representative [WHEA-A 12 §A1].

Any complaint against a Professional Employee to an Administrator will be called to the attention of the employee within 2 (two) work days of the receipt of the complaint [WHEA-A 12 §A4].

- **During Action.** The supervisor will:
 - Document the action (see [Appendix 5.02](#)).
 - Meet with the employee within a reasonable timeframe.
 - State his or her reason(s) for proceeding with the action.
 - Reference any aggravating factors and mitigating factors considered prior to making the decision.
 - Review the documentation with the employee [WHEA-A 12 §A6].
 - Request written acknowledgement of receipt of the action from the employee [WHEA-A 12 §A6].

NOTE: If a Teacher is to be disciplined, he or she may request that a WHEA representative be present [WHEA-A 12 §C2]. However, the requirements of WHEA 12 §A3 and §C2 do not include meetings where the Employer simply wishes to inform the employee about a disciplinary action that has already been made and no information is sought by the Employer [WHEA-A 12 §A3].

- **After Action.** The supervisor will provide the employee with an opportunity to respond in writing within a reasonable timeframe and inform the employee of his or her right to include any comments the employee deems appropriate [WHRSD GBJ; WHEA-A 12 §A6]. Any written response must be attached to the documentation of the action [WHEA-A 12 §A6].

NOTE: There is no provision for the dispute of this action under state statute or district policy. A Teacher with Professional Teacher Status against whom disciplinary measures are taken because of the contents of the employee's evaluation report(s) shall have the right to file a Grievance pursuant to WHEA-A 3 §A et seq. [WHEA-A 12 §C1; see [Section 8.0](#)].

- **Paraprofessional:** An employee's direct supervisor may take this action.

- **Before Action.** The supervisor will complete an informal inquiry that includes the employee's response to the allegation(s) involved.

NOTE: In the event that a deficiency in the performance of a Paraprofessional is observed by the administrative staff outside of the formal evaluation process, such deficiency will be called to the attention of the employee within 2 (two) work days [WHEA-D 10]. The Administrator shall fulfill this requirement by personal contact with the employee involved who may, at his or her discretion, after consideration of the stated purpose for said meeting, request the presence of a WHEA representative [WHEA-D 10].

A written complaint against a Paraprofessional to a member of the professional administrative staff will be called to the attention of the employee within 2 (two) work days [WHEA-D 10].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



5.0 INFORMAL DISCIPLINARY ACTIONS-CONT'D. WRITTEN WARNINGS-CONT'D.

- **During Action.** The supervisor will:
 - Document the action (see [Appendix 5.02](#)).
 - Meet with the employee within a reasonable timeframe.
 - State his or her reason(s) for proceeding with the action.
 - Reference any aggravating factors and mitigating factors considered prior to making the decision.
 - Review the documentation with the employee [WHEA-D 10].
 - Request written acknowledgement of receipt of the action from the employee [WHEA-D 10].
- **After Action.** The supervisor will provide the employee with an opportunity to respond in writing within a reasonable timeframe and inform the employee of his or her right to include any comments the employee deems appropriate [WHRSD GBJ; WHEA-D 10]. Any written response must be attached to the documentation of the action [WHEA-D 10].

NOTE: There is no provision for the dispute of this action under state statute or district policy. A Paraprofessional against whom disciplinary measures are taken because of the contents of the employee's evaluation report(s) shall have the right to file a Grievance pursuant to WHEA-D 3 [WHEA-D 10; see [Section 8.0](#)].

Support Staff Members

- **Before Action.** The supervisor will complete an informal inquiry that includes the employee's response to the allegation(s) involved. The inquiry must both establish and verify grounds for discipline that warrant this type of action.
- **During Action.** The supervisor will:
 - Document the action (see [Appendix 5.02](#)).
 - Meet with the employee within a reasonable timeframe.
 - State his or her reason(s) for proceeding with the action.
 - Reference any aggravating factors and mitigating factors considered prior to making the decision.
 - Review the documentation with the employee.
 - Request written acknowledgement of receipt of the action.
- **After Action.** The supervisor will provide the employee with an opportunity to respond in writing within a reasonable timeframe and inform the employee of his or her right to include any comments the employee deems appropriate [WHRSD GBJ]. Any written response must be attached to the documentation of the action.

NOTE: There is no provision for the contest of this action under state statute, District policy or negotiated agreement [MGL 150E §8].

Post-disciplinary considerations include, but are not limited to, the following:

Professional Employees

- **Records Management.** Documentation associated with the action will remain in an Unofficial supervisor's File (or "USF"). Records management provisions apply (see [Section 9.0](#)).
- **Withdrawal of Action.** There is no provision for the withdrawal of this action under state statute, District policy or CBA; however, withdrawal may be considered if all of the following conditions are met: 1) The Withdrawal Ineligibility Period has passed; 2) No further action was taken on the case (i.e., no incidents of a similar nature have occurred) before the withdrawal request is made; and 3) The issuing supervisor and/or the current supervisor deems the withdrawal appropriate.

NOTE: The Withdrawal Ineligibility Period for this action is 1 (one) calendar year from the date of issuance.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



5.0 INFORMAL DISCIPLINARY ACTIONS-CONT'D. WRITTEN WARNINGS-CONT'D.

Additional considerations include the following:

- A withdrawn action may be used to justify future progressive employee discipline on the same or substantially similar grounds.
- Physical removal restrictions may apply under open records and records maintenance provisions of state statute and District policy.
- The supervisor is under no obligation to withdraw the action.

To initiate the withdrawal, the employee must submit a written request to the current Supervisor that:

- Outlines the reason(s) why the employee believes the withdrawal is warranted.
- Includes a statement indicating the employee will adhere to the requirements of the expected action(s) or behavior(s) in the future.
- Is signed and dated.

When processing the withdrawal request, the supervisor must respond with a written acknowledgement within a reasonable timeframe that:

- Respond in writing to the employee Accept or rejects the employee's request for withdrawal.
- Summarizes the reason(s) for the acceptance or withdrawal.
- Is signed and dated.

If the withdrawal request is approved, the supervisor must also:

- Convert the status of the case from "active" to "inactive."
- Remove the original document from the USF and include it in the response.
- Place the employee's written withdrawal request in the USF.

- **Expiration of Action.** There is no provision for the expiration of this action for progressive discipline purposes under state statute, District policy or CBA; however, the action shall be deemed as "inactive" or "expired" if all of the following conditions are met: 1) The Expiration Date has passed; and 2) No further action was taken on the case (i.e., no incidents of a similar nature have occurred since the action was documented).

NOTE: The Expiration Date for this action is 3 (three) calendar years from the date of issuance.

Additional considerations include the following:

- An expired action may not be used to justify future progressive employee discipline on the same or substantially similar grounds.
- Physical removal restrictions may apply under open records and records maintenance provisions of state statute and District policy.

Upon expiration, the Supervisor must:

- Convert the status of the case from "active" to "inactive."
- Remove the original document from the USF.

Support Staff Members

- **Records Management.** See above.
- **Withdrawal of Action.** See above.
- **Expiration of Action.** See above.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



6.0 FORMAL DISCIPLINARY ACTIONS OFFICIAL REPRIMANDS

An employee facing an [Official Reprimand](#) will receive the following:

Professional Employees

- An explanation of the allegation(s) involved.
- A reasonable amount of time to respond to the allegation(s).
- Consideration of the response and all pertinent aggravating factors or mitigating factors in the case prior to making a decision to take action.
- A formal meeting with the Principal (or Superintendent or his/her designee) in a private location [WHEA 12 §A2 and §C3; WHEA-D 10].
- An explanation of the reason(s) for taking action.
- A written, signed copy of the action that includes: 1) Expectations for correction (if any); and 2) Notification that further action may result if the action(s) or behavior(s) are not remediated.
- An opportunity to respond to the action in writing [WHRSD GBJ; WHEA-A 12 §A6].

Support Staff Members

- An explanation of the allegation(s) involved.
- A reasonable amount of time to respond to the allegation(s).
- Consideration of the response and all pertinent aggravating factors or mitigating factors in the case prior to making a decision to take action.
- A formal meeting with the Principal (or Superintendent or his/her designee) in a private location.
- An explanation of the reason(s) for taking action.
- A written, signed copy of the action that includes: 1) Expectations for correction (if any); and 2) Notification that further action may result if the action(s) or behavior(s) are not remediated.
- An opportunity to respond to the action in writing [WHRSD GBJ].

Procedural considerations for this type of formal personnel action are as follows:

Professional Employees

- **Principal:** The Superintendent or his/her designee may take this action.
 - **Before Action.** The supervisor will complete a formal inquiry that includes the employee's response to the allegation(s) involved. The supervisor will forward the documentation involved to the Superintendent or his/her designee without undue delay.
 - **During Action.** The Superintendent or his/her designee will:
 - Document the action (see [Appendix 6.01](#)).
 - Meet with the employee within a reasonable timeframe.
 - State his or her reason(s) for proceeding with the action.
 - Reference any aggravating factors and mitigating factors considered prior to making the decision.
 - Review the documentation with the employee.
 - Request written acknowledgement of receipt of the action from the employee.
 - **After Action.** The Superintendent or his/her designee will provide the employee with an opportunity to respond in writing within a reasonable timeframe and inform the employee of his or her right to include any comments the employee deems appropriate [WHRSD GBJ; WHEA-A 12 §A6]. Any written response must be attached to the documentation of the action [WHEA-A 12 §A6].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



6.0 FORMAL DISCIPLINARY ACTIONS-CONT'D. OFFICIAL REPRIMANDS-CONT'D.

- **Administrator:** The Superintendent or his/her designee may take this action.
 - **Before Action.** The supervisor will complete a formal inquiry that includes the employee's response to the allegation(s) involved. The supervisor will forward the documentation involved to the Superintendent or his/her designee without undue delay.
 - **During Action.** The Superintendent or his/her designee will:
 - Document the action (see [Appendix 6.01](#)).
 - Meet with the employee within a reasonable timeframe.
 - State his or her reason(s) for proceeding with the action.
 - Reference any aggravating factors and mitigating factors considered prior to making the decision.
 - Review the documentation with the employee.
 - Request written acknowledgement of receipt of the action from the employee.
 - **After Action.** The Superintendent or his/her designee will provide the employee with an opportunity to respond in writing within a reasonable timeframe and inform the employee of his or her right to include any comments the employee deems appropriate [WHEA-A 12 §A6]. Any written response must be attached to the documentation of the action [WHEA-A 12 §A6].
- **Teacher:** The Principal may take this action.

NOTE: No Teacher will be reprimanded without Just Cause [WHEA-A 12 §C2].

- **Before Action.** The supervisor will complete a formal inquiry that includes the employee's response to the allegation(s) involved. The supervisor will forward the documentation involved to the Superintendent or his/her designee without undue delay.

NOTE: In the event that a deficiency in the performance of a Teacher is observed by the administrative staff outside of the formal evaluation process, such deficiency will be called to the attention of the employee within 5 (five) work days [WHEA-A 12 §A1]. The Administrator shall fulfill this requirement by personal contact with the employee involved who may, at his or her discretion, after consideration of the stated purpose for said meeting, request the presence of a WHEA representative [WHEA-A 12 §A1].

Any complaint against a Professional Employee to an Administrator will be called to the attention of the employee within 2 (two) work days of the receipt of the complaint [WHEA-A 12 §A4].

Whenever any Teacher is required to meet with any Employer representative concerning any matter which could adversely affect the Professional Employee's status, the Professional Employee shall: 1) Be given notice of the nature of the meeting; and 2) Be entitled to have a WHEA representative present [WHEA 12 §A3]. The notice shall be sufficiently specific to allow the employee to respond to the matters for which the meeting is being called [WHEA 12 §A3]. The meeting shall be scheduled at a time mutually convenient for the Employer, the Professional Employee and the WHEA representative [WHEA 12 §A3].

- **During Action.** The Superintendent or his/her designee will:
 - Document the action (see [Appendix 6.01](#)).
 - Meet with the employee within a reasonable timeframe.
 - State his or her reason(s) for proceeding with the action.
 - Reference any aggravating factors and mitigating factors considered prior to making the decision.
 - Review the documentation with the employee [WHEA-A 12 §A6].
 - Request written acknowledgement of receipt of the action from the employee [WHEA-A 12 §A6].

NOTE: If a Teacher is to be reprimanded, he or she may request that a WHEA representative be present [WHEA-A 12 §C2]. However, the requirements of WHEA 12 §A3 and §C2 do not include meetings where the Employer simply wishes to inform the employee about a disciplinary action that has already been made and no information is sought by the Employer [WHEA-A 12 §A3].

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6.0 FORMAL DISCIPLINARY ACTIONS-CONT'D. OFFICIAL REPRIMANDS-CONT'D.

- **After Action.** The Superintendent or his/her designee will provide the employee with an opportunity to respond in writing within a reasonable timeframe and inform the employee of his or her right to include any comments the employee deems appropriate [WHRSD GBJ; WHEA-A 12 §A6]. Any written response must be attached to the documentation of the action [WHEA-A 12 §A6].

NOTE: There is no provision for the dispute of this action under state statute or district policy. A Teacher with Professional Teacher Status against whom disciplinary measures are taken because of the contents of the employee's evaluation report(s) shall have the right to file a Grievance pursuant to WHEA-A 3 §A et seq. [WHEA-A 12 §C1; see [Section 8.0](#)].

- **Paraprofessional:** The Superintendent or his/her designee may take this action.

NOTE: No Paraprofessional will be reprimanded except for Cause [WHEA-D 10].

- **Before Action.** The supervisor will complete a formal inquiry that includes the employee's response to the allegation(s) involved. The supervisor will forward the documentation involved to the Superintendent or his/her designee without undue delay.

NOTE: In the event that a deficiency in the performance of a Paraprofessional is observed by the administrative staff outside of the formal evaluation process, such deficiency will be called to the attention of the employee within 2 (two) work days [WHEA-D 10]. The Administrator shall fulfill this requirement by personal contact with the employee involved who may, at his or her discretion, after consideration of the stated purpose for said meeting, request the presence of a WHEA representative [WHEA-D 10].

A written complaint against a Paraprofessional to a member of the professional administrative staff will be called to the attention of the employee within 2 (two) work days [WHEA-D 10].

- **During Action.** The Superintendent or his/her designee will:
 - Document the action (see [Appendix 6.01](#)).
 - Meet with the employee within a reasonable timeframe.
 - State his or her reason(s) for proceeding with the action.
 - Reference any aggravating factors and mitigating factors considered prior to making the decision.
 - Review the documentation with the employee [WHEA-D 10].
 - Request written acknowledgement of receipt of the action from the employee [WHEA-D 10].
- **After Action.** The Superintendent or his/her designee will provide the employee with an opportunity to respond in writing within a reasonable timeframe and inform the employee of his or her right to include any comments the employee deems appropriate [WHRSD GBJ; WHEA-D 10]. Any written response must be attached to the documentation of the action [WHEA-D 10].

NOTE: There is no provision for the dispute of this action under state statute or district policy. A Paraprofessional against whom disciplinary measures are taken because of the contents of the employee's evaluation report(s) shall have the right to file a Grievance pursuant to WHEA-D 3 [WHEA-D 10; see [Section 8.0](#)].

Support Staff Members

- **Before Action.** The supervisor will complete a formal inquiry that includes the employee's response to the allegation(s) involved. The inquiry must both establish and verify grounds for discipline that warrant this type of action. The supervisor will forward the documentation involved to the Superintendent or his/her designee without undue delay.
- **During Action.** The Superintendent or his/her designee will:
 - Document the action (see [Appendix 6.01](#)).
 - Meet with the employee within a reasonable timeframe.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



6.0 FORMAL DISCIPLINARY ACTIONS-CONT'D. OFFICIAL REPRIMANDS-CONT'D.

- State his or her reason(s) for proceeding with the action.
 - Reference any aggravating factors and mitigating factors considered prior to making the decision.
 - Review the documentation with the employee.
 - Request written acknowledgement of receipt of the action.
- **After Action.** The Superintendent or his/her designee will provide the employee with an opportunity to respond in writing within a reasonable timeframe and inform the employee of his or her right to include any comments the employee deems appropriate [WHRSD GBJ]. Any written response must be attached to the documentation of the action.

NOTE: There is no provision for the contest of this action under state statute, District policy or negotiated agreement [MGL 150E §8].

Post-disciplinary considerations include, but are not limited to, the following:

Professional Employees

- **Records Management.** Documentation associated with the action will remain in the Official Personnel File (or "OPF"). Records management provisions apply (see [Section 9.0](#)).
- **Expiration of Action.** There is no provision for the automatic expiration of this action for progressive discipline purposes under state statute, District policy or negotiated agreement.
- **Withdrawal of Action.** There is no provision for the withdrawal of this action under state statute, District policy or negotiated agreement.

Support Staff Members

- **Records Management.** See above.
- **Expiration of Action.** See above.
- **Withdrawal of Action.** See above.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



6.0 FORMAL DISCIPLINARY ACTIONS-CONT'D. SUSPENSIONS

Procedural considerations for a [Suspension](#) are as follows:

[Professional Employees](#)

- **Principal:** The Superintendent may suspend any employee of the District subject to the provisions of MGL 71 §42D [MGL 71 §42D; WHRSD GCQF]. Any employee shall have 7 (seven) days written notice of the intent to suspend and the grounds upon which the Suspension is to be imposed; provided, however, that the Superintendent may, for Good Cause, require the immediate Suspension of any employee, in which case the employee shall receive written notice of the immediate Suspension and the cause therefor at the time the Suspension is imposed [MGL 71 §42D].
 - **Before Action.** When the Superintendent determines that sufficient cause exists that a Principal be suspended from service in the District, he or she will:
 - Be certain that each such case is supported by defensible records [WHRSD GCQF].
 - Determine if the individual is to be suspended immediately with the understanding that the Suspension will be subject to restoration of salary and position if an appeal is decided in favor of the individual [WHRSD GCQF].
 - Follow the procedures for Suspension contained in applicable laws [WHRSD GCQF].

Any Suspension is subject to the following provisions:

- No employee shall be interrogated prior to any notice given to him or her relative to the Suspension unless the employee notified of his or her right to be represented by counsel during any such investigation [MGL 71 §42D].
- No employee shall be suspended for a period exceeding 1 (one) month, except with the consent of the employee [MGL 71 §42D].
- No employee shall receive compensation for any period of lawful Suspension [MGL 71 §42D].

The individual involved will be provided with a written statement that:

- Indicates that the action being taken is a Suspension [WHRSD GCQF].
- States the reason(s) for the Suspension [WHRSD GCQF].
- Guarantees that all procedures will be in accordance with due process of law [WHRSD GCQF].
- Informs an employee who has a right to request a hearing under appropriate laws that he or she may be represented at such a hearing by counsel of their choice [MGL 71 §42D; WHRSD GCQF].
- **During Action.** The employee shall be entitled to: 1) Review the decision to suspend with the Principal (if said decision to suspend was made by the Principal) or Superintendent; 2) Be represented by counsel in such meetings; and 3) Provide information pertinent to the decision and to the employee's status [MGL 71 §42D].
- **After Action.** If he or she is qualified to do so, a suspended employee may seek review of the Suspension by following the arbitration procedure set forth in MGL 71 §41 and §42 [MGL 71 §42D; see [Section 8.0](#)].
- **Administrator:** The Principal of a school may suspend any employee assigned to the school subject to the provisions of MGL 71 §42D [MGL 71 §42D]. The Superintendent may suspend any employee of the District subject to the provisions of MGL 71 §42D [MGL 71 §42D; WHRSD GCQF]. Any employee shall have 7 (seven) days written Notice of Intent to Suspend and the grounds upon which the Suspension is to be imposed; provided, however, that the Principal or Superintendent

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



6.0 FORMAL DISCIPLINARY ACTIONS-CONT'D. SUSPENSIONS-CONT'D.

may, for Good Cause, require the immediate Suspension of any employee, in which case the employee shall receive written notice of the immediate Suspension and the cause therefor at the time the Suspension is imposed [MGL 71 §42D].

NOTE: Nothing MGL 71 §42D shall be construed as limiting any provision of a CBA with respect to the Suspension of an employee [MGL 71 §42D].

- **Before Action.** When the Principal or Superintendent determines that sufficient cause exists that an Administrator be suspended from service in the District, he or she will:
 - Be certain that each such case is supported by defensible records [WHRSD GCQF].
 - Determine if the individual is to be suspended immediately with the understanding that the Suspension will be subject to restoration of salary and position if an appeal (where applicable) is decided in favor of the individual [WHRSD GCQF].
 - Follow the procedures for Suspension contained in applicable laws as well as those included in the current CBA [MGL 71 §42D; WHRSD GCQF].

Any Suspension is subject to the following provisions:

- No employee shall be interrogated prior to any notice given to him or her relative to the Suspension unless the employee notified of his or her right to be represented by counsel during any such investigation [MGL 71 §42D].
- No employee shall be suspended for a period exceeding 1 (one) month, except with the consent of the employee [MGL 71 §42D].
- No employee shall receive compensation for any period of lawful Suspension [MGL 71 §42D].

The individual involved will be provided with a written statement that:

- Indicates that the action being taken is a Suspension [WHRSD GCQF].
 - States the reason(s) for the Suspension [WHRSD GCQF].
 - Guarantees that all procedures will be in accordance with due process of law [WHRSD GCQF].
 - Informs an employee who has a right to request a hearing under appropriate laws that he or she may be represented at such a hearing by counsel of their choice [MGL 71 §42D; WHRSD GCQF].
- **During Action.** The employee shall be entitled to: 1) Review the decision to suspend with the Principal (if said decision to suspend was made by the Principal) or Superintendent; 2) Be represented by counsel in such meetings; and 3) Provide information pertinent to the decision and to the employee's status [MGL 71 §42D].
 - **After Action.** If he or she is qualified to do so, a suspended employee may seek review of the Suspension by following the arbitration procedure set forth in MGL 71 §41 and §42 [MGL 150E §8 and 71 §42D; see [Section 8.0](#)].
- **Teacher:** The Principal of a school may suspend any Teacher assigned to the school subject to the provisions of MGL 71 §42D [MGL 71 §42D]. The Superintendent may suspend any employee of the District subject to the provisions of MGL 71 §42D [MGL 71 §42D; WHRSD GCQF; WHEA-A 2 §B]. Any employee shall have 7 (seven) days written Notice of Intent to Suspend and the grounds upon which the Suspension is to be imposed; provided, however, that the Principal or Superintendent may, for Good Cause, require the immediate Suspension of any employee, in which case the employee shall receive written notice of the immediate Suspension and the cause therefor at the time the Suspension is imposed [MGL 71 §42D; WHEA-A 12 §C2].

NOTE: Nothing MGL 71 §42D shall be construed as limiting any provision of a CBA with respect to the Suspension of an employee [MGL 71 §42D]. No Teacher will be disciplined without Just Cause [WHEA-A 12 §C2].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



6.0 FORMAL DISCIPLINARY ACTIONS-CONT'D. SUSPENSIONS-CONT'D.

- **Before Action.** When the Superintendent or Principal determines that sufficient cause exists that a Teacher be suspended from service in the District, he or she will:
 - Be certain that each such case is supported by defensible records [WHRSD GCQF].
 - Determine if the individual is to be suspended immediately with the understanding that the Suspension will be subject to restoration of salary and position if an appeal (where applicable) is decided in favor of the individual [WHRSD GCQF].
 - Follow the procedures for Suspension contained in applicable laws as well as those included in the current CBA [MGL 71 §42D; WHRSD GCQF].

Any Suspension is subject to the following provisions:

- No employee shall be interrogated prior to any notice given to him or her relative to the Suspension unless the Teacher is notified of his or her right to be represented by counsel during any such investigation [MGL 71 §42D].
- No employee shall be suspended for a period exceeding 1 (one) month, except with the consent of the Teacher [MGL 71 §42D].
- No employee shall receive compensation for any period of lawful Suspension [MGL 71 §42D].

The individual involved will be provided with a written statement that:

- Indicates that the action being taken is a Suspension [WHRSD GCQF].
- States the reason(s) for the Suspension [WHRSD GCQF].
- Guarantees that all procedures will be in accordance with due process of law [WHRSD GCQF].
- Informs an employee who has a right to request a hearing under appropriate laws that he or she may be represented at such a hearing by counsel of their choice [MGL 71 §42D; WHRSD GCQF].

NOTE: In the event that a deficiency in the performance of a Teacher is observed by the administrative staff outside of the formal evaluation process, such deficiency will be called to the attention of the employee within 5 (five) work days [WHEA-A 12 §A1]. The Administrator shall fulfill this requirement by personal contact with the employee involved who may, at his or her discretion, after consideration of the stated purpose for said meeting, request the presence of a WHEA representative [WHEA-A 12 §A1].

Any complaint against a Teacher to an Administrator will be called to the attention of the employee within 2 (two) work days of the receipt of the complaint [WHEA-A 12 §A4]. In the case of any complaint received by the administration which gives rise to an investigation, the employee will be promptly notified of the complaint, the source of the complaint and the disposition of the complaint (unless otherwise prohibited by law) [WHEA-A 12 §A5]. The employee will be provided with a copy of any complaint made in writing as well as any and all written documents pertaining to the complaint, the investigation of the complaint and the disposition of the complaint (unless otherwise prohibited by law) [WHEA-A 12 §A5].

Whenever any Teacher is required to meet with any Employer representative concerning any matter which could adversely affect the employee's status, the Teacher shall: 1) Be given notice of the nature of the meeting; and 2) Be entitled to have a WHEA representative present [WHEA-A 12 §A3]. The notice shall be sufficiently specific to allow the employee to respond to the matters for which the meeting is being called [WHEA-A 12 §A3]. The meeting shall be scheduled at a time mutually convenient for the Employer, the employee and the WHEA representative [WHEA-A 12 §A3].

- **During Action.** The employee shall be entitled to: 1) Review the decision to suspend with the Principal (if said decision to suspend was made by the Principal) or Superintendent; 2) Be represented by counsel in such meetings; and 3) Provide information pertinent to the decision and to the employee's status [MGL 71 §42D].

NOTE: If a Teacher is to be disciplined, he or she may request that a WHEA representative be present [WHEA-A 12 §C2]. However, the requirements of WHEA 12 §A3 and §C2 do not include meetings where the Employer simply wishes to inform the employee about a disciplinary action that has already been made and no information is sought by the Employer [WHEA-A 12 §A3].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



6.0 FORMAL DISCIPLINARY ACTIONS-CONT'D. SUSPENSIONS-CONT'D.

- **After Action.** If he or she is qualified to do so, a suspended employee may seek review of the Suspension by following the arbitration procedure set forth in MGL 71 §42 [MGL 150E §8 and 71 §42D; see [Section 8.0](#)].
- **Paraprofessional:** The Principal of a school may suspend any employee assigned to the school subject to the provisions of MGL 71 §42D [MGL 71 §42D]. The Superintendent may suspend any employee of the District subject to the provisions of MGL 71 §42D [MGL 71 §42D; WHRSD GCQF; WHEA-A 2 §B]. Any employee shall have 7 (seven) days written Notice of Intent to Suspend and the grounds upon which the Suspension is to be imposed; provided, however, that the Principal or Superintendent may, for Good Cause, require the immediate Suspension of any employee, in which case the employee shall receive written notice of the immediate Suspension and the cause therefor at the time the Suspension is imposed [MGL 71 §42D; WHEA-A 12 §C2].

NOTE: Nothing MGL 71 §42D shall be construed as limiting any provision of a CBA with respect to the Suspension of an employee [MGL 71 §42D]. No Paraprofessional will be suspended except for Cause [WHEA-D 10].

- **Before Action.** When the Superintendent or Principal determines that sufficient cause exists that a Paraprofessional be suspended from service in the District, he or she will:
 - Be certain that each such case is supported by defensible records [WHRSD GCQF].
 - Determine if the individual is to be suspended immediately with the understanding that the Suspension will be subject to restoration of salary and position if an appeal (where applicable) is decided in favor of the individual [WHRSD GCQF].
 - Follow the procedures for Suspension contained in applicable laws as well as those included in the current CBA [MGL 71 §42D; WHRSD GCQF].

Any Suspension is subject to the following provisions:

- No employee shall be interrogated prior to any notice given to him or her relative to the Suspension unless the employee is notified of his or her right to be represented by counsel during any such investigation [MGL 71 §42D].
- No employee shall be suspended for a period exceeding 1 (one) month, except with the consent of the employee [MGL 71 §42D].
- No employee shall receive compensation for any period of lawful Suspension [MGL 71 §42D].

The individual involved will be provided with a written statement that:

- Indicates that the action being taken is a Suspension [WHRSD GCQF].
- States the reason(s) for the Suspension [WHRSD GCQF].
- Guarantees that all procedures will be in accordance with due process of law [WHRSD GCQF].
- Informs an employee who has a right to request a hearing under appropriate laws that he or she may be represented at such a hearing by counsel of their choice [MGL 71 §42D; WHRSD GCQF].

NOTE: In the event that a deficiency in the performance of a Paraprofessional is observed by the administrative staff outside of the formal evaluation process, such deficiency will be called to the attention of the employee within 2 (two) work days [WHEA-D 10]. The Administrator shall fulfill this requirement by personal contact with the employee involved who may, at his or her discretion, after consideration of the stated purpose for said meeting, request the presence of a WHEA representative [WHEA-D 10].

A written complaint against a Paraprofessional to a member of the professional administrative staff will be called to the attention of the employee within 2 (two) work days [WHEA-D 10]. In the case of any complaint received by the administration which gives rise to an investigation, the employee will be notified within 2 (two) work days of the complaint, the source of the complaint and the disposition of the complaint (unless otherwise prohibited by law) [WHEA-D 10]. The employee will be provided with a copy of any complaint made in writing as well as any

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6.0 FORMAL DISCIPLINARY ACTIONS-CONT'D. SUSPENSIONS-CONT'D.

and all written documents pertaining to the complaint, the investigation of the complaint and the disposition of the complaint (unless otherwise prohibited by law) [WHEA-D 10].

Whenever any Paraprofessional is required to meet with any Employer representative concerning any matter which could adversely affect the employee's status, the Paraprofessional shall: 1) Be given notice of the nature of the meeting; and 2) Be entitled to have a WHEA representative present [WHEA-D 10]. The notice shall be sufficiently specific to allow the employee to respond to the matters for which the meeting is being called [WHEA-D 10]. The meeting shall be scheduled at a time mutually convenient for the Employer, the employee and the WHEA representative [WHEA-D 10].

- **During Action.** The employee shall be entitled to: 1) Review the decision to suspend with the Principal (if said decision to suspend was made by the Principal) or Superintendent; 2) Be represented by counsel in such meetings; and 3) Provide information pertinent to the decision and to the employee's status [MGL 71 §42D].
- **After Action.** If he or she is qualified to do so, a suspended employee may seek review of the Suspension by following the arbitration procedure set forth in MGL 71 §42 [MGL 150E §8 and 71 §42D; see [Section 8.0](#)].

Support Staff Members

The Superintendent, or the Principal (with the approval of the Superintendent), may suspend employees from their assignments [WHRSD GDQD].

Post-disciplinary considerations include, but are not limited to, the following:

Professional Employees

- **Records Management.** Documentation associated with the action will remain in the Official Personnel File (or "OPF"). Records management provisions apply (see [Section 9.0](#)).
- **Expiration of Action.** There is no provision for the automatic expiration of this action for progressive discipline purposes under state statute, District policy or negotiated agreement.
- **Withdrawal of Action.** There is no provision for the withdrawal of this action under state statute, District policy or negotiated agreement.

Support Staff Members

- **Records Management.** See above.
- **Expiration of Action.** See above.
- **Withdrawal of Action.** See above.

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**6.0 FORMAL DISCIPLINARY ACTIONS-CONT'D.
SUSPENSIONS-CONT'D.**

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6.0 FORMAL DISCIPLINARY ACTIONS-CONT'D. DISMISSALS

Procedural considerations for a [Dismissal](#) are as follows:

[Professional Employees](#)

- **Principal:** Only the Superintendent may dismiss a Principal [MGL 71 §41; WHRSD GCQF]. A Principal who has served in that position in the District for 3 (three) years consecutively shall not be demoted except for Good Cause [MGL 71 §41]. The results of evaluations may be used in a decision to demote an Administrator pursuant to MGL 71 §42, §42A and §63 [MGL 71 §38].
 - **Before Action.** When the Superintendent determines that sufficient cause exists that a Principal be dismissed from service in the District, he or she will:
 - Be certain that each such case is supported by defensible records [WHRSD GCQF].
 - Determine if the individual is to be suspended immediately with the understanding that the Suspension will be subject to restoration of salary and position if an appeal is decided in favor of the individual [WHRSD GCQF].
 - Follow the procedures for such a Suspension contained in applicable laws [WHRSD GCQF].

A Principal shall not be dismissed unless:

- He or she has been furnished with: 1) A written Notice of Intent to Dismiss; and 2) An explanation of the grounds for the Dismissal [MGL 71 §41].
- If he or she so requests, has been given a reasonable opportunity within 15 (fifteen) days after receiving such notice to review the decision with the Superintendent [MGL 71 §41].

The individual involved will be provided with a written statement that:

- Indicates that the action being taken is a Dismissal [WHRSD GCQF].
 - States the reason(s) for the Dismissal [WHRSD GCQF].
 - Guarantees that all procedures will be in accordance with due process of law [WHRSD GCQF].
 - Informs an employee who has a right to request a hearing under appropriate laws that he or she may be represented at such a hearing by counsel of their choice [MGL 71 §41; WHRSD GCQF].
- **During Action.** At the meeting, such employee may: 1) Be represented by an attorney or other representative; and 2) Present information pertaining to the basis for the decision and to such employee's status [MGL 71 §41].
 - **After Action.** Except as provided in MGL 71 §41, MGL 71 §42 shall not apply to school principals, although nothing in MGL 71 §41 shall deny to any Principal any Professional Teacher Status to which he or she shall otherwise be entitled [MGL 71 §41]. If he or she is qualified to do so, the dismissed employee may seek review of the Dismissal by following the arbitration procedure set forth in MGL 71 §41 (see [Section 8.0](#)).

NOTE: Upon the exhaustion of applicable due process, an exit interview shall be attempted.

- **Administrator:** A Principal may dismiss any person assigned full-time to the school, subject to the review and approval of the Superintendent; and subject to the provisions of MGL 71 §42, the Superintendent may dismiss any employee of the school District [MGL 71 §42; WHEA-A 2 §B; WHEA-A 2 §B]. In the case of an employee whose duties require him or her to be assigned to more than 1 (one) school, those persons shall be considered to be under the supervision of the Superintendent for all decisions relating to Dismissal for Cause [MGL 71 §42]. An assistant principal, department head or other supervisor who has served in that position in the District for

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6.0 FORMAL DISCIPLINARY ACTIONS-CONT'D. DISMISSALS-CONT'D.

3 (three) years consecutively shall not be demoted except for Good Cause [MGL 71 §41]. The results of evaluations may be used in a decision to demote an Administrator pursuant to MGL 71 §42, §42A and §63 [MGL 71 §38].

- **Before Action.** When the Principal or Superintendent determines that sufficient cause exists that an Administrator be dismissed from service in the District, he or she will:
 - Be certain that each such case is supported by defensible records [WHRSD GCQF].
 - Determine if the individual is to be suspended immediately (non-disciplinary) with the understanding that the Suspension will be subject to restoration of salary and position if an appeal is decided in favor of the individual [WHRSD GCQF].
 - Follow the procedures for such a Suspension contained in applicable laws [WHRSD GCQF].

An assistant principal, department head or other supervisor shall not be dismissed unless:

- He or she has been furnished with: 1) A written Notice of Intent to Dismiss; and 2) An explanation of the grounds for the Dismissal [MGL 71 §41].
- If he or she so requests, has been given a reasonable opportunity within 15 (fifteen) days after receiving such notice to review the decision with the Principal or the Superintendent, as the case may be [MGL 71 §41 and §42].

The individual involved will be provided with a written statement that:

- Indicates that the action being taken is a Dismissal [WHRSD GCQF].
 - States the reason(s) for the Dismissal [WHRSD GCQF].
 - Guarantees that all procedures will be in accordance with due process of law [WHRSD GCQF].
 - Informs an employee who has a right to request a hearing under appropriate laws that he or she may be represented at such a hearing by counsel of their choice [MGL 71 §41; WHRSD GCQF].
- **During Action.** At the meeting, such employee may: 1) Be represented by an attorney or other representative; and 2) Present information pertaining to the basis for the decision and to such employee's status [MGL 71 §41].
 - **After Action.** Except as provided in MGL 71 §41, MGL 71 §42 shall not apply to assistant principals or department heads, although nothing in MGL 71 §41 shall deny to any assistant principal or department head any Professional Teacher Status to which he or she shall otherwise be entitled [MGL 71 §41]. If he or she is qualified to do so, the dismissed employee may seek review of an adverse decision by following the arbitration procedure set forth in MGL 71 §42 (see [Section 8.0](#)).

NOTE: Upon the exhaustion of applicable due process, an exit interview shall be attempted.

- **Teacher:** A Principal may dismiss any Teacher assigned full-time to the school, subject to the review and approval of the Superintendent; and subject to the provisions of MGL 71 §42, the Superintendent may dismiss any employee of the school District [MGL 71 §42; WHEA-A 2 §B]. In the case of teachers who teach in more than 1 (one) school, those persons shall be considered to be under the supervision of the Superintendent for all decisions relating to Dismissal for Cause [MGL 71 §42]. A Teacher with Professional Teacher Status pursuant to MGL 71 §41 shall not be dismissed except for Just Cause [MGL 71 §42]. The results of evaluations may be used in a decision to dismiss or remove a Teacher pursuant to MGL 71 §42, §42A and §63 [MGL 71 §38].

NOTE: No Teacher will be dismissed without Just Cause [WHEA-A 12 §C2].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



6.0 FORMAL DISCIPLINARY ACTIONS-CONT'D. DISMISSALS-CONT'D.

- **Before Action.** When the Principal or Superintendent determines that sufficient cause exists that a Teacher be dismissed from service in the District, he or she will:
 - Be certain that each such case is supported by defensible records [WHRSD GCQF].
 - Determine if the individual is to be suspended immediately (non-disciplinary) with the understanding that the Suspension will be subject to restoration of salary and position if an appeal is decided in favor of the individual [WHRSD GCQF].
 - Follow the procedures for such a Suspension contained in applicable laws [WHRSD GCQF].

A Teacher who has been teaching in a District for at least 90 (ninety) calendar days shall not be dismissed unless:

- He or she has been furnished with: 1) A written Notice of Intent to Dismiss; 2) An explanation of the grounds for the Dismissal in sufficient detail to permit the Teacher to respond; and 3) Documents relating to the grounds for Dismissal [MGL 71 §42].
- If he or she so requests, has been given a reasonable opportunity within 10 (ten) school days after receiving such written notice to review the decision with the Principal or the Superintendent, as the case may be [MGL 71 §42].

The individual involved will be provided with a written statement that:

- Indicates that the action being taken is a Dismissal [WHRSD GCQF].
- States the reason(s) for the Dismissal [WHRSD GCQF].
- Guarantees that all procedures will be in accordance with due process of law [WHRSD GCQF].
- Informs an employee who has a right to request a hearing under appropriate laws that he or she may be represented at such a hearing by counsel of their choice [MGL 71 §42; WHRSD GCQF].

NOTE: In the event that a deficiency in the performance of a Teacher is observed by the administrative staff outside of the formal evaluation process, such deficiency will be called to the attention of the employee within 5 (five) work days [WHEA-A 12 §A1]. The Administrator shall fulfill this requirement by personal contact with the employee involved who may, at his or her discretion, after consideration of the stated purpose for said meeting, request the presence of a WHEA representative [WHEA-A 12 §A1].

Any complaint against a Teacher to an Administrator will be called to the attention of the employee within 2 (two) work days of the receipt of the complaint [WHEA-A 12 §A4]. In the case of any complaint received by the administration which gives rise to an investigation, the employee will be promptly notified of the complaint, the source of the complaint and the disposition of the complaint (unless otherwise prohibited by law) [WHEA-A 12 §A5]. The employee will be provided with a copy of any complaint made in writing as well as any and all written documents pertaining to the complaint, the investigation of the complaint and the disposition of the complaint (unless otherwise prohibited by law) [WHEA-A 12 §A5].

Whenever any Teacher is required to meet with any Employer representative concerning any matter which could adversely affect the employee's status, the Teacher shall: 1) Be given notice of the nature of the meeting; and 2) Be entitled to have a WHEA representative present [WHEA-A 12 §A3]. The notice shall be sufficiently specific to allow the employee to respond to the matters for which the meeting is being called [WHEA-A 12 §A3]. The meeting shall be scheduled at a time mutually convenient for the Employer, the employee and the WHEA representative [WHEA-A 12 §A3].

- **During Action.** A Teacher receiving such notice may: 1) Be represented by an attorney or other representative at such a meeting with the Principal or Superintendent; and 2) Present information pertaining to the basis for the decision and to the Teacher's status [MGL 71 §42]. A Teacher without Professional Teacher Status shall otherwise be deemed an employee at will [MGL 71 §42].

NOTE: If a Professional Employee is to be disciplined, he or she may request that a WHEA representative be present [WHEA-A 12 §C2]. However, the requirements of WHEA 12 §A3 and §C2 do not include meetings where

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6.0 FORMAL DISCIPLINARY ACTIONS-CONT'D. DISMISSALS-CONT'D.

the Employer simply wishes to inform the employee about a disciplinary action that has already been made and no information is sought by the Employer [WHEA-A 12 §A3].

- **After Action.** If he or she is qualified to do so, the dismissed employee may seek review of an adverse decision by following the arbitration procedure set forth in MGL 71 §42 (see [Section 8.0](#)).

NOTE: Upon the exhaustion of applicable due process, an exit interview shall be attempted.

- **Paraprofessional:** A Principal may dismiss any person assigned full-time to the school, subject to the review and approval of the Superintendent; and subject to the provisions of MGL 71 §42, the Superintendent may dismiss any employee of the school District [MGL 71 §42; WHEA-A 2 §B]. In the case of an employee whose duties require him or her to be assigned to more than 1 (one) school, those persons shall be considered to be under the supervision of the Superintendent for all decisions relating to Dismissal for Cause [MGL 71 §42].

NOTE: No Paraprofessional shall be discharged except for Cause [WHEA-D 10].

- **Before Action.** When the Principal or Superintendent determines that sufficient cause exists that a Paraprofessional be dismissed from service in the District, he or she will:
 - Be certain that each such case is supported by defensible records [WHRSD GCQF].
 - Determine if the individual is to be suspended immediately (non-disciplinary) with the understanding that the Suspension will be subject to restoration of salary and position if an appeal is decided in favor of the individual [WHRSD GCQF].
 - Follow the procedures for such a Suspension contained in applicable laws [WHRSD GCQF].

The individual involved will be provided with a written statement that:

- Indicates that the action being taken is a Dismissal [WHRSD GCQF].
- States the reason(s) for the Dismissal [WHRSD GCQF].
- Guarantees that all procedures will be in accordance with due process of law [WHRSD GCQF].
- Informs an employee who has a right to request a hearing under appropriate laws that he or she may be represented at such a hearing by counsel of their choice [WHRSD GCQF].

NOTE: In the event that a deficiency in the performance of a Paraprofessional is observed by the administrative staff outside of the formal evaluation process, such deficiency will be called to the attention of the employee within 2 (two) work days [WHEA-D 10]. The Administrator shall fulfill this requirement by personal contact with the employee involved who may, at his or her discretion, after consideration of the stated purpose for said meeting, request the presence of a WHEA representative [WHEA-D 10].

A written complaint against a Paraprofessional to a member of the professional administrative staff will be called to the attention of the employee within 2 (two) work days [WHEA-D 10]. In the case of any complaint received by the administration which gives rise to an investigation, the employee will be notified within 2 (two) work days of the complaint, the source of the complaint and the disposition of the complaint (unless otherwise prohibited by law) [WHEA-D 10]. The employee will be provided with a copy of any complaint made in writing as well as any and all written documents pertaining to the complaint, the investigation of the complaint and the disposition of the complaint (unless otherwise prohibited by law) [WHEA-D 10].

Whenever any Paraprofessional is required to meet with any Employer representative concerning any matter which could adversely affect the employee's status, the Paraprofessional shall: 1) Be given notice of the nature of the meeting; and 2) Be entitled to have a WHEA representative present [WHEA-D 10]. The notice shall be sufficiently specific to allow the employee to respond to the matters for which the meeting is being called [WHEA-D 10]. The meeting shall be scheduled at a time mutually convenient for the Employer, the employee and the WHEA representative [WHEA-D 10].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



6.0 FORMAL DISCIPLINARY ACTIONS-CONT'D. DISMISSALS-CONT'D.

- **During Action.** At the meeting, such employee may: 1) Be represented by an attorney or other representative; and 2) Present information pertaining to the basis for the decision and to such employee's status.
- **After Action.** If he or she is qualified to do so, the dismissed employee may seek review of an adverse decision by following the arbitration procedure set forth in WHEA-D (see [Section 8.0](#)).

NOTE: Upon the exhaustion of applicable due process, an exit interview shall be attempted.

Support Staff Members

A Support Staff Member employed by the District may be terminated by the Principal of the building in which he or she serves, with the approval of the Superintendent; however, the employee may request that the Superintendent review the circumstances of his or her termination [WHRSD GDQD]. A Support Staff Member will generally be given notice of dismissal 2 (two) weeks prior to the effective date [WHRSD GDQD].

- **Administrative Assistant:** No employee shall be discharged without Just Cause [WHEA-C 13].
- **Food Services Worker:** No employee shall be terminated without Good Cause [FSD Termination].

NOTE: Upon the exhaustion of applicable due process, an exit interview shall be attempted.

Post-disciplinary considerations include, but are not limited to, the following:

- **Professional Employee**
 - **Records Management.** Documentation associated with the action will remain in the Official Personnel File (or "OPF"); document disposition, inquiry, inquiry exclusion, removal and destruction provisions apply under state statute and District policy (see [Section 9.0](#)).
 - **Expiration of Action.** Not applicable.
 - **Withdrawal of Action.** Not applicable.
- **Support Staff Member**
 - **Records Management.** Documentation associated with the action will remain in the Official Personnel File (or "OPF"); document disposition, inquiry, inquiry exclusion, removal and destruction provisions apply under state statute and District policy (see [Section 9.0](#)).
 - **Expiration of Action.** Not applicable.
 - **Withdrawal of Action.** Not applicable.

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**6.0 FORMAL DISCIPLINARY ACTIONS-CONT'D.
*DISMISSALS-CONT'D.***

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7.0 PROCEDURES FOR OTHER ACTIONS NON-RENEWALS

- **Principal:** Failure of the Superintendent to notify a Principal of the proposed non-renewal of his or her contract at least 60 (sixty) days prior to the expiration date of such contract shall automatically renew the contract for an additional 1 (one) year period [MGL 71 §41].
- **Administrator:** Failure of the Principal or Superintendent to notify a Principal of the proposed non-renewal of his or her contract at least 60 (sixty) days prior to the expiration date of such contract shall automatically renew the contract for an additional 1 (one) year period.
- **Teacher:** A Teacher without Professional Teacher Status shall be notified in writing on or before June 15 (or an earlier date, if required by a CBA) whenever such person is not to be employed for the following school year [MGL 71 §41; WHRSD GCJ]. Unless such notice is given as provided in MGL 71 §41, a Teacher without Professional Teacher Status shall be deemed to be appointed for the following school year [MGL 71 §41]. The non-renewal of a Professional Employee who has not attained Professional Teacher Status under the law shall not be subject to the Grievance and Arbitration procedures of WHEA-A 3 et seq. [WHEA-A 12 §C3].
- **Paraprofessional:** The provisions of WHEA-D paragraph 104 do not apply to the annual appointment of an assistant [WHEA-D 10].
- **Administrative Assistant:** No employee shall be discharged without Just Cause or unless: 1) The employee's position is eliminated in accordance with WHEA-C 5; or 2) The position is substantially restructured requiring a level of skill or additional skills so that the incumbent employee is no longer qualified [WHEA-C 13]. Notice of 30 (thirty) days will be given for termination unless said termination is for Just Cause [WHEA-C 13]. If a position is substantially restructured requiring a level of skill or additional skills which the employee does not have, then the employee shall have 90 (ninety) days on the job training to acquire the additional skills involved [WHEA-C 13].
- **Food Services Worker:** It is understood that all cafeteria appointments are annual assignments subject to reapportionment by the Superintendent [FSD Transfers, New Assignments and Terminations].

DEMOTIONS

- **Principal:** Only the Superintendent may demote a Principal. A Principal who has served in that position in the District for 3 (three) years consecutively shall not be demoted except for Good Cause [MGL 71 §41]. Except as provided in MGL 71 §41, MGL 71 §42 shall not apply to school principals, although nothing in MGL 71 §41 shall deny to any Principal any Professional Teacher Status to which he or she shall otherwise be entitled [MGL 71 §41]. If he or she is qualified to do so, the demoted employee may seek review of the Demotion decision by following the arbitration procedure set forth in MGL 71 §41 (see [Section 8.0](#)).
- **Administrator:** A Principal may demote any other person assigned full-time to the school, subject to the review and approval of the Superintendent [MGL 71 §42]. In the case of an employee whose duties require him to be assigned to more than 1 (one) school, those persons shall be considered to be under the supervision of the Superintendent for all decisions relating to Demotion for Cause [MGL 71 §42]. An assistant principal, department head or other supervisor who has served in that position in the District for 3 (three) years consecutively shall not be demoted except for Good Cause [MGL 71 §41]. The results of evaluations may be used in a decision to demote an Administrator pursuant to MGL 71 §42, §42A and §63 [MGL 71 §38]. Except as provided in MGL 71 §41, MGL 71 §42 shall not apply to assistant principals or department heads, although nothing in MGL 71 §41 shall deny to any assistant principal or department head any Professional Teacher Status to which he or she shall otherwise be entitled [MGL 71 §41]. If he or she is qualified to do so, the demoted employee may seek review of an adverse decision by following the arbitration procedure set forth in MGL 71 §41 (see [Section 8.0](#)).
- **Teacher:** A Principal may demote any Teacher assigned full-time to the school, subject to the review and approval of the Superintendent [MGL 71 §42; WHEA-A 2 §B]. In the case of teachers who teach in more than 1 (one) school, those persons shall be considered to be under the supervision of the Superintendent for all decisions relating to Demotion for Cause [MGL 71 §42]. No Professional Employee will be reduced in rank or compensation or deprived of any professional

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



7.0 PROCEDURES FOR OTHER ACTIONS-CONT'D. DEMOTIONS-CONT'D.

advantage without Just Cause [WHEA-A 12 §C2]. The results of evaluations may be used in a decision to demote a Teacher pursuant to MGL 71 §42, §42A and §63 [MGL 71 §38]. If he or she is qualified to do so, the demoted employee may seek review of an adverse decision by following the arbitration procedure set forth in MGL 71 §41 (see [Section 8.0](#)).

RESIGNATIONS

- **Principal:** Professional staff members may discontinue their service in the District during the school year by submitting a written notice of intent to resign to the appropriate hiring authority [WHRSD GCQD]. Such written notice of intent to resign will be given to the Superintendent [WHRSD GCQD]. The staff member will be notified in writing of the Superintendent's action on the resignation [WHRSD GCQD]. When a resignation is accepted by the Superintendent the employee may be expected to continue in service at his or her assigned duties for a period of 30 (thirty) days after submission of the resignation [WHRSD GCQD].
- **Teacher:** Professional staff members may discontinue their service in the District during the school year by submitting a written notice of intent to resign to the appropriate hiring authority [WHRSD GCQD]. Such written notice of intent to resign will be given to the Superintendent [WHRSD GCQD; WHEA-A 8 §B]. The staff member will be notified in writing of the Superintendent's action on the resignation [WHRSD GCQD]. When a resignation is accepted by the Superintendent the employee may be expected to continue in service at his or her assigned duties for a period of 30 (thirty) days after submission of the resignation [WHRSD GCQD; WHEA-A 8 §B]. A Professional Employees who resigns between the close of school in June and August 1 may give 15 (fifteen) days notice of resignation [WHEA-A 8 §B].

REDUCTIONS IN FORCE

- **Teacher:** Neither MGL 71 §42 nor MGL 71 §41 shall affect the right of a Superintendent to lay off Teachers pursuant to reductions in force or reorganization resulting from declining enrollment or other budgetary reasons [MGL 71 §42; WHRSD GCJ; WHEA-A 29]. No Teacher with Professional Teacher Status shall be laid off pursuant to a reduction in force or reorganization if there is a Teacher without such status for whose position the covered employee is currently certified [MGL 71 §42; WHEA-A 29 §A]. No Teacher with such status shall be displaced by a more senior Teacher with such status in accordance with the terms of a CBA or otherwise unless the more senior Teacher is currently qualified pursuant to MGL 71 §38G for the junior Teacher's position [MGL 71 §42; WHEA-A 29 §B].
- **Paraprofessional:** The Superintendent and/or Committee retains the right to reduce the number of assistants in its employ. In the event that a reduction in force is necessary due to declining enrollment, budgetary restraints, or educational considerations, the procedure in WHEA-D 24 will be used [WHEA-D 24].
- **Administrative Assistant:** In the event the Committee directs the reduction of positions, employees with the least seniority will be subject to termination with 30 (thirty) days notice provided that the employees continued in employment are equally or better qualified for the remaining positions than the employee to be terminated [WHEA-C 4]. If, as a result of a Reduction in Force situation, a position becomes available, any member of the bargaining unit may apply for the open position [WHEA-C 4].
- **Food Services Worker:** In the event the Superintendent directs the reduction of positions, employees with the least seniority will be subject to termination with 30 (thirty) days notice provided that the employee(s) continued in employment are equally or better qualified for the remaining positions that the employee(s) to be terminated [FSD Seniority; Transfers, New Assignments and Terminations].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



8.0 DISPUTE MANAGEMENT GRIEVANCES

The School Committee will encourage the administration to develop effective means of resolving differences that may arise among employees and between employees and Administrators; reduce potential areas of grievances; and establish and maintain recognized channels of communication between the staff, administration, and School Committee [WHRSD GBK]. It is the Committee's desire that Grievance procedures provide for prompt and equitable adjustment of differences at the lowest possible administrative level, and that each employee be assured opportunity for an orderly presentation and review of complaints and concerns [MGL 150E §5 and §8WHRSD GBK]. Channels established will provide for the following:

- That teachers and other school employees may appeal a ruling of a Principal or other Administrator to the Superintendent [MGL 150E §5; WHRSD GBK].
- That all school employees may appeal a ruling of the Superintendent to the Committee, except in those areas where the law has specifically assigned authority to the Principal and/or the Superintendent and School Committee action would be in conflict with that law [MGL 150E §5; WHRSD GBK].
- That all hearings of complaints before the Superintendent or Committee be conducted in the presence of the Administrator who made the ruling that is the subject of the Grievance [MGL 150E §5; WHRSD GBK].

The process established for the resolution of grievances in contracts negotiated with recognized employee bargaining units will apply only to "grievances" as defined in the particular contract [MGL 150E §5 and §8; WHRSD GBK; see [Appendix 1.01](#)].

Considerations for this action include the following:

Professional Employees

- **Principal:** See contract.
- **Administrator:** The purpose of the Grievance procedure is to produce prompt and equitable solutions to those problems which from time to time may arise and affect conditions of employment of the employees covered by WHEA-B [WHEA-B 4 §A]. None of the management rights outlined in WHEA-B 3 (including, but not limited to, the right to discipline, suspend or dismiss an Administrator in the manner provided by law) shall be exercised by the Superintendent and/or the District contrary to any express provision of WHEA-B [WHEA-B 3]. The failure by the Superintendent and/or the District to exercise any of these rights as provided in WHEA-B 3 shall not be construed as a waiver of these rights, and the exercise by the Superintendent and/or the District of any of the rights provided in WHEA-B 4 shall not be subject to the Grievance procedure or to Arbitration as provided in WHEA-B 3 [WHEA-B 3]. General provisions include the following:
 - **Exclusivity.** The Grievance procedure is the exclusive method for the adjustment, processing and settlement of a Grievance [MGL 150E §8; WHEA-B 4 §A].
 - **Informality.** The District and WHEA desire that such procedures shall be as informal as may be appropriate for the Grievance involved at the procedural level involved [WHRSD GBK; WHEA-B 4 §A].
 - **Binding Resolution.** The parties to WHEA-B agree to observe and follow the procedure prescribed in WHEA-B 4 and any determination or decision which is made in accordance with said procedure shall be binding upon the parties to WHEA-B [MGL 150E §8; WHEA-B 4 §A].
 - **Time Limits.** Since it is important that grievances be processed as rapidly as possible, the number of days indicated at each level should be considered as maximum, and every effort should be made to expedite the process [WHEA-B 4 §C1]. The time limits specified, however, may be extended by mutual agreement, and any such extension shall be agreed to in writing [WHEA-B 4 §C1].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



8.0 DISPUTE MANAGEMENT-CONT'D. GRIEVANCES-CONT'D.

- **Escalation.** A Grievance which involves a group or class of employees or the WHEA initiated at Level 2 20 (twenty) days after the occurrence or the date of first knowledge of the occurrence of the Grievance, whichever is later [WHEA-B 4 §C3]. Additionally, failure on the part of the District or its representatives to respond to a Grievance within the time limits specified below shall mean that the Grievance may be taken to the next level [WHEA-B 4 §C4].
- **Representation.** A Grievant may be represented at all stages of the Grievance procedure by WHEA [WHEA-B 4 §D1]. An employee may present a Grievance to the Employer and have such Grievance heard without intervention by WHEA, provided that WHEA is afforded the opportunity to be present at such meetings and that any adjustment made shall not be inconsistent with the terms of the agreement then in effect between the Employer and WHEA [WHEA-B 4 §D1].
- **Disclosure.** The Committee will, upon request, provide WHEA with any available information which is neither confidential nor privileged under law which may be necessary for WHEA to process grievances [MGL 4 §7(26) and 66 §10; WHEA-B 25 §4; see [Section 9.01](#)].
- **Release Time.** When it is necessary for a representative of the PR& R Committee or other representative designated by WHEA to investigate a Grievance or attend a Grievance meeting during a school day, the Chairperson of the PR&R Committee will notify his or her supervisor and the Superintendent and the employee will be released without loss of pay as necessary in order to permit participation in the foregoing activities, provided the release is not detrimental to the educational program [WHEA-B 4 §E2]. Any Professional Employee whose appearance in such investigations, meetings or hearings as a witness is necessary will be accorded the same right [WHEA-B 3 §E2]. WHEA agrees that these rights will not be abused [WHEA-B 3 §E2]. However, WHEA business should generally occur outside the school day [WHEA-B 3 §E2].

The agreed-upon procedure is as follows:

- **Level 1 (Building/Site):** The Grievance shall be filed by the Grievant, in writing, with the Principal, and thereafter there shall be a prompt meeting with the Grievant on the Grievance [WHRSD GBK; WHEA-B 4 §D2]. The written Grievance shall: 1) State the available facts concerning the alleged Grievance; 2) The provision(s) of WHEA-A allegedly violated; and 3) The relief desired [WHEA-B 4 §D2]. The Principal shall advise the grievant and the WHEA, in writing, of the decision concerning the Grievance within 10 (ten) days after the Grievance was first presented [WHEA-B 4 §D2]. In the event of the absence of the Principal, an Assistant Principal shall act on behalf of the Principal, provided, however, that said substitute shall have full authority to resolve the Grievance at this level [WHEA-B 4 §D2].

NOTE: A Grievance which is not presented by an employee to the Principal within 20 (twenty) days after the occurrence or the date of first knowledge of the occurrence of the Grievance, whichever is later, shall be deemed to have been waived [WHEA-B 4 §C2].

- **Level 2 (Superintendent):** In the event that a Grievance is not settled at Level 1, the Grievant or WHEA may, within 10 (ten) days after the date of the decision at Level 1, submit the Grievance, in writing, to the Superintendent [WHRSD GBK; WHEA-B 4 §D2]. Within 10 (ten) days after receipt of the written Grievance, a meeting will be held between the Grievant and the Superintendent [WHEA-B 4 §D2]. Within 10 (ten) days after the conclusion of this meeting, the Superintendent shall advise the grievant and the WHEA in writing of his/her decision concerning the Grievance [WHEA-B 4 §D2]. In the event of the absence of the Superintendent, his or her designee shall action behalf of the Superintendent and have the authority to resolve the Grievance at this level [WHEA-B 4 §D2].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



8.0 DISPUTE MANAGEMENT-CONT'D. GRIEVANCES-CONT'D.

- **Level 3 (School Committee):** In the event that the Level 2 decision is not satisfactory, the Grievant or WHEA may, within 10 (ten) days after the date of said decision, forward the Grievance to the School Committee [WHRSD GBK; WHEA-B 4 §D2]. In the event the School Committee determines that the Grievance is not within its jurisdiction, it shall, within 10 (ten) days of receipt of the Grievance, so notify WHEA and WHEA may then proceed to arbitration in accordance with Level 4 [WHRSD GBK; WHEA-B 4 §D2]. Within 10 (ten) days after the receipt of the Grievance, no less than 3 (three) members of the District will meet with the Grievant [WHEA-B 4 §D2]. The District shall, within 10 (ten) days after the conclusion of the meeting advise the Grievant and WHEA, in writing, of its decision concerning the Grievance [WHEA-b 4 §D2].
- **Level 4 (Arbitration).** If the Grievance has not been resolved at Level 3 to the satisfaction of WHEA, WHEA may submit the Grievance to binding arbitration by sending written notice of submission to arbitration to the District within 10 (ten) days after receipt of the Level 3 response [MGL 150E §8; WHEA-B 4 §D2]. Within 10 (ten) days after such written notice of submission to arbitration, the District and WHEA will agree upon a mutually acceptable arbitrator [WHEA-B 4 §D2]. Said arbitrator will be bound by the Voluntary Rules of the American Arbitration Association [WHEA-B 4 §D2]. If the parties are unable to agree upon an arbitrator, the WHEA may submit the Grievance to the American Arbitration Association for disposition in accordance with their rules [WHEA-B 4 §D2]. No arbitrator may apply a definition of Good Cause other than that provided in WHEA-B [WHEA-B 20 §4]. Arbitrable review shall be limited to the question whether such grounds were put forth in good faith [WHEA-B 20 §4]. The arbitrator's decision will be final, conclusively binding and in writing and will set forth his or her findings of fact, reasoning, and conclusions on the issues [WHEA-B 4 §D2]. The arbitrator will be without power or authority to make any decision which adds to, subtracts from or modifies the terms of WHEA-A [WHEA-B 4 §D2]. The arbitrator may not award back pay or any other form of compensation beginning earlier than 20 (twenty) days prior to the filing of the written Grievance at Level 1 [WHEA-B 4 §D2]. The arbitrator shall have the authority to award compensatory and other damages [WHEA-B 4 §D2]. The arbitrator's written award will be submitted to the parties within 30 (thirty) days after the final submissions [WHEA-B 4 §D2]. The cost for the services of the arbitrator, including per diem expenses, if any, will be borne equally by the District and WHEA [WHEA-B 4 §D2].
- **Teacher:** The purpose of the Grievance procedure is to produce prompt and equitable solutions to those problems which from time to time may arise and affect conditions of employment of the employees covered by WHEA-A [WHEA-A 3 §A]. None of the management rights outlined in WHEA-A 2 (including, but not limited to, the right to discipline, suspend or dismiss a Professional Employee in the manner provided by law) shall be exercised by the Superintendent and/or the District contrary to any express provision of WHEA-A [WHEA-A 2 §B]. The failure by the Superintendent and/or the District to exercise any of these rights as provided in WHEA-A 2 shall not be construed as a waiver of these rights, and the exercise by the Superintendent and/or the District of any of the rights provided in WHEA-A 2 shall not be subject to the Grievance procedure or to Arbitration as provided in WHEA-A 3 [WHEA-A 2 §C]. General provisions include the following:
 - **Exclusivity.** The Grievance procedure is the exclusive method for the adjustment, processing and settlement of a Grievance [MGL 150E §8; WHEA-A 3 §A].
 - **Informality.** The District and WHEA desire that such procedures shall be as informal as may be appropriate for the Grievance involved at the procedural level involved [WHRSD GBK; WHEA-A 3 §A].
 - **Binding Resolution.** The parties to WHEA-A agree to observe and follow the procedure prescribed in WHEA-A 3 and any determination or decision which is made in accordance with said procedure shall be binding upon the parties to WHEA-A [MGL 150E §8; WHEA-A 3 §A].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



8.0 DISPUTE MANAGEMENT-CONT'D. GRIEVANCES-CONT'D.

- **Time Limits.** Since it is important that grievances be processed as rapidly as possible, the number of days indicated at each level should be considered as maximum, and every effort should be made to expedite the process [WHEA-A 3 §C1]. The time limits specified, however, may be extended by mutual agreement, and any such extension shall be agreed to in writing [WHEA-A 3 §C1].
- **Escalation.** A Grievance which involves a group or class of employees or WHEA or which results from the action of the Superintendent or the District may be initiated at Level 2 20 (twenty) days after the occurrence or the date of first knowledge of the occurrence of the Grievance, whichever is later [WHEA-A 3 §C3]. Additionally, failure on the part of the District or its representatives to respond to a Grievance within the time limits specified below shall mean that the Grievance may be taken to the next level [WHEA-A 3 §C5].
- **Representation.** A Grievant may be represented at all stages of the Grievance procedure by WHEA [WHEA-A 3 §D1]. An employee may present a Grievance to the Employer and have such Grievance heard without intervention by WHEA, provided that WHEA is afforded the opportunity to be present at such meetings and that any adjustment made shall not be inconsistent with the terms of the agreement then in effect between the Employer and WHEA [WHEA-A 3 §D1].
- **Disclosure.** The District will, upon request, provide WHEA with any available information which is neither confidential nor privileged under law which may be necessary for WHEA to process grievances [MGL 4 §7(26) and 66 §10; WHEA-A 3 §E1; see [Section 9.0](#)].
- **Release Time.** When it is necessary for a representative of the PR& R Committee or other representative designated by WHEA to investigate a Grievance or attend a Grievance meeting during a school day, the Chairperson of the PR&R Committee will notify his or her supervisor and the Superintendent and the employee will be released without loss of pay as necessary in order to permit participation in the foregoing activities, provided the release is not detrimental to the educational program [WHEA-A 3 §E2]. Any Professional Employee whose appearance in such investigations, meetings or hearings as a witness is necessary will be accorded the same right [WHEA-A 3 §E2]. WHEA agrees that these rights will not be abused [WHEA-A 3 §E2]. However, WHEA business should generally occur outside the school day [WHEA-A 3 §E2].

The agreed-upon procedure is as follows:

- **Level 1 (Building/Site):** The Grievance shall be filed by the Grievant, in writing, with the Principal, and thereafter there shall be a prompt meeting with the Grievant on the Grievance [WHRSD GBK; WHEA-A 3 §D2]. The written Grievance shall: 1) State the available facts concerning the alleged Grievance; 2) The provision(s) of WHEA-A allegedly violated; and 3) The relief desired [WHEA-A 3 §D2]. The Principal shall advise the grievant and the WHEA, in writing, of the decision concerning the Grievance within 10 (ten) days after the Grievance was first presented [WHEA-A 3 §D2]. In the event of the absence of the Principal, an Assistant Principal shall act on behalf of the Principal, provided, however, that said substitute shall have full authority to resolve the Grievance at this level [WHEA-A 3 §D2].

NOTE: A Grievance which is not presented by an employee to the Principal within 20 (twenty) days after the occurrence or the date of first knowledge of the occurrence of the Grievance, whichever is later, shall be deemed to have been waived [WHEA-A 3 §C2].

- **Level 2 (Superintendent):** In the event that a Grievance is not settled at Level 1, the Grievant or WHEA may, within 10 (ten) days after the date of the decision at Level 1, submit the Grievance, in writing, to the Superintendent [WHRSD GBK; WHEA-A 3 §D2]. Within 10 (ten) days after receipt of the written Grievance, a meeting will be held between the Grievant and the Superintendent [WHEA-A 3 §D2]. Within 10 (ten) days after the conclusion of this meeting, the Superintendent shall advise the grievant and the WHEA in writing of his/her decision concerning the Grievance [WHEA-A 3 §D2]. In the event of the

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



8.0 DISPUTE MANAGEMENT-CONT'D. GRIEVANCES-CONT'D.

- absence of the Superintendent, his or her designee shall action behalf of the Superintendent and have the authority to resolve the Grievance at this level [WHEA-A 3 §D2].
- **Level 3 (School Committee):** In the event that the Level 2 decision is not satisfactory, the Grievant or WHEA may, within 10 (ten) days after the date of said decision, forward the Grievance to the School Committee [WHRSD GBK; WHEA-A 3 §D2]. In the event the School Committee determines that the Grievance is not within its jurisdiction, it shall, within 10 (ten) days of receipt of the Grievance, so notify WHEA and WHEA may then proceed to arbitration in accordance with Level 4 [WHRSD GBK; WHEA-A 3 §D2]. Within 10 (ten) days after the receipt of the Grievance, no less than 3 (three) members of the District will meet with the Grievant [WHEA-A 3 §D2]. The District shall, within 10 (ten) days after the conclusion of the meeting advise the Grievant and WHEA, in writing, of its decision concerning the Grievance [WHEA-A 3 §D2].
 - **Level 4 (Arbitration).** If the Grievance has not been resolved at Level 3 to the satisfaction of WHEA, WHEA may submit the Grievance to binding arbitration by sending written notice of submission to arbitration to the District within 10 (ten) days after receipt of the Level 3 response [MGL 150E §8; WHEA-A 3 §D2]. Within 10 (ten) days after such written notice of submission to arbitration, the District and WHEA will agree upon a mutually acceptable arbitrator [WHEA-A 3 §D2]. Said arbitrator will be bound by the Voluntary Rules of the American Arbitration Association [WHEA-A 3 §D2]. If the parties are unable to agree upon an arbitrator, the WHEA may submit the Grievance to the American Arbitration Association for disposition in accordance with their rules [WHEA-A 3 §D2]. The arbitrator's decision will be final, conclusively binding and in writing and will set forth his or her findings of fact, reasoning, and conclusions on the issues [WHEA-A 3 §D2]. The arbitrator will be without power or authority to make any decision which adds to, subtracts from or modifies the terms of WHEA-A [WHEA-A 3 §D2]. The arbitrator may not award back pay or any other form of compensation beginning earlier than 20 (twenty) days prior to the filing of the written Grievance at Level 1 [WHEA-A 3 §D2]. The arbitrator shall have the authority to award compensatory and other damages [WHEA-A 3 §D2]. The arbitrator's written award will be submitted to the parties within 30 (thirty) days after the final submissions [WHEA-A 3 §D2]. The cost for the services of the arbitrator, including per diem expenses, if any, will be borne equally by the District and WHEA [WHEA-A 3 §D2].
 - **Paraprofessional:** The purpose of the Grievance procedure is to produce prompt and equitable solutions to those problems which from time to time may arise and affect conditions of employment of the employees covered by WHEA-D [WHEA-D 3 §A]. None of the management rights outlined in WHEA-D 2 (including, but not limited to, the right to discipline, suspend or dismiss an Administrator in the manner provided by law) shall be exercised by the Superintendent and/or the District contrary to any express provision of WHEA-D [WHEA-D 2 §C]. The failure by the Superintendent and/or the District to exercise any of these rights as provided in WHEA-D 2 shall not be construed as a waiver of these rights, and the exercise by the Superintendent and/or the District of any of the rights provided in WHEA-B 4 shall not be subject to the Grievance procedure or to Arbitration as provided in WHEA-D 3 [WHEA-D 3 §C]. General provisions include the following:
 - **Exclusivity.** The Grievance procedure is the exclusive method for the adjustment, processing and settlement of a Grievance [MGL 150E §8; WHEA-D 3 §A].
 - **Informality.** The District and WHEA desire that such procedures shall be as informal as may be appropriate for the Grievance involved at the procedural level involved [WHRSD GBK; WHEA-D 3 §A].
 - **Binding Resolution.** The parties to WHEA-D agree to observe and follow the procedure prescribed in WHEA-A 3 and any determination or decision which is made in accordance with said procedure shall be binding upon the parties to WHEA-D [MGL 150E §8; WHEA-D 3 §A].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



8.0 DISPUTE MANAGEMENT-CONT'D. GRIEVANCES-CONT'D.

- **Time Limits.** Since it is important that grievances be processed as rapidly as possible, the number of days indicated at each level should be considered as maximum, and every effort should be made to expedite the process [WHEA-D 3 §C1]. The time limits specified, however, may be extended by mutual agreement, and any such extension shall be agreed to in writing [WHEA-D 3 §C1].
- **Escalation.** A Grievance which involves a group or class of employees or WHEA or which results from the action of the Superintendent or the District may be initiated at Level 2 20 (twenty) days after the occurrence or the date of first knowledge of the occurrence of the Grievance, whichever is later [WHEA-D 3 §C3]. Additionally, failure on the part of the District or its representatives to respond to a Grievance within the time limits specified below shall mean that the Grievance may be taken to the next level [WHEA-D 3 §C5].
- **Representation.** A Grievant may be represented at all stages of the Grievance procedure by WHEA [WHEA-D 3 §D1]. An employee may present a Grievance to the Employer and have such Grievance heard without intervention by WHEA, provided that WHEA is afforded the opportunity to be present at such meetings and that any adjustment made shall not be inconsistent with the terms of the agreement then in effect between the Employer and WHEA [WHEA-D 3 §D1].
- **Disclosure.** The District will, upon request, provide WHEA with any available information which is neither confidential nor privileged under law which may be necessary for WHEA to process grievances [MGL 4 §7(26) and 66 §10; WHEA-D 21; see [Section 9.0](#)].
- **Release Time.** When it is necessary, pursuant to the Grievance procedure, for a Representative of the PR&R Committee or other representative designed by WHEA to investigate a Grievance (provided that the investigator can be released without detriment to the educational program) or attend a Grievance meeting or hearing during a school day, he or she will, upon notice to his or her Curriculum Coordinator and the Superintendent by the Chairman of the PR&R Committee, be released without loss of pay as necessary in order to permit participation in the foregoing activities [WHEA-D 21]. Any instructional and non-instructional teaching assistant whose appearance in such investigations, meetings or hearings as a witness is necessary will be accorded the same right [WHEA-D 21]. The Association agrees that these rights will not be abused [WHEA-D 21].

The agreed-upon procedure is as follows:

- **Level 1 (Building/Site):** The Grievance shall be filed by the Grievant, in writing, with the Principal, and thereafter there shall be a prompt meeting with the Grievant on the Grievance [WHRSD GBK; WHEA-D 3 §D2]. The written Grievance shall: 1) State the available facts concerning the alleged Grievance; 2) The provision(s) of WHEA-A allegedly violated; and 3) The relief desired [WHEA-D 3 §D2]. The Principal shall advise the grievant and the WHEA, in writing, of the decision concerning the Grievance within 10 (ten) days after the Grievance was first presented [WHEA-D 3 §D2]. In the event of the absence of the Principal, an Assistant Principal shall act on behalf of the Principal, provided, however, that said substitute shall have full authority to resolve the Grievance at this level [WHEA-D 3 §D2].

NOTE: A Grievance which is not presented by an employee to the Principal within 20 (twenty) days after the occurrence or the date of first knowledge of the occurrence of the Grievance, whichever is later, shall be deemed to have been waived [WHEA-D 3 §C2].

- **Level 2 (Superintendent):** In the event that a Grievance is not settled at Level 1, the Grievant or WHEA may, within 10 (ten) days after the date of the decision at Level 1, submit the Grievance, in writing, to the Superintendent [WHRSD GBK; WHEA-D 3 §D2]. Within 10 (ten) days after receipt of the written Grievance, a meeting will be held between the Grievant and the Superintendent [WHEA-D 3 §D2]. Within 10 (ten) days after the conclusion of this meeting, the Superintendent shall advise the grievant and the WHEA in writing of his/her decision concerning the Grievance [WHEA-D 3 §D2]. In the event of the

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



8.0 DISPUTE MANAGEMENT-CONT'D. GRIEVANCES-CONT'D.

- absence of the Superintendent, his or her designee shall action behalf of the Superintendent and have the authority to resolve the Grievance at this level [WHEA-D 3 §D2].
- **Level 3 (School Committee):** In the event that the Level 2 decision is not satisfactory, the Grievant or WHEA may, within 10 (ten) days after the date of said decision, forward the Grievance to the School Committee [WHRSD GBK; WHEA-D 3 §D2]. In the event the School Committee determines that the Grievance is not within its jurisdiction, it shall, within 10 (ten) days of receipt of the Grievance, so notify WHEA and WHEA may then proceed to arbitration in accordance with Level 4 [WHRSD GBK; WHEA-D 3 §D2]. Within 10 (ten) days after the receipt of the Grievance, no less than 3 (three) members of the District will meet with the Grievant [WHEA-D 3 §D2]. The District shall, within 10 (ten) days after the conclusion of the meeting advise the Grievant and WHEA, in writing, of its decision concerning the Grievance [WHEA-D 3 §D2].
 - **Level 4 (Arbitration).** If the Grievance has not been resolved at Level 3 to the satisfaction of WHEA, WHEA may submit the Grievance to binding arbitration by sending written notice of submission to arbitration to the District within 10 (ten) days after receipt of the Level 3 response [MGL 150E §8; WHEA-D 3 §D2]. Within 10 (ten) days after such written notice of submission to arbitration, the District and WHEA will agree upon a mutually acceptable arbitrator [WHEA-A 3 §D2]. Said arbitrator will be bound by the Voluntary Rules of the American Arbitration Association [WHEA-D 3 §D2]. If the parties are unable to agree upon an arbitrator, the WHEA may submit the Grievance to the American Arbitration Association for disposition in accordance with their rules [WHEA-D 3 §D2]. The arbitrator's decision will be final, conclusively binding and in writing and will set forth his or her findings of fact, reasoning, and conclusions on the issues [WHEA-D 3 §D2]. The arbitrator will be without power or authority to make any decision which adds to, subtracts from or modifies the terms of WHEA-D [WHEA-D 3 §D2]. The arbitrator may not award back pay or any other form of compensation beginning earlier than 20 (twenty) days prior to the filing of the written Grievance at Level 1 [WHEA-D 3 §D2]. The arbitrator shall have the authority to award compensatory and other damages [WHEA-D 3 §D2]. The arbitrator's written award will be submitted to the parties within 30 (thirty) days after the final submissions [WHEA-D 3 §D2]. The cost for the services of the arbitrator, including per diem expenses, if any, will be borne equally by the District and WHEA [WHEA-D 3 §D2].

Support Staff Members

- **Administrative Assistant:** Any employee may grieve an alleged violation of the specific provisions of WHEA-C through the following means:
 - **Level 1 (Supervisor):** The WHEA Representative, with or without the aggrieved employee, shall take up the grievance, which shall be in writing on the approved form and shall be signed by the aggrieved WHEA Member and WHEA Representative with the immediate supervisor within 8 (eight) working days of the date of the Grievance [WHEA-C 3]. The immediate supervisor shall attempt to adjust the matter and shall respond in writing to the WHEA Representative and Grievant within 8 (eight) working days [WHEA-C 3].
 - **Level 2 (Principal):** If the Grievance has not been adjusted, it shall be presented in writing to the Principal within 8 (eight) working days after the Level 1 response is due [WHEA-C 3]. The Principal shall respond to the WHEA Representative and Grievant in writing within 8 (eight) working days. Complete dated records will be kept of all grievances received by the Principal [WHEA-C 3].
 - **Level 3 (Superintendent):** If the Grievance has not been adjusted at Level 2, it shall be presented to the Superintendent in writing within 8 (eight) working days after the Level 2 response is received [WHEA-C 3]. The Superintendent shall respond to the WHEA Representative and Grievant within 8 (eight) working days [WHEA-C 3]. Most grievances

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8.0 DISPUTE MANAGEMENT-CONT'D. GRIEVANCES-CONT'D.

- not resolved at this level will go directly to arbitration [WHEA-C 3]. Grievances dealing with policy matters will proceed to the School Committee for Level 4 [WHEA-C 3].
- **Level 4 (School Committee):** Level 4 is reserved for grievances on matters in which the Committee is authorized by law and/or this contract to be the decision maker [WHEA-C 3]. If the Grievance still remains unadjusted, it shall be presented to the Committee in writing within 8 (eight) working days [WHEA-C 3]. The Committee shall respond in writing within 8 (eight) working days [WHEA-C 3].
 - **Level 5 (Arbitration):** In the event that a Grievance is not settled after the completion of the Grievance procedure prescribed in Levels 3 or 4, the Grievance may be submitted to arbitration in accordance with the following procedure:
 - The request for arbitration may be made by the WHEA or by the Committee by notification in writing to the other Party within 8 (eight) working days after the date of the final determination under the Grievance procedure as provided in Level 4 [WHEA-C 3a].
 - Within 8 (eight) working days after such notification, the party requesting arbitration shall execute and mail a written request to the American Arbitration Association, for the appointment of an arbitrator [WHEA-C 3b]. A copy of this request shall be simultaneously mailed to the other party, unless during said 8 (eight) working days period the Committee and the WHEA mutually agree upon an arbitrator [WHEA-C 3b].
 - Within 8 (eight) working days after the mailing of a list of suggested arbitrators, the representatives of the Committee and the WHEA shall jointly advise the American Arbitration Association in writing of an acceptable arbitrator [WHEA-C 3c]. In the event that the Committee and the WHEA do not so advise the American Arbitration Association as provided in WHEA-C 3c, either party may, within 8 (eight) working days thereafter, request the American Arbitration Association in writing, with a copy to the other party, to designate an arbitrator and the arbitrator so designated shall be authorized to hear and decide the Grievance [WHEA-C 3c].
 - The request for arbitration shall state the known facts, the provision or provisions of this Agreement on which the Grievance is based and the remedy or the relief sought by the party requesting arbitration [WHEA-C 3d].
 - The authority of the arbitrator shall be limited to the terms and provisions of this Agreement and to the question or questions which are submitted [WHEA-C 3e]. The arbitrator shall be bound by the provisions of WHEA-C and shall not have any authority to establish salaries or other forms of compensation [WHEA-C 3e]. The arbitrator shall not have any authority to change the established salary schedule or other forms of compensation as provided in WHEA-C, to establish any terms or conditions of employment or to add to, subtract from, modify or otherwise change any of the terms or provisions of WHEA-C [WHEA-C 3e]. The arbitrator may not award back pay or any other form of compensation beginning earlier than 8 (eight) working days prior to the filing of the written Grievance as provided in Level 2 [WHEA-C 3e]. The arbitrator shall have the authority to enjoin violations of this Agreement and to award compensatory and other damages [WHEA-C 3e].
 - The arbitrator shall mail his written decision simultaneously to the Committee, the WHEA, and the aggrieved employee within 30 (thirty) days after the final submission [WHEA-C 3f]. The decision by the arbitrator shall be final and conclusively binding upon the Committee, the WHEA, and the aggrieved employee [WHEA-C 3f].
 - The expense of the arbitrator and the expenses directly related to the arbitration hearing shall be shared equally by the Committee and the WHEA [WHEA-C 3g].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



8.0 DISPUTE MANAGEMENT-CONT'D. ARBITRALS

If he or she is qualified to do so under state statute, District policy and/or negotiated agreement, an eligible employee who has been suspended, demoted, dismissed, terminated or otherwise removed may seek a review of the action as follows:

Professional Employees

- **Principal**: Except as provided in MGL 71 §41, the procedures for arbitration, and the time allowed for the arbitrator to issue a decision, shall be the same as that in MGL 71 §42 [MGL 71 §41]. Steps in the arbitration process are as follows:
 - **Before Action.** A Principal (with Professional Teacher Status) may seek review of a Dismissal or Demotion decision by filing a petition with the Commissioner for arbitration [MGL 71 §41 and §42]. Said petition must be filed within 30 (thirty) days after receiving notice of his or her Dismissal or Demotion [MGL 71 §41 and §42]. The Commissioner shall provide the parties with the names of 3 (three) arbitrators who are members of the American Arbitration Association [MGL 71 §41]. The arbitrators shall be different from those developed pursuant to MGL 71 §42 [MGL 71 §41]. The parties each shall have the right to strike 1 (one) of the 3 (three) arbitrator's names if they are unable to agree upon a single arbitrator from amongst the 3 (three) [MGL 71 §41]. The fee for the arbitration shall be split equally between the parties involved in the arbitration [MGL 71 §41 and §42].
 - **During Action.** The arbitration shall be conducted in accordance with the rules of the American Arbitration Association to be consistent with the provisions of MGL 71 §42 [MGL 71 §41 and §42]. At the arbitral hearing, the Principal and the District may be represented by an attorney or other representative, present evidence, and call witnesses [MGL 71 §41 and §42]. The District shall have the burden of proof [MGL 71 §41 and §42].
 - **After Action.** In determining whether the District has proven grounds for Dismissal consistent with MGL 71 §42, the arbitrator shall consider: 1) The best interests of the pupils in the District; and 2) The need for elevation of performance standards [MGL 71 §41 and §42]. The arbitrator's decision shall be issued within 1 (one) month from the completion of the arbitral hearing, unless all parties involved agree otherwise, and shall contain a detailed statement of the reasons for the decision [MGL 71 §41 and §42]. Upon a finding that the Dismissal was improper under the standards set forth in MGL 71 §42, the arbitrator may award back pay, benefits, reinstatement, and any other appropriate non-financial relief or any combination thereof [MGL 71 §41 and §42]. Under no circumstances shall the arbitrator award punitive, consequential, or nominal damages, or compensatory damages other than back pay, benefits or reinstatement [MGL 71 §41 and §42]. In the event the Principal is reinstated, the period between the Dismissal and reinstatement shall be considered to be time served for purposes of employment [MGL 71 §41 and §42]. With the exception of other remedies provided by statute, the remedies provided in MGL 71 §42 shall be the exclusive remedies available to a Principal for wrongful termination [MGL 71 §41 and §42].
- **Administrator**: Except as provided in MGL 71 §41, the procedures for arbitration, and the time allowed for the arbitrator to issue a decision, shall be the same as that in MGL 71 §42 [MGL 71 §41]. Steps in the arbitration process are as follows:
 - **Before Action.** An assistant principal, department head or other supervisor (with Professional Teacher Status) may seek review of a Dismissal or Demotion decision by filing a petition with the Commissioner for arbitration [MGL 71 §41 and §42]. Said petition must be filed within 30 (thirty) days after receiving notice of his or her Dismissal or Demotion [MGL 71 §41 and §42]. The Commissioner shall provide the parties with the names of 3 (three) arbitrators who are members of the American Arbitration Association [MGL 71 §41]. The arbitrators shall be different from those developed pursuant to MGL 71 §42 [MGL 71 §41]. The parties each shall have the right to strike 1 (one) of the 3 (three) arbitrator's names if they are unable to agree upon a single arbitrator from amongst the 3 (three) [MGL

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8.0 DISPUTE MANAGEMENT-CONT'D. ARBITRALS-CONT'D.

- 71 §41]. The fee for the arbitration shall be split equally between the parties involved in the arbitration [MGL 71 §41 and §42].
- **During Action.** The arbitration shall be conducted in accordance with the rules of the American Arbitration Association to be consistent with the provisions of MGL 71 §42 [MGL 71 §41 and §42]. At the arbitral hearing, the Principal and the District may be represented by an attorney or other representative, present evidence, and call witnesses [MGL 71 §41 and §42]. The District shall have the burden of proof [MGL 71 §41 and §42]. No arbitrator may apply a definition of Good Cause other than that provided in WHEA-B [WHEA-B 20 §4]. Arbitrable review shall be limited to the question whether such grounds were put forth in good faith [WHEA-B 20 §4].
- **After Action.** In determining whether the District has proven grounds for Dismissal consistent with MGL 71 §42, the arbitrator shall consider: 1) The best interests of the pupils in the District; and 2) The need for elevation of performance standards [MGL 71 §41 and §42]. The arbitrator's decision shall be issued within 1 (one) month from the completion of the arbitral hearing, unless all parties involved agree otherwise, and shall contain a detailed statement of the reasons for the decision [MGL 71 §41 and §42]. Upon a finding that the Dismissal was improper under the standards set forth in MGL 71 §42, the arbitrator may award back pay, benefits, reinstatement, and any other appropriate non-financial relief or any combination thereof [MGL 71 §41 and §42]. Under no circumstances shall the arbitrator award punitive, consequential, or nominal damages, or compensatory damages other than back pay, benefits or reinstatement [MGL 71 §41 and §42]. In the event the Principal is reinstated, the period between the Dismissal and reinstatement shall be considered to be time served for purposes of employment [MGL 71 §41 and §42]. With the exception of other remedies provided by statute, the remedies provided in MGL 71 §42 shall be the exclusive remedies available to a Principal for wrongful termination [MGL 71 §41 and §42].
- **Teacher:** Steps in the arbitration process are as follows:
 - **Before Action.** A Teacher with Professional Teacher Status may seek review of a Dismissal decision within 30 (thirty) days after receiving notice of his or her Dismissal by filing a petition for arbitration with the Commissioner [MGL 71 §42]. The Commissioner shall forward to the parties a list of 3 (three) arbitrators provided by the American Arbitration Association [MGL 71 §42]. The Board shall determine the process for selecting arbitrators for the pool [MGL 71 §42]. Each person on the list shall be accredited by the National Academy of Arbitrators [MGL 71 §42]. The parties each shall have the right to strike 1 (one) of the 3 (three) arbitrators' names if they are unable to agree upon a single arbitrator from amongst the 3 (three) [MGL 71 §42]. The fee for the arbitration shall be split equally between the parties involved in the arbitration [MGL 71 §42].
 - **During Action.** The arbitration shall be conducted in accordance with the rules of the American Arbitration Association to be consistent with the provisions of MGL 71 §42 [MGL 71 §42]. At the arbitral hearing, the Teacher and the District may be represented by an attorney or other representative, present evidence, and call witnesses [MGL 71 §42]. The District shall have the burden of proof [MGL 71 §42].
 - **After Action.** In determining whether the District has proven grounds for Dismissal consistent with MGL 71 §42, the arbitrator shall consider: 1) The best interests of the pupils in the District; and 2) The need for elevation of performance standards [MGL 71 §42]. Within the state, the arbitrator's decision shall be issued within 1 (one) month from the completion of the arbitral hearing, unless all parties involved agree otherwise, and shall contain a detailed statement of the reasons for the decision [MGL 71 §42]. Under negotiated agreement, the arbitrator's written award will be submitted to the parties within 30 (thirty) days after the final submissions [WHEA-A 3 §D2]. Upon a finding that the Dismissal was improper under the standards set forth in MGL 71 §42, the arbitrator may award back pay, benefits, reinstatement and any other appropriate non-financial relief or any combination thereof [MGL 71 §42]. Under no circumstances shall the arbitrator award

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8.0 DISPUTE MANAGEMENT-CONT'D. *ARBITRALS-CONT'D.*

punitive, consequential, or nominal damages, or compensatory damages other than back pay, benefits or reinstatement [MGL 71 §42]. In the event the Teacher is reinstated, the period between the Dismissal and reinstatement shall be considered to be time served for purposes of employment [MGL 71 §42]. The arbitral decision shall be subject to judicial review as provided in MGL 150 §1 et seq. [MGL 71 §42]. With the exception of other remedies provided by statute, the remedies provided in MGL 71 §42 shall be the exclusive remedies available to a Teacher for wrongful termination [MGL 71 §42].

Support Staff Members

- **Food Services Worker**: No arbitrator may apply a definition of Good Cause other than that provided in FSD [FSD Termination]. Arbitrable review shall be limited to the question whether such grounds were put forth in good faith [FSD Termination].

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**8.0 DISPUTE MANAGEMENT-CONT'D.
ARBITRALS-CONT'D.**

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9.0 PERSONNEL RECORDS *DISPOSITION OF DOCUMENTATION*

Documentation associated with personnel actions will be maintained as follows:

- **Official Personnel File (or “OPF”).** A personnel folder for each present and former employee will be accurately maintained in the central administrative office [WHRSD GBJ]. Considerations for all employees include the following:
 - In addition to the application for employment and references, the folders will contain records and information relative to compensation, payroll deductions, evaluations and any other pertinent information [WHRSD GBJ].
 - The Superintendent will be the Official Custodian for all OPFs and will have overall responsibility for maintaining and preserving the confidentiality of the files within the provisions of the law [WHRSD GBJ].
 - Documentation involved with any formal action will be retained in the OPF in “active” status.

Unit-based considerations include the following:

- **Teacher:** No material derogatory to an employee’s conduct, service, character or personality will be placed in the employee’s file unless the employee has had an opportunity to review the material [WHEA-A 12 §A6]. The employee will acknowledge that he or she has had the opportunity to review such material by signing the copy to be filed, with the express understanding that such signature in no way indicates agreement with the contents thereof [WHEA-A 12 §A6]. If signature is refused, the refusal will be dated and witnessed on the documentation.
 - **Paraprofessional:** No material derogatory to an employee’s conduct, service, character, or personality will be placed in his or her personnel file unless the employee has had the opportunity to review the material [WHEA-D 10]. The employee will acknowledge that he or she has had the opportunity to review such material by affixing his/her signature to the copy to be filed, with the express understanding that such signature in no way indicates agreement with the content thereof [WHEA-D 10]. If signature is refused, the refusal will be dated and witnessed on the documentation.
 - **Administrative Assistant:** No material derogatory to an employee’s conduct, service, character or personality will be placed in his or her personnel file unless the employee has had the opportunity to review the material [WHEA-C 10]. The employee will acknowledge that he or she has had the opportunity to review such material by affixing his or her signature to the copy to be filed, with the express understanding that such signature in no way indicates agreement with the content thereof [WHEA-C 10]. If signature is refused, the refusal will be dated and witnessed on the documentation.
- **Unofficial Supervisor File (or “USF”).** A Principal or other supervisor may maintain notebooks or other materials which are personal to him or her and not maintained as part of the files of the governmental unit [MGL 4 §7(26)(e)]. Considerations for all employees include the following:
 - These folders may contain: 1) Items used as reference (these may not be forwarded to the master personnel file in the central office); 2) The employee’s annual evaluation and other school-related correspondence to or from the employee, and 3) Other informational items as deemed necessary by the supervisor.
 - Documentation involved with any informal action will be retained in the USF in “active” status.
 - **C.O.R.I. Reports.** Unit-based considerations include the following
 - **Teacher:** Employees shall be made aware that C.O.R.I Reports concerning them are being requested and when such request is actually made [WHEA-A 33 §2]. Such checks shall take place not more than once every 3 (three) years except for Good Cause [WHRSD ADDA; WHEA-A 33 §2]. Employees shall be made aware that, upon request, they shall be provided with a copy of the C.O.R.I. Report received by the Superintendent [WHEA-A 33 §2]. All

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9.0 PERSONNEL RECORDS-CONT'D. DISPOSITION OF DOCUMENTATION-CONT'D.

C.O.R.I. Reports shall be kept in a separate, secure file maintained in the Office of the Superintendent rather than the OPF [WHRSD ADDA; WHEA-A 33 §2]. After review of a C.O.R.I. Report, the Superintendent, if he or she deems necessary, may meet with the employee who may at such meeting be represented by WHEA [WHEA-A 33 §2]. Any and all personnel actions resulting from information acquired from a C.O.R.I. Report shall be conducted pursuant to the provisions of the CBA and the General Laws of the Commonwealth [WHEA-A 33 §2].

EMPLOYEE INQUIRIES ABOUT PERSONNEL ACTIONS

Each employee will have the right, upon written request, to review the contents of his own personnel file [WHRSD GBJ; WHEA-A 12 §B]. Unit-based considerations include the following:

- **Teacher:** School officials of cities and towns keeping records concerning any Teacher or his work shall, at the written request of the Teacher, permit the Teacher, by appointment, to inspect the contents of his personnel folder, files, cards and records, and to make copies of such contents and records as concern his work or himself [MGL 71 §42C; WHEA-A 12 §B]. The appointment will be mutually convenient for both the employee and the Superintendent [WHEA-A 12 §B]. The employee may have a WHEA representative present for said review [WHEA-A 12 §B]. The employee shall acknowledge that he or she has had the opportunity to review the contents of his or her personnel file by affixing his or her signature on a memorandum to that effect [WHEA-A 12 §B].
- **Paraprofessional:** An instructional or non-instructional teaching assistant shall have the right, upon request and at a time mutually convenient to the instructional and non-instructional teaching assistant and to the Superintendent, to review the contents of his/her personnel file except for confidential references and other confidential material received by the Committee at the time of his or her employment [WHEA-D 10]. The instructional or non-instructional teaching assistant shall acknowledge that he/she has had the opportunity to review the contents of his/her personnel file as provided in WHEA-D paragraph 103 by affixing his or her signature to a memorandum to that effect [WHEA-D 10].
- **Administrative Assistant:** WHEA Members will have the right, upon request, to review the contents of their personnel file, excluding confidential recommendations rendered upon initial employment [WHEA-C 10]. WHEA Members will be entitled to have a representative of the WHEA accompany her during this review [WHEA-C 10].

EMPLOYEE RESPONSE TO PERSONNEL ACTIONS

An employee may make a written objection to any information contained in his or her OPF [WHRSD GBJ; WHEA-A 12 §A6; WHEA-C 10; WHEA-D 10]. Considerations for all employees include the following:

- Any written objection must be signed by the staff member and will become part of his or her OPF [WHRSD GBJ; WHEA-A 12 §A6; WHEA-C 10; WHEA-D 10].
- No negative comment will be placed in a staff member's OPF unless [WHRSD GBJ; WHEA-A 12 §A6]:
 - It is signed by the person making the comment;
 - The staff member is informed of the comment; and
 - The staff member is afforded the opportunity to include his or her written response in the OPF.
- No documents and/or adverse materials shall be placed in an OPF following a Dismissal.

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9.0 PERSONNEL RECORDS-CONT'D. *EXTERNAL INQUIRIES ABOUT PERSONNEL ACTIONS*

The School Committee is a public servant, and its meetings and records will be a matter of public information except as such meetings and records pertain to individual personnel and other classified matters [WHRSD KDB; [WHEA 12 §A2]. Personnel records are considered confidential under the law and will not be open to public inspection [MGL 4 §7(26)(c); WHRSD GBJ and KDB; WHEA 12 §A2; see [Appendix 9.01](#)]. Considerations for all employees include the following:

- Access to OPFs will be limited to persons authorized by the Superintendent to use the files [WHRSD GBJ].
- Reasons for said access include the following [WHRSD GBJ]:
 - For information about staff members is required for the daily administration of the District.
 - For implementing salary and other personnel policies or budget.
 - For financial planning.
 - For responding to appropriate inquiries about employees.
 - For meeting the School Committee's education reporting requirements.

RELEASE OF PERSONALLY IDENTIFIABLE INFORMATION

Considerations for all employees include the following:

- Personally Identifiable Information (or "PII") such as lists of District employees' names and home addresses will be released only to governmental agencies as required for official reports or by the laws [MGL 4 §7(26)(o) and 66 §10(d); WHRSD GBJ].

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**9.0 PERSONNEL RECORDS-CONT'D.
*RELEASE OF PERSONALLY IDENTIFIABLE INFORMATION-CONT'D.***

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10.0 PROCEDURES FOR ECOE REVIEW AND DISSEMINATION

The Superintendent or his/her designee will:

- Ensure that these regulations and guidelines are:
 - Reviewed on an annual basis in accordance with changes in state statute and School Committee policy [WHRSD BAA, BBA, BG, BGB, BGC, BGD and BGE].
 - Appropriately coded and included as regulations in the School Committee's policy manual where applicable [WHRSD CHC].
 - Distributing regulations concerning particular group(s) prior to their effective dates [WHRSD CHC].
- Obtain School Committee approval for any handbook that pertains to required standards of conduct for employees so that its content may be accorded the status of Committee-approved policy or regulation [WHRSD CHCA].
- Publish the District's policies pertaining to the conduct of Teachers on an annual basis in staff handbooks [MGL 71 §37H; WHRSD BGD, BGE and CHCA].
- Make a copy of any such handbook available for the School Committee for informational purposes [WHRSD CHCA].
- File any code of discipline and the procedures used to develop it with the Department for informational purposes only [WHRSD BGD and BGE].

All policy manuals distributed to anyone [WHRSD BGE]:

- Will remain the property of the School Committee and will be considered as "on loan" to anyone, or any organization, in whose possession they might be at any time.
- Are subject to recall at any time deemed necessary for purposes of updating.

Acknowledgement of receipt will be obtained for said publication (see [Appendix 10.01](#)).

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**10.0 PROCEDURES FOR ECOE REVIEW AND DISSEMINATION-
CONT'D.**

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APPENDICES

1.01: RESOURCE; COLLECTIVE BARGAINING

COLLECTIVE BARGAINING (MASSACHUSETTS)

Employees shall have the right of self-organization and the right to form, join, or assist any employee organization for the purpose of bargaining collectively through representatives of their own choosing on questions of wages, hours, and other terms and conditions of employment, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint, or coercion [MGL 150E §2]. An employee shall have the right to refrain from any or all of such activities, except to the extent of making such payment of service fees to an exclusive representative as provided in MGL 150E §12 [MGL 150E §2]. Statutory considerations include the following:

- **Bargaining Units.** The Commission shall prescribe rules and regulations and establish procedures for the determination of appropriate bargaining units which shall be consistent with the purposes of providing for stable and continuing labor relations, giving due regard to such criteria as community of interest, efficiency of operations and effective dealings, and to safeguarding the rights of employees to effective representation [MGL 150E §2]. No unit shall include both professional and non-professional employees unless a majority of such professional employees votes for inclusion in such unit [MGL 150E §2]. No elected or appointed official, member of any board or commission, representative of a public employer, including the administrative officer, director or chief of a department or agency of the commonwealth or any political subdivision thereof, or clerk, temporary clerk or assistant clerk of any court, or chief probation officer or acting chief probation officer of any court or region, including, without limitation within the term, any division or department of the trial court or any other managerial or confidential employee shall be included in an appropriate bargaining unit or entitled to coverage under MGL 150E §1 et seq. [MGL 150E §3].

NOTE: For the procedure required to establish a bargaining unit as the Exclusive Representative, see MGL 150E §4.

- **Written Majority Authorization.** Employee signatures shall be dated within the [12 (twelve) months] preceding the date on which the writings are proffered to establish majority and Exclusive Representative status within the meaning of MGL 150E §4 [MGL 150E §1].
- **Negotiations and Meetings.** The Employer and the Exclusive Representative shall meet at reasonable times, including meetings in advance of the Employer's budget-making process and shall negotiate in good faith with respect to wages, hours, standards or productivity and performance and any other terms and conditions of employment, including without limitation, in the case of teaching personnel employed by a school committee, class size and workload, but such obligation shall not compel either party to agree to a proposal or make a concession; provided, however, that in no event shall the right of any Employee to run as a candidate for or to hold elective office be deemed to be within the scope of negotiation [MGL 150E §6].
- **School Committee Negotiator.** The School Committee of a city or town may employ legal counsel in connection with collective bargaining with an Employee Organization for school employees, and may expend money therefor from the funds appropriated by said city or town for school purposes provided, however, that no such money shall be expended in excess of [\$25,000.00 (twenty-five thousand dollars)] without the prior approval of the mayor, the city manager in a city having a Plan D or Plan E form of government, or the Board of Selectmen [MGL 71 §37E]. Said legal counsel shall not be subject to the provisions of MGL 30 §9A or MGL 31 §91 et seq. [MGL 71 §37E].
- **Declarations of Impasse.** After a reasonable period of negotiation over the terms of a CBA, either party, or the parties acting jointly, may petition the Board of Conciliation and Arbitration for a determination of the existence of an impasse [MGL 150E §9].

NOTE: For the procedure required to declare impasse, see MGL 150E §9.

- **Collective Bargaining Agreements.** Any CBA reached between the Employer and the Exclusive Representative shall not exceed a term of [3 (three) years]; provided, however, that the Employer and the Exclusive Representative, through negotiation, may agree to include a provision in a CBA stating that the agreement's terms shall remain in full force and effect beyond the [3 (three) years] until a successor agreement is voluntarily negotiated by the parties [MGL 150E §7]. The CBA shall be reduced to writing, executed by the parties, and a copy of such agreement shall be filed with the commission and with the Committees on Ways and Means of the Massachusetts House and Senate forthwith by the Employer [MGL 150E §7(a)]. The Employer shall submit to the appropriate

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



APPENDICES-CONT'D.

1.01: RESOURCE; COLLECTIVE BARGAINING-CONT'D.

legislative body within [30 (thirty) days] after the date on which the agreement is executed by the parties, a request for an appropriation necessary to fund the cost items contained therein; provided, that if the general court is not in session at that time, such request shall be submitted at the next session thereof [MGL 150E §7(b)]. If the appropriate legislative body duly rejects the request for an appropriation necessary to fund the cost items, such cost items shall be returned to the parties for further bargaining [MGL 150E §7(b)]. The provisions of the preceding two sentences shall not apply to agreements reached by school committees in cities and towns in which the provisions of MGL 71E §24 are operative [MGL 150E §7(b)]. If a CBA reached by the Employer and the Exclusive Representative contains a conflict between matters which are within the scope of negotiations pursuant to MGL 150E §6 and: 1) Any municipal personnel ordinance, by-law, rule or regulation; or 2) Any of the statutory provisions, rules or regulations specified in MGL 150E §7(d), the terms of the CBA shall prevail [MGL 150E §7(d)]. If the commonwealth has agreed under a CBA with an Employee Organization to exercise statutory rights of the commonwealth regarding the removal of employees in a certain manner with respect to the members of that Employee Organization, then the commonwealth shall exercise such rights of removal in accordance with the terms of the CBA [MGL 150E §7(e)]. An Employer entering into a CBA with an Employee Organization shall provide a copy of the agreement to the retirement board to which the employees covered by the agreement are members [MGL 150E §7(e)]. All retirement systems shall maintain files of all active CBAs which cover the systems members [MGL 150E §7(e)]. The retirement board shall review collective bargaining agreements for compliance with MGL32 §1 et seq. [MGL 150E §7(e)].

- **Grievances.** An Employee may present a grievance to his Employer and have such grievance heard without intervention by the Exclusive Representative of the employee organization representing said Employee, provided that: 1) The Exclusive Representative is afforded the opportunity to be present at such conferences; and 2) Any adjustment (s) made shall not be inconsistent with the terms of an agreement then in effect between the Employer and the Exclusive Representative [MGL 150E §5]. The parties may include in any written agreement a grievance procedure culminating in final and binding arbitration to be invoked in the event of any dispute concerning the interpretation or application of such written agreement [MGL 150E §8]. In the absence of such grievance procedure, binding arbitration may be ordered by the Commission upon the request of either party; provided that any such grievance procedure shall, wherever applicable, be exclusive and shall supercede any otherwise applicable grievance procedure provided by law; and further provided that binding arbitration hereunder shall be enforceable under the provisions of MGL 150C §1 et seq. and shall, where such arbitration is elected by the Employee as the method of grievance resolution, be the exclusive procedure for resolving any such grievance involving suspension, dismissal, removal or termination notwithstanding any contrary provisions of MGL 31 §39, 31 §41 to §45 (inclusive), 32 §16 or 71 §42 to 31 §43A (inclusive) [MGL 150E §8]. Where binding arbitration is provided under the terms of a CBA as a means of resolving grievances concerning job abolition, demotion, promotion, layoff, recall, or appointment and where an employee elects such binding arbitration as the method of resolution under said CBA, such binding arbitration shall be the exclusive procedure for resolving any such grievance, notwithstanding any contrary provisions of MGL 71 §37, §38, §42 to §43A (inclusive) and §59B [MGL 150E §8].
- **Strikes.** No Public Employee or Employee Organization shall engage in a Strike, and no Public Employee or Employee Organization shall induce, encourage or condone any strike, work stoppage, slowdown or withholding of services by such public employees [MGL 150E §9A(a)]. Whenever a Strike occurs or is about to occur, the Employer shall petition the Commission to make an investigation [MGL 150E §9A(b)]. If, after investigation, the Commission determines that any provision of MGL 150E §9A(a) has been or is about to be violated, it shall immediately set requirements that must be complied with, including, but not limited to, instituting appropriate proceedings in the Superior Court for the county wherein such violation has occurred or is about to occur for enforcement of such requirements [MGL 150E §9A(b)]. Nothing in MGL 150E §1 et seq. shall limit or impair the right of any Public Employee to express or communicate a complaint or opinion on any matter related to conditions of employment [MGL 150E §1]. No compensation shall be paid by an Employer to an Employee with respect to any day or part thereof when such Employee is engaged in a Strike against said Employer [MGL 150E §15]. No such Employee shall be eligible for such compensation at a later date in the event that such Employee is required to work additional days to fulfill the provisions of a CBA, except in the instance when a regional or local school district does not receive authorization for a shortened school year from the Massachusetts Department of Education, in which case such Employee shall be eligible for compensation at his regular rate for

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



APPENDICES-CONT'D.

1.01: RESOURCE; COLLECTIVE BARGAINING-CONT'D.

such additional days worked [MGL 150E §15]. Any Employee who engages in a Strike shall be subject to discipline and discharge proceedings by the Employer [MGL 150E §15].

- **Prohibited Practices; Employers.** It shall be a prohibited practice for a Public Employer or its designated representative to:
 - Interfere, restrain, or coerce any employee in the exercise of any right guaranteed under MGL 150E §1 et seq. [MGL 150E §10(a)(1)].
 - Dominate, interfere, or assist in the formation, existence, or administration of any Employee Organization [MGL 150E §10(a)(2)].
 - Discriminate in regard to hiring, tenure, or any term or condition of employment to encourage or discourage membership in any Employee Organization [MGL 150E §10(a)(3)].
 - Discharge or otherwise discriminate against an employee because he has signed or filed an affidavit, petition, or complaint or given any information or testimony under MGL 150E §1 et seq., or because he has informed, joined, or chosen to be represented by an Employee Organization [MGL 150E §10(a)(4)].
 - Refuse to bargain collectively in good faith with the exclusive representative as required in MGL 150E §6 [MGL 150E §10(a)(5)].
 - Refuse to participate in good faith in the mediation, fact-finding, and arbitration procedures set forth in MGL 150E §8 and §9 [MGL 150E §10(a)(6)].

NOTE: For the procedure required to lodge a formal complaint alleging any of these practices, see MGL 150E §11.

- **Prohibited Practices; Employees.** It shall be a prohibited practice for an Employee Organization or its designated agent to:
 - Interfere, restrain, or coerce any employer or employee in the exercise of any right guaranteed under MGL 150E §1 et seq. [MGL 150E §10(B)(1)].
 - Refuse to bargain collectively in good faith with the Public Employer, if it is an Exclusive Representative, as required in MGL 150E §6 [MGL 150E §10(b)(2)].
 - Refuse to participate in good faith in the mediation, fact finding and arbitration procedures set forth in MGL 150E §8 and §9 [MGL 150E §10(b)(3)].

NOTE: For the procedure required to lodge a formal complaint alleging any of these practices, see MGL 150E §11.

- **Service Fees.** The commonwealth or any other Employer shall require as a condition of employment during the life of a CBA so providing, the payment on or after the [30th (thirtieth) day] following the beginning of such employment or the effective date of such agreement, whichever is later, of a service fee to the Employee Organization which in accordance with the provisions of MGL 150E §1 et seq. is duly recognized by the Employer or designated by the Commission as the exclusive bargaining agent for the unit in which such Employee is employed; provided, however, that such service fee shall not be imposed unless the collective bargaining agreement requiring its payment as a condition of employment has been formally executed, pursuant to a vote of a majority of all employees in such bargaining unit present and voting [MGL 150E §12]. Prior to the vote, the exclusive bargaining agent shall make reasonable efforts to notify all employees in the unit of the time and place of the meeting at which the ratification vote is to be held, or any other method which will be used to conduct the ratification vote [MGL 150E §12]. The amount of such service fee shall be equal to the amount required to become a member and remain a member in good standing of the exclusive bargaining agent and its affiliates to or from which membership dues or per capita fees are paid or received [MGL 150E §12]. No Employee Organization shall receive a service fee as provided herein unless it has established a procedure by which any Employee so demanding may obtain a rebate of that part of said Employee's service payment, if any, that represents a pro rata share of expenditures by the organization or its affiliates for:
 - Contributions to political candidates or committees formed for a candidate or political party [MGL 150E §12(1)].
 - Publicizing an organizational preference for a candidate for political office [MGL 150E §12(2)].
 - Efforts to enact, defeat, repeal or amend legislation unrelated to the wages, hours, standards of productivity and performance, and other terms and conditions of employment, and the welfare or the working environment of employees represented by the exclusive bargaining agent or its affiliates [MGL 150E §12(3)].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



APPENDICES-CONT'D.

1.01: RESOURCE; COLLECTIVE BARGAINING-CONT'D.

- Contributions to charitable, religious or ideological causes not germane to its duties as the exclusive bargaining agent [MGL 150E §12(4)].
- Benefits which are not germane to the governance or duties as bargaining agent, of the exclusive bargaining agent or its affiliates and available only to the members of the Employee Organization [MGL 150E §12(5)].

It shall be a prohibited labor practice for an employee organization or its affiliates to discriminate against an employee on the basis of the employee's membership, non-membership or agency fee status in the employee organization or its affiliates [MGL 150E §12].

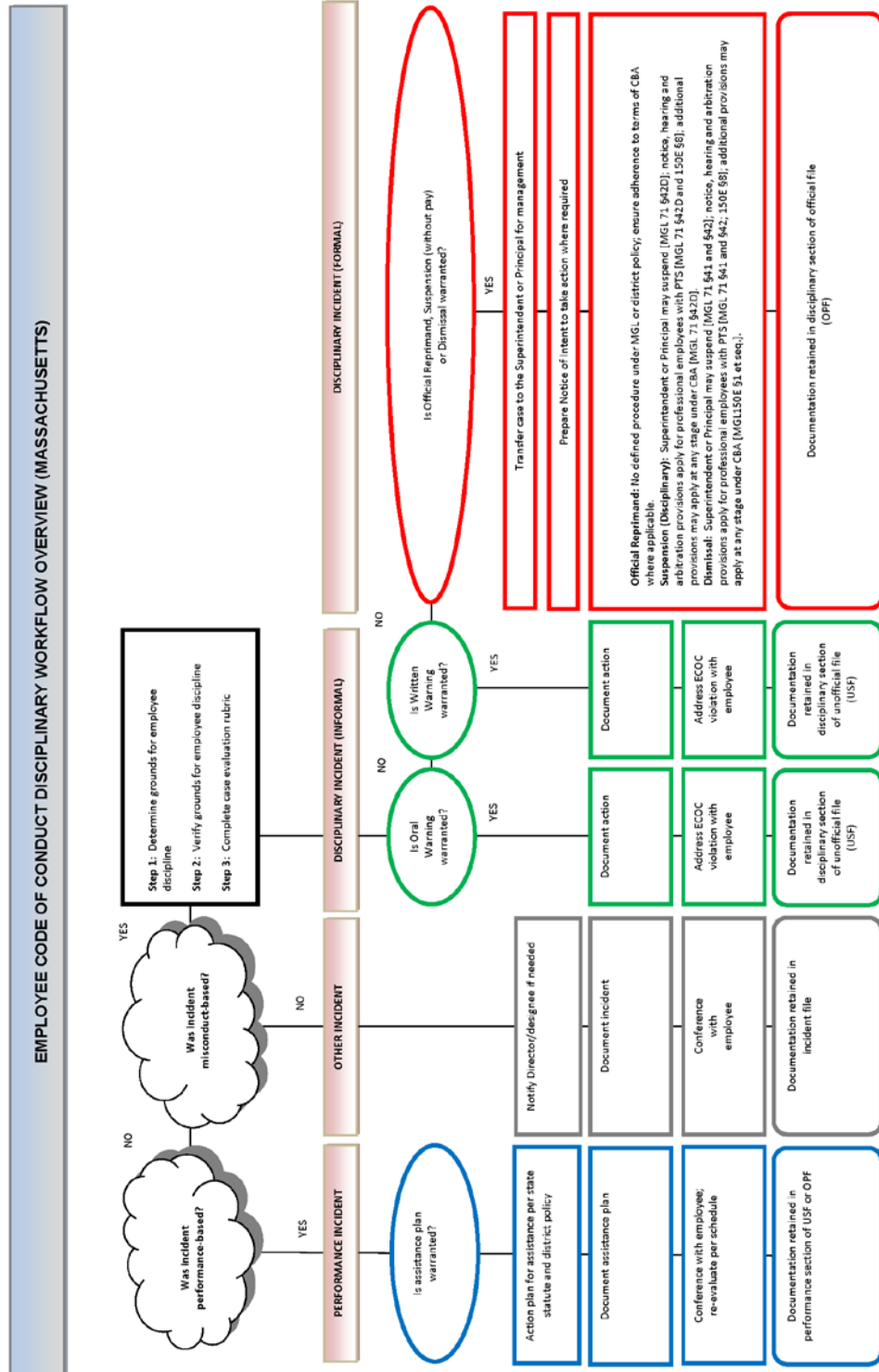
- **Reporting.** No person or association of persons shall operate or maintain an Employee Organization under MGL 150E §1 et seq. unless and until there has been filed with the Commission a written statement signed by the president and secretary of such Employee Organization setting forth the names and addresses of all of the officers of such organization, the aims and objectives of such organization, the scale of dues, initiation fees, fines and assessments to be charged to the members, and the annual salaries to be paid to the officers [MGL 150E §14]. Every Employee Organization shall keep an adequate record of its financial transactions and shall make annually available to its members and to non-member Employees who are required to pay a service fee under MGL 150E §12, within [60 (sixty) days] after the end of its fiscal year, a detailed written financial report in the form of a balance sheet and operating statement [MGL 150E §14]. Such report shall indicate the total of its receipts of any kind and the sources of such receipts, and disbursements made by it during its last fiscal year [MGL 150E §14]. A copy of such report shall be filed with the Commission [MGL 150E §14]. In the event of failure of compliance with MGL 150E §14, the Commission shall compel such compliance by appropriate order, said order to be enforceable in the superior court for the county wherein such violation has occurred in the same manner as other orders of the Commission under MGL 150E §14 [MGL 150E §14].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



APPENDICES-CONT'D.

3.01: FLOWCHART; EMPLOYEE DISCIPLINARY PROCESS



**ADMINISTRATIVE GUIDELINES:
EMPLOYEE CODE OF EXCELLENCE (WHRSD)**



APPENDICES-CONT'D.

3.01: FLOWCHART; EMPLOYEE DISCIPLINARY PROCESS-CONT'D.

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**ADMINISTRATIVE GUIDELINES:
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**APPENDICES-CONT'D.
3.02: FORM; GENERAL INVESTIGATION WORKSHEET**



General Investigation Worksheet

Date investigation was opened: _____

Expected completion date: _____

Date completed: _____

Name of employee: _____

Name(s) of investigator(s): _____

Expectations of investigation (include the grounds for employee discipline involved):

Date and time of alleged incident: _____

Description of alleged incident (reference the "who", "what", "where", "when", and "why"):

Physical location of alleged incident (include a description and details of any examination):

**ADMINISTRATIVE GUIDELINES:
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**APPENDICES-CONT'D.
3.02: FORM; GENERAL INVESTIGATION WORKSHEET-CONT'D.**

General Investigation Worksheet - CONTINUED

Names and statements of witnesses (interviewed separately; attach to worksheet):

Summary of employee's past disciplinary record (include grounds and disciplinary actions):

Special rights of the accused that must be addressed (if any):

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



APPENDICES-CONT'D.

3.03: FORM; GROUNDS-SPECIFIC INVESTIGATION WORKSHEET (INSUBORDINATION)



Today's Date: _____

Date of Incident: _____

Employee: _____

Completed by: _____

INSUBORDINATION CHECKLIST	YES	NO
<p>Was the behavior a clear violation of policy?</p>		
<p>Was a clear directive issued?</p> <p><i>The most effective way to communicate a request is a clearly written memo or order that explains <u>what</u> to do, <u>when</u> it needs to be done, and <u>how</u> it should be done. To address this requirement for establishing insubordination, the investigator should identify:</i></p> <ul style="list-style-type: none"> • Who issued the directive; or • Whether the directive was given verbally, in writing, or by some other means. 		
<p>Did the employee understand the directive?</p> <p><i>The most effective way to ensure understanding is to have the employee respond to the directive in writing to confirm that he or she comprehends the requirement(s) involved. Any directive issued verbally must be related in a manner that confirms that the employee clearly understands what is expected. To address this requirement for establishing insubordination, the investigator should identify:</i></p> <ul style="list-style-type: none"> • Whether or not the employee was aware of the purpose of the request; • Whether or not the employee was aware of the specific duties imposed by the request; or • Whether or not the employee directly refused or avoided the directive and why. 		
<p>Was the directive appropriate?</p> <p><i>To address this requirement for establishing insubordination, the investigator should identify:</i></p> <ul style="list-style-type: none"> • Whether or not the directive was consistent with the employee's duties, position and/or skills; • Whether or not the directive required the employee to perform unsafe or illegal acts; • Whether or not the employee had a valid explanation for refusing or avoiding the directive; or • Whether or not the directive reasonably interfered with the employee's rights. 		

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APPENDICES-CONT'D.

3.03: FORM; GROUNDS-SPECIFIC INVESTIGATION WORKSHEET (INSUBORDINATION)-CONT'D.

Today's Date: _____

Date of Incident: _____

Employee: _____

Completed by: _____

INSUBORDINATION CHECKLIST	YES	NO
<p>Are there any factors that might have influenced the employee's actions?</p> <p><i>To address this requirement for establishing insubordination, the investigator should identify:</i></p> <ul style="list-style-type: none"> • Whether the action or behavior involved is prevalent among the employee's colleagues or co-workers; • Whether or not the action or behavior was motivated by others; • Whether or not past evidence of insubordination exists; • Whether or not the employee was adequately notified in advance that the action or behavior involved was inappropriate or unacceptable; • Whether or not district policy clearly prohibits the action or behavior involved; or • Whether or not district policy in this area is being consistently enforced. 		
<p>What is the potential impact of the insubordinate conduct on the district?</p> <p><i>To address this requirement for establishing insubordination, the investigator should identify:</i></p> <ul style="list-style-type: none"> • Whether or not the action or behavior impacted campus safety; • Whether or not the action or behavior impacted the interests of the district; • Whether or not the action or behavior impacted school or job climate; • Whether or not the employee's job position worsened or ameliorated the effect of the action or behavior; or • Whether or not the action or behavior can be remediated. 		

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



APPENDICES-CONT'D. 3.04: FORM; CASE EVALUATION RUBRIC

EMPLOYEE DISCIPLINE RUBRIC	
DATE:	5/22/05
EMPLOYEE NAME:	Michelle Flores
POSITION/TITLE:	Custodian
LENGTH OF SERVICE:	14 years

INTRODUCTION: The following is an example of a disciplinary decision-making tool based on the Douglas Factors (Merit Systems Protection Board, *Douglas vs. Veterans Administration*, 5 M.S.P.R. 280, 1981) that illustrates one quantitative method by which reasonable and appropriate employee disciplinary decisions may be reached in a fair and consistent manner. To protect due process rights, such an instrument should only be used after grounds for employee discipline have been established and verified in the case. Decisions to use such a tool must be accompanied by a commitment to do so with every employee discipline case in conjunction with regularly updated employee discipline policies and the Code of Employee Conduct based upon them. In cases where an investigative team is in place, each party should be familiar with this instrument before a disciplinary consequence is selected or recommended to ensure inter-rater reliability.

DIRECTIONS: Complete steps 1-7 below.

STEP 1: Begin by indicating the validated grounds for employee discipline.

STEP 2: Next, indicate on how many occasions, including this case, that these grounds for employee discipline have been validated against this individual.

STEP 3: Next, review the most reasonable range of disciplinary option(s) for this case, if any, based on LEA progressive employee discipline guidelines.

122: EMPLOYEE MISCONDUCT: CIVIL VIOLATION: SEXUAL HARASSMENT

2

RANGE OF SCHOOL OR DISTRICT APPROVED DISCIPLINARY OPTIONS:

NO	NO EMPLOYEE DISCIPLINE
NO	ORAL WARNING
NO	WRITTEN WARNING
YES	OFFICIAL REPRIMAND
YES	SUSPENSION
YES	TERMINATION
NO	NOT APPLICABLE

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



APPENDICES-CONT'D.

3.04: FORM; CASE EVALUATION RUBRIC-CONT'D.

STEP 4a: Next, use the rating guide to evaluate the aggravating factors associated with this case.		RATING GUIDE		
FACTOR CATEGORY	CRITERION	RATING		
1 Nature of incident(s)	1.1 This/these incident(s) represent(s) a specific violation of the Code of Employee Conduct.	4	Evidence addressing this criterion cannot be identified OR this factor does not apply to the case	
	1.2 This/these incident(s) can be linked to the employee's position, duties, or job responsibilities.	2		
	1.3 This/these incident(s) had a direct impact on campus safety, school climate, or the interests of the LEA.	4		
	1.4 This/these incident(s) was/were committed maliciously, intentionally, for gain, or on more than one occasion.	0		
Category subtotal:				
2 Work role	2.1 This employee functions in a supervisory, fiduciary, or other prominent role within the school or district.	0	Evidence addressing this criterion is weak and subjective	
	2.2 This employee's position requires significant contact with external stakeholders and/or the public.	0		
Category subtotal:				
3 Disciplinary record	3.1 Disciplinary action was taken against this employee on the same or substantially similar grounds in the past.	4		Evidence addressing this criterion is weak but objective
	3.2 Disciplinary action was taken against this employee on dissimilar grounds in the past.	0		
Category subtotal:				
4 Community impact	4.1 The incident(s) involved has/have either received public attention or is/are likely to impact the reputation of the LEA in the future.	0	Evidence addressing this criterion is strong but subjective	
Category subtotal:				
5 Prior due process	5.1 The employee previously read, understood, and agreed to abide by the Code of Employee Conduct prior to this disciplinary incident.	4		
Category subtotal:				
AGGRAVATING FACTOR SUBTOTAL:		18		

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



APPENDICES-CONT'D.

3.04: FORM; CASE EVALUATION RUBRIC-CONT'D.

STEP 4b: Next, use the rating guide to evaluate the mitigating factors associated with this case.

MITIGATING FACTORS		RATING GUIDE	
FACTOR CATEGORY	CRITERION	RATING	
6	6.1 This employee's term of service was insufficient to provide the experience needed to foresee and/or avoid this/these incident(s).	0	Evidence addressing this factor cannot be identified OR this factor does not apply to the case Evidence addressing this criterion is weak and subjective Evidence addressing this criterion is weak but objective Evidence addressing this criterion is strong but subjective Evidence addressing this criterion is strong and objective
	6.2 This employee's past work history reveals no performance concerns (e.g., failure to meet performance expectations, inability to get along with colleagues or co-workers, or a lack of dependability).	4	
Category subtotal:			
7	7.1 A physical or mental disability (e.g., cognitive impairment, personality problems, or chronic illness) may be involved in this case.	0	
	7.2 A personal problem (e.g., physical illness/injury), family issue (e.g., death/divorce/move/financial crisis), or similar stressor may be involved in this case.	3	
	7.3 Unusual job circumstances, tension, or pressure (e.g., harassment, bad faith, malice, or provocation from others) may be involved in this case.	3	
Category subtotal:			
8	8.1 This/these incident(s) should have little or no impact on the employee's ability to effectively perform his or her assigned duties in the future.	1	
	8.2 This/these incident(s) should have little or no impact on administrative or supervisory confidence and/or trust in the employee in the future.	1	
Category subtotal:			
9	9.1 Remediation of the conduct or performance deficit that this/these incident(s) represent(s) is a realistic goal.	3	
Category subtotal:			
10	10.1 Disciplinary action in this case should result in behavioral suppression (i.e., prevention of the same or similar incidents in the future) for this employee.	3	
	10.2 Disciplinary action in this case should reinforce behavioral suppression (i.e., prevention of the same or similar incidents in the future) among other employees.	3	
Category subtotal:			
MITIGATING FACTOR SUBTOTAL:		21	

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



APPENDICES-CONT'D.

3.04: FORM; CASE EVALUATION RUBRIC-CONT'D.

STEP 5: Next, review the most appropriate disciplinary option based on the aggravating factors and mitigating factors identified in this case.

NET DOUGLAS FACTOR EVALUATION SCORE:

-3

NO	NO EMPLOYEE DISCIPLINE
NO	ORAL WARNING
NO	WRITTEN WARNING
NO	OFFICIAL REPRIMAND
YES	SUSPENSION
NO	TERMINATION
NO	NOT APPLICABLE

APPROVED DISCIPLINARY OPTION:

MIN					MAX
-27	-14	-13	-2	-1	12
	OFFICIAL REPRIMAND		SUSPENSION		TERMINATION

SELECTION GUIDE:

STEP 6: Next, indicate the disciplinary option that will actually be selected or recommended in this case.

SUSPENSION

STEP 7: Finally, confirm that the disciplinary option actually selected or recommended was the appropriate option based on the aggravating factors and mitigating factors involved.

YES

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



APPENDICES-CONT'D.

4.01: RESOURCE; DETERMINATION OF TEACHER PERFORMANCE STANDARDS

DETERMINATION OF TEACHERS PERFORMANCE STANDARDS (MASSACHUSETTS)

Performance standards for teachers and other District employees shall be established by the School Committee upon the recommendation of the Superintendent, provided that where teachers are represented for collective bargaining purposes, all Teacher performance standards shall be determined as follows:

- The School Committee and the collective bargaining representative shall undertake for a reasonable period of time to agree on Teacher performance standards [MGL 71 §38].
- Prior to said reasonable period of time, the District shall seek a public hearing to comment on such standards [MGL 71 §38].
- In the absence of an agreement, after such reasonable period, Teacher performance standards shall be determined by binding interest arbitration [MGL 71 §38].
- Either the District or the teachers' collective bargaining representative may file a petition seeking arbitration with the Commissioner [MGL 71 §38].
- The Commissioner shall forward to the parties a list of [3 (three)] arbitrators provided by the American Arbitration Association [MGL 71 §38].
- The School Committee and the collective bargaining representative, within [3 (three)] days of receipt of the list from the Commissioner, shall have the right to strike [1 (one)] of the [3 (three)] arbitrators' names if they are unable to agree upon a single arbitrator from among the [3 (three)] [MGL 71 §38].
- The arbitration shall be conducted in accordance with the rules of the American Arbitration Association to be consistent with the provisions of MGL 71 §38 [MGL 71 §38].
- In reaching a decision, the arbitrator shall seek to advance the goals of encouraging innovation in teaching and of holding teachers accountable for improving student performance [MGL 71 §38].
- The arbitrator shall consider the particular socioeconomic conditions of the student population of the District [MGL 71 §38].
- Both the parties and the arbitrator may adopt performance standards established by state or national organizations [MGL 71 §38].
- The performance standards shall be incorporated into the applicable collective bargaining agreement; provided, however, that any subsequent modification of the performance standards shall be made pursuant to the procedures set forth in MGL 71 §38 [MGL 71 §38].

**ADMINISTRATIVE GUIDELINES:
EMPLOYEE CODE OF EXCELLENCE (WHRSD)**



APPENDICES-CONT'D.

***4.01: RESOURCE; DETERMINATION OF TEACHER PERFORMANCE STANDARDS-
CONT'D.***

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APPENDICES-CONT'D. 5.01: FORM; ACKNOWLEDGED ORAL WARNING



ACKNOWLEDGED ORAL WARNING

Employee: [Last name of employee], [First name of employee]

Employee ID: [Employee ID]

Work location: [Name of work location]

It is necessary to warn you of the following unacceptable conduct or performance:

[Insert description of incident(s)]

Date of Incident(s): [Insert date(s)]

Time of Incident(s): [Insert time(s)]

Employee Code of Conduct violation involved:

[Insert grounds for employee discipline]

Employee Response:

[Insert verbal response, if any, using quotes where possible]

Case facts considered:

[Insert summary of pertinent aggravating and/or mitigating factors identified in Douglas Factor evaluation, including past non-disciplinary counseling, if applicable]

Acknowledgement of Receipt

I acknowledge receipt of the above-referenced disciplinary action and confirm deny the accuracy of the account herein. I was was not given an opportunity to verbally respond to these allegations.

I understand that I may respond in writing to this action on or before [insert date] and that any written response should be either: 1). Hand-delivered to the issuing supervisor; or 2). Submitted to his or her office in a sealed envelope. Any response will be acknowledged in writing. I further understand that a copy of this action will be retained in an [Unofficial Supervisor's File (USF)] and that any written response submitted will be attached.

Finally, I also understand that failure to remediate the action(s) or behavior(s) referenced herein may result in further disciplinary action, up to and including suspension or dismissal.

Supervisor signature

Employee signature

Supervisor name

Employee name

Date of signature

Date of signature

Attachments: [Examples: investigation artifacts, written response]
cc: [Unofficial Supervisor's File (USF)]

**ADMINISTRATIVE GUIDELINES:
EMPLOYEE CODE OF EXCELLENCE (WHRSD)**



APPENDICES-CONT'D.

5.01: FORM; ACKNOWLEDGED ORAL WARNING-CONT'D.

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APPENDICES-CONT'D. 5.02: FORM: WRITTEN WARNING



[Insert date]

[First name of employee] [Last name of employee] [Employee ID]
[Name of work location]

RE: WRITTEN WARNING

Dr./Mr./Mrs./Ms. [Last name of employee]:

On [insert date(s) of incident(s)] at [insert time(s) of incident(s)], [insert description of incident(s)].

When asked about [this incident/these incidents] on [insert date of verbal response], you indicated that [insert verbal explanation or relevant information in quotes where possible].

[This incident/These incidents] represent [insert grounds for employee discipline], which is a violation of the Employee Code of Conduct (see attached copy of ECOC violation). As a result, I am hereby advising you that I have issued a warning in response on the date indicated below.

Prior to taking this disciplinary action, the following case facts were considered: [Insert summary of pertinent aggravating and/or mitigating factors identified in Douglas Factor evaluation, including past non-disciplinary counseling or disciplinary action(s), if applicable].

As a reminder, I expect [insert specific building/site level level expectation(s) for employee action(s) or behavior(s)]. You are a valued member of my team, and I am confident that you will consider the potential ramifications of [this incident/these incidents] on [department/district operations, student achievement, etc.].

Acknowledgement of Receipt

I acknowledge receipt of the above-referenced disciplinary action and confirm deny the accuracy of the account herein. I was was not given an opportunity to verbally respond to these allegations.

I understand that I may respond in writing to this action on or before [insert date] and that any written response should be either: 1). Hand-delivered to the issuing supervisor; or 2). Submitted to his or her office in a sealed envelope. Any response will be acknowledged in writing. I further understand that a copy of this action will be retained in an [Unofficial Supervisor's File (USF)] and that any written response submitted will be attached.

Finally, I also understand that failure to remediate the action(s) or behavior(s) referenced herein may result in further disciplinary action, up to and including suspension or dismissal.

Supervisor signature

Employee signature

Supervisor name

Employee name

Date of signature

Date of signature

Attachments: [Examples: investigation artifacts, copy of ECOC violation, written response]
cc: [Unofficial Supervisor's File (USF)]

**ADMINISTRATIVE GUIDELINES:
EMPLOYEE CODE OF EXCELLENCE (WHRSD)**



APPENDICES-CONT'D.

5.02: FORM; WRITTEN WARNING-CONT'D.

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ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



APPENDICES-CONT'D. 6.01: FORM; OFFICIAL REPRIMAND



[Insert date]

[First name of employee] [Last name of employee] [Employee ID]
[Name of work location]

RE: OFFICIAL REPRIMAND

Dr./Mr./Mrs./Ms. [Last name of employee]:

On [insert date(s) of incident(s)] at [insert time(s) of incident(s)], [insert description of allegation(s)].

When asked about [this allegation/these allegations] on [insert date of verbal response], you indicated to [insert name and/or title of investigator] that [insert verbal explanation or relevant information in quotes where possible].

The ensuing investigation has confirmed [this allegation/these allegations] to be factual and that you have engaged in the following violation of the Employee Code of Conduct: [insert grounds for employee discipline]. In accordance with district policy (see attached copy of ECOC violation), I am hereby advising you that a private reprimand was issued in response on the date indicated below.

Prior to taking this disciplinary action, the following case facts were considered: [Insert summary of pertinent aggravating and/or mitigating factors identified in Douglas Factor evaluation, including past non-disciplinary counseling or disciplinary action(s), if applicable].

This action serves as formal notification that the district expects [insert specific district level expectation(s) for employee action(s) or behavior(s)] in accordance with [insert statutory/policy reference] (see attached). It is recommended that you consider the seriousness of your misconduct, since failure to remediate the action(s) or behavior(s) referenced herein may result in further disciplinary action, up to and including suspension or dismissal.

Should you wish to respond to this action in writing, you may do so on or before [insert date]. Any written response should be submitted directly to the Human Resource/Finance Office in a sealed envelope and will be acknowledged in writing. A copy of this action, along with any written response submitted, will be retained in your [Official Personnel File (OPF)].

This action may may not be grieved or otherwise contested in accordance with state statute or district policy. A copy of your rights and responsibilities is is not attached.

Any questions regarding this action should be submitted in writing to the Human Resource/Finance Office.

Regards,

Acknowledgement of Receipt:

Director/designee signature

Employee signature

Director/designee name

Employee name

Date of action

Date of receipt

Attachments: [Examples: investigation artifacts, copy of ECOC violation/statute/ policy, written response]

Enclosures: [Contest rights and responsibilities disclosure]

cc: [Official Personnel File (OPF)]

**ADMINISTRATIVE GUIDELINES:
EMPLOYEE CODE OF EXCELLENCE (WHRSD)**



APPENDICES-CONT'D.

6.01: FORM; OFFICIAL REPRIMAND-CONT'D.

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ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



APPENDICES-CONT'D. 9.01: RESOURCE; PUBLIC RECORDS

PUBLIC RECORDS (MASSACHUSETTS)

The term *Public Records* means all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the general court to serve a public purpose [MGL 4 §7(26) and 66 §3].

Provisions for external inquiries regarding Public Records include the following:

- The clerk of every city or town shall post, in a conspicuous place in the city or town hall in the vicinity of the clerk's office, a brief printed statement that any citizen may, at his discretion, obtain copies of certain Public Records from local officials for a fee as provided for in this chapter [MGL 66 §10(d)].
- Every person having custody of any Public Record, as defined in MGL 4 §7(26) shall, at reasonable times and without unreasonable delay, permit it, or any segregable portion of a record which is an independent Public Record, to be inspected and examined by any person, under his or her supervision, and shall furnish one copy thereof upon payment of a reasonable fee [MGL 66 §10(a)].
- Every person for whom a search of Public Records is made shall, at the direction of the person having custody of such records, pay the actual expense of such search [MGL 66 §10(a)].
- A Custodian of a Public Record shall, within [10 (ten) days] days following receipt of a request for inspection or copy of a Public Record, comply with such request; such request may be delivered in hand to the office of the Custodian or mailed via first class mail [MGL 66 §10(b)].
- If the Custodian refuses or fails to comply with such a request, the person making the request may petition the Supervisor of Records for a determination whether the record requested is public [MGL 66 §10(b)].

In Massachusetts, exemptions to Public Records include the following:

- Specifically or by necessary implication exempted from disclosure by statute [MGL 4 §7(26)(a)].
- Related solely to internal personnel rules and practices of the government unit, provided however, that such records shall be withheld only to the extent that proper performance of necessary governmental functions requires such withholding [MGL 4 §7(26)(b)].
- Personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy [MGL 4 §7(26)(c)].
- Inter-agency or intra-agency memoranda or letters relating to policy positions being developed by the agency; but MGL 4 §7(26)(d) shall not apply to reasonably completed factual studies or reports on which the development of such policy positions has been or may be based [MGL 4 §7(26)(d)].
- Notebooks and other materials prepared by an employee of the commonwealth which are personal to him and not maintained as part of the files of the governmental unit [MGL 4 §7(26)(e)].
- Investigatory materials necessarily compiled out of the public view by law enforcement or other investigatory officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest [MGL 4 §7(26)(f)].
- Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy and upon a promise of confidentiality; but MGL 4 §7(26)(g) shall not apply to information submitted as required by law or as a condition of receiving a governmental contract or other benefit [MGL 4 §7(26)(g)].
- Proposals and bids to enter into any contract or agreement until the time for the opening of bids in the case of proposals or bids to be opened publicly, and until the time for the receipt of bids or proposals has expired in all other cases; and inter-agency or intra-agency communications made in connection with an evaluation process for reviewing bids or proposals, prior to a decision to enter into negotiations with or to award a contract to, a particular person [MGL 4 §7(26)(h)].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



APPENDICES-CONT'D.

9.01: RESOURCE; PUBLIC RECORDS-CONT'D.

- Appraisals of real property acquired or to be acquired until: 1) A final agreement is entered into; or 2) Any litigation relative to such appraisal has been terminated; or 3) The time within which to commence such litigation has expired [MGL 4 §7(26)(i)].
- The names and addresses of any persons contained in, or referred to in, any applications for any licenses to carry or possess firearms issued pursuant to MGL 140 §1 et seq. or any firearms identification cards issued pursuant to said chapter and the names and addresses on sales or transfers of any firearms, rifles, shotguns, or machine guns or ammunition therefor, as defined in said chapter and the names and addresses on said licenses or cards [MGL 4 §7(26)(j) and 66 §10].
- Questions and answers, scoring keys and sheets and other materials used to develop, administer or score a test, examination or assessment instrument; provided, however, that such materials are intended to be used for another test, examination or assessment instrument [MGL 4 §7(26)(k)].
- Contracts for hospital or related health care services between any hospital, clinic or other health care facility operated by a unit of state, county or municipal government and (a health maintenance organization arrangement approved under [MGL 176L §1 et seq., a non-profit hospital service corporation or medical service corporation organized pursuant to MGL 176A §1 et seq. and MGL 176B §1 et seq., respectively, a health insurance corporation licensed under MGL 175 §1 et seq. or any legal entity that is self-insured and provides health care benefits to its employees [MGL 4 §7(26)(m)].
- Records, including, but not limited to, blueprints, plans, policies, procedures and schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, or any other records relating to the security or safety of persons or buildings, structures, facilities, utilities, transportation or other infrastructure located within the commonwealth, the disclosure of which, in the reasonable judgment of the record Custodian, subject to review by the supervisor of Public Records under MGL 66 §7(10)(b) is likely to jeopardize public safety [MGL 4 §7(26)(n)].
- The home address and home telephone number of an employee of the judicial branch, an unelected employee of the general court, an agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of a political subdivision thereof or of an authority established by the general court to serve a public purpose, in the custody of a government agency which maintains records identifying persons as falling within those categories; provided that the information may be disclosed to an employee organization under MGL 150E §1 et seq., a non-profit organization for retired public employees under MGL 180 §1 et seq. or a criminal justice agency as defined in MGL 6 §167 [MGL 4 §7(26)(o) and 66 §10(d)].
- The name, home address and home telephone number of a family member of a commonwealth employee, contained in a record in the custody of a government agency which maintains records identifying persons as falling within the categories listed in MGL 4 §7(26)(o) [MGL 4 §7(26)(p)].
- Adoption contact information and indices therefore of the adoption contact registry established by MGL 46 §31 [MGL 4 §7(26)(q) and 66 §10(d)].
- Information and records acquired under MGL 18C §1 et seq. by the Office of the Child Advocate [MGL 4 §7(26)(r)].
- Trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the Department of Public Utilities pursuant to MGL 164 §1F, in the course of activities conducted as a municipal aggregator under MGL 164 §134 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to MGL 164 §136 section 136, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy; provided, however, that MGL 4 §7(26)(s) shall not exempt a public entity from disclosure required of a private entity so licensed [MGL 4 §7(26)(s)].
- Statements filed under MGL 32 §20C [MGL 4 §7(26)(t)].
- Trade secrets or other proprietary information of the University of Massachusetts, including trade secrets or proprietary information provided to the University by research sponsors or private concerns [MGL 4 §7(26)(u)].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



APPENDICES-CONT'D.

9.01: RESOURCE; PUBLIC RECORDS-CONT'D.

Upon the determination by the Supervisor of Records that the record is public, he shall order the Custodian of the Public Record to comply with the person's request [MGL 66 §10(b)]. Any person denied access to Public Records may pursue the remedy provided for in MGL 66 §10 as follows [MGL 4 §7]:

- If the Custodian refuses or fails to comply with any such order, the Supervisor of Records may notify the Attorney General or the appropriate District Attorney thereof who may take whatever measures he deems necessary to insure compliance with the provisions of MGL 66 §10 [MGL 66 §10(b)].
- The administrative remedy provided by MGL 66 §10 shall in no way limit the availability of the administrative remedies provided by the Commissioner of Administration and Finance with respect to any officer or employee of any agency, executive office, department or board; nor shall the administrative remedy provided by MGL 66 §10 in any way limit the availability of judicial remedies otherwise available to any person requesting a Public Record [MGL 66 §10(b)].
- If a Custodian of a Public Record refuses or fails to comply with the request of any person for inspection or copy of a Public Record or with an administrative order under MGL 66 §10, the Supreme Judicial Court or Superior Court shall have jurisdiction to order compliance [MGL 66 §10(b)].
- In any court proceeding pursuant to paragraph (b) of MGL 66 §10 there shall be a presumption that the record sought is public, and the burden shall be upon the Custodian to prove with specificity the exemption which applies [MGL 66 §10(c)].

**ADMINISTRATIVE GUIDELINES:
EMPLOYEE CODE OF EXCELLENCE (WHRSD)**



APPENDICES-CONT'D.

9.01: RESOURCE; PUBLIC RECORDS-CONT'D.

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ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



APPENDICES-CONT'D.

10.01: FORM; ACKNOWLEDGEMENT OF RECEIPT



ACKNOWLEDGEMENT OF RECEIPT: ECOC

I acknowledge that I have read, understood, agreed to abide by and been given an opportunity to ask questions about the WHRSD *Employee Code of Conduct* (ECOC). My signature below does not necessarily indicate agreement with the ECOC, but I understand that the Board of Education will hold me accountable for the standards referenced therein.

This acknowledgement will be issued to each WHRSD employee on an annual basis and shall be retained in his or her Official Personnel File.

Employee signature

Employee name

Date of signature

cc: [Official Personnel File (OPF)]

**ADMINISTRATIVE GUIDELINES:
EMPLOYEE CODE OF EXCELLENCE (WHRSD)**



APPENDICES-CONT'D.

10.01: FORM; ACKNOWLEDGEMENT OF RECEIPT-CONT'D.

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ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



GLOSSARY OF TERMS

For the purposes of the ECOE, the following definitions apply:

- **Acknowledged Oral Warning.** The term *Acknowledged Oral Warning* means an informal disciplinary conference between a supervisor and an employee. This personnel action is the least severe type of informal employee discipline and is meant to alert the employee to the fact that a deficiency has been noted. Although there is no prescribed format for issuing this action under state statute, the District-approved and/or CBA-defined procedure must be followed and the event must be documented.
- **Administrative Assistant.** For the purpose of WHEA-C, the term *Administrative Assistant* means all full-time and regular part-time Administrative Assistants [WHEA-C 1]. The term does not mean all employees in the Superintendent/Central Offices, including Payroll, Accounts Payable, Bookkeeper and Executive Assistant to the Superintendent [WHEA-C 1].
- **Administrator.** For the purpose of WHEA-B, the term *Administrator* means an assistant principal, a curriculum coordinator, the Director of Guidance, the Athletic Director, the Director of the Alternative High School, the Special Education Coordinator, the Dean of Students, the Supervisor of Attendance and the Early Childhood Coordinator [WHEA-B 2]. The term does not mean Principals [WHEA-B 2].
- **Board.** The term *Board* (or "BESE") means the Massachusetts Board of Elementary and Secondary Education [MGL 15 §1E].
- **Cause.** For the purpose of WHEA-A, the term *Cause* means: 1) Inefficiency; 2) Incompetency; 3) Incapacity; 4) Conduct unbecoming of a Teacher; 5) Insubordination; 6) Failure on the part of the Teacher to satisfy Teacher performance standards developed pursuant to MGL 71 §38; or 7) Other Just Cause [MGL 71 §42]. For the purpose of WHEA-B, the term means any grounds put forward by the Superintendent which are not arbitrary, irrational, unreasonable, in bad faith or irrelevant to the sound operation of the school system [WHEA-B 20 §4]. For the purpose of WHEA-D, the term means conduct including, but not limited to: 1) Insubordination; 2) Incompetence; 3) Lack of funding; 4) Conduct unbecoming an employee; or 5) Incapacity [WHEA-B 10]. For the purpose of FSD, the term means any grounds put forward by the Superintendent which are not arbitrary, irrational, unreasonable, in bad faith or irrelevant to the sound operation of the school system [FSD Termination-Good Cause].
- **Certificate; Provisional Educator.** The term *Provisional Educator Certificate* means a license to teach issued to a person who has successfully met the preparation and eligibility requirements as established by the Board [MGL 71 §38G]. Said certificate shall be valid for 5 (five) years of employment as an educator in the schools of the commonwealth [MGL 71 §38G]. A person who holds such a certificate is a Provisional Educator [MGL 71 §38G].
- **Certificate; Provisional Educator with Advanced Standing.** The term *Provisional Educator Certificate with Advanced Standing* means a license to teach issued to a person who has successfully met the preparation and eligibility requirements as established by the Board for provisional certification and completed: 1) A college program (graduate or undergraduate) approved by the Board for the preparation of Teachers; or 2) A college preparation program included in the National WHEA of State Directors of Teacher Education and Certification (NASDTEC); or 3) An out of state Teacher education program approved by the National Council for the Accreditation of Teacher Education (NCATE); or (4) Another program approved by the Board [MGL 71 §38G]. Said certificate shall be valid for 5 (five) years of employment as an educator in the schools of the commonwealth and may be renewed for an additional 5 (five) years of employment in accordance with regulations adopted by the Board [MGL 71 §38G]. A person who holds such a certificate is a Provisional Educator with Advanced Standing [MGL 71 §38G]. A Regionally Licensed or Certified Educator who has been granted a regional license or certificate by another state jurisdiction under terms of a contract entered into pursuant to applicable law shall also hold a certificate equivalent to this certificate [MGL 71 §38G].
- **Certificate; Standard Educator.** The term *Standard Educator Certificate* means a license to teach issued to a person who has successfully met the preparation and eligibility requirements as established by the Board [MGL 71 §38G]. Said certificate shall be valid for renewable terms of 5 (five) years [MGL 71 §38G]. A person who holds such a certificate is a Standard Educator [MGL 71 §38G].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



GLOSSARY OF TERMS-CONT'D.

- **Certificate; Temporary.** The term *Temporary Certificate* means a license to teach which the Commissioner may, at his discretion, issue to a person who holds a valid teaching certificate from another state and who has been employed under the certificate for a minimum of 3 (three) years but has not satisfied the certification testing requirements contained in MGL 71 §38G [MGL 71 §38G]. Said certificate shall be valid for 1 (one) year and is non-renewable [MGL 71 §38G]. Service under a Temporary Certificate shall be counted as service in acquiring professional Teacher status, contingent upon the Teacher passing the applicable certification tests [MGL 71 §38G].
- **Collective Bargaining Agreement (or “CBA”).** The term *Collective Bargaining Agreement* means an agreement reached between a Public Employer and an Exclusive Representative [MGL 150E §7; WHEA-A; WHEA-B; WHEA-C; WHEA-D].
- **Commission.** The term *Commission* means the Massachusetts Labor Relations Commission [MGL 150E §1].
- **Commissioner.** The term *Commissioner* means the Massachusetts Commissioner of Education [MGL 15 §1].
- **Coach.** The term *Coach* means an individual under a contract made by the Superintendent to employ him or her as an athletic coach hired under the provisions of MGL 71 §59B for a period not in excess of 3 (three) years [MGL 71 §47A]. The provisions of MGL 71 §41 relative to tenure shall not apply to such an athletic coach, unless he or she is otherwise entitled to tenure [MGL 71 §47A].
- **Criminal Offender Record Information.** The term *Criminal Offender Record Information* (or “C.O.R.I.”) means a report from the Criminal History Systems Board [WHRSD ADDA].
- **Days.** For the purpose of WHEA-A, WHEA-B and WHEA-D, the term *Days* means employee work days (except during summer recess, when the term shall mean when the Central Administration Office is open [WHEA-A 3 §B3; WHEA-B 4 §B3].
- **Demotion.** The term *Demotion* means a reduction in rank from one position on the District salary schedule to a different position on that schedule for which a lower salary is paid. The term shall not include lateral transfers to positions of similar rank and pay or minor alterations in pay increments required by the salary schedule.
- **Department.** The term *Department* means the Department of Elementary and Secondary Education within the Executive Office of Education [MGL 15 §1 et seq. and 71 §1A].
- **Dismissal.** The term *Dismissal* means a formal disciplinary action whereby an employee is involuntarily separated from service on a permanent basis during the contract year when: 1). The issue of employee remediation is either no longer valid or is otherwise irrelevant; or 2). The misconduct involved is incompatible with initial or continued employment by the District. There are 2 (two) general reasons for this action under state statute and/or District policy:
 - **Dismissal for Cause:** The term *Dismissal for Cause* means an involuntary separation for Cause.
 - **Dismissal for Substandard Performance:** The term *Dismissal for Substandard Performance* is an involuntary separation for failure to meet performance standards developed: 1) By the Board and/or the District pursuant to MGL 71 §38; or 2) Another recognized regulating body.
- **Employee Organization.** The term *Employee Organization* means any lawful WHEA, organization, federation, council, or labor union, the membership of which includes public employees, and assists its members to improve their wages, hours, and conditions of employment [MGL 150E §1].
- **Exclusive Representative.** The term *Exclusive Representative* means the Employee Organization, recognized by a Public Employer, that was designated by Written Majority Authorization of the employees in an appropriate bargaining unit as the Exclusive Representative of all the employees in such unit for the purpose of collective bargaining [MGL 150E §4; WHEA-A 1 §A1; WHEA-B 2; WHEA-C 1; WHEA-D 1]. The Exclusive Representative shall have the right to act for and negotiate agreements covering all public employees in the unit and shall be responsible for representing the interests of all such public employees without discrimination and without regard to public employee organization membership [MGL 150E §5].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



GLOSSARY OF TERMS-CONT'D.

- **Expiration Date.** The term *Expiration Date* means the date upon which an eligible disciplinary event may no longer be used to justify progressive discipline when the same (or a substantially similar) ECOE violation occurs.
- **Food Services Worker.** The term *Food Services Worker* means a Cafeteria Manager or Cafeteria Worker employed by the district.
- **Grievance.** For the purpose of WHEA-A, WHEA-B and WHEA-D, the term *Grievance* means a claim or a dispute between the administration and/or the District and an employee, group or class of employees or the WHEA which involves the interpretation, application of or compliance with a provision of a CBA or any amendment or supplement thereto [MGL 150E §8; WHEA-A 3 §B1; WHEA-B 4 §B1]. For the purpose of WHEA-C, the term means an alleged violation of a provision of the CBA [MGL 150E §8; WHEA-C 3].
- **Grievant.** For the purpose of WHEA-A, WHEA-B and WHEA-D, the term *Grievant* means an individual employee, a group or class of employees, or WHEA [WHEA-A 3 §B2; WHEA-B 4 §B2]. For the purpose of WHEA-C, the term means an individual employee.
- **Official Reprimand.** The term *Official Reprimand* means a formal disciplinary notice that is given to an employee when the grounds for employee discipline and/or case circumstances involved warrant an action that is more severe than a Written Warning, but a less severe than a Suspension issued for disciplinary purposes. This personnel action is the least severe type of formal action and is meant to serve as a statement of censure for misconduct of such concern that a permanent record of the incident(s) needs to be established. Although there is no prescribed format for issuing this action under state statute, the District-approved and/or CBA-defined procedure must be followed.
- **Paraprofessional.** For the purpose of WHEA-D, the term *Paraprofessional* means all regular full-time and part-time instructional and non-instructional teaching assistants [WHEA-D 1].
- **Principal.** The term *Principal* means an Administrator under contract with the Superintendent to act as the educational Administrator and manager of his or her respective school [MGL 71 §59B]. School principals, by whatever title their position may be known, shall not be represented in collective bargaining, but each Principal, upon the written request of the Principal, shall meet and discuss the terms and conditions of the Principal's employment in the District with the Superintendent or his/her designee, at a time to be determined by the Superintendent, and may be represented by an attorney or other representative [MGL 71 §41 and 150E §3; WHRSD GCBB; WHEA-B 2]. School principals shall enter into individual employment contracts with their employing districts concerning the terms and conditions of employment [MGL 71 §41 and 150E §3; WHRSD GCBB; WHEA-B 2]. The initial contract with the District shall be for not less than 1 (one) year nor more than 3 (three) years [MGL 71 §41; WHRSD GCBB]. Notwithstanding the past employment conditions of a school Principal, the conditions established by MGL 71 §41 shall apply to the initial contract of each school Principal [MGL 71 §41; WHRSD GCBB]. The second contract, and subsequent contracts, shall be for not less than 3 (three) years nor more than 5 (five) years unless: 1) Said contract is a 1 (one) year contract based on the failure of the Superintendent to notify the Principal of a proposed non-renewal of his or her contract pursuant to MGL 71 §41; or 2) Both parties agree to a shorter term of employment [MGL 71 §41; WHRSD GCBB].
- **Professional Teacher Status.** The term *Professional Teacher Status* (or "PTS") means a Teacher who has served in the public schools of the District for the previous 3 (three) years consecutively [MGL 71 §38H, §38P, §41 and §42; WHRSD GCJ]. The Superintendent of said District, upon the recommendation of the Principal, may award such status: 1) To any Teacher who has served in the Principal's school for not less than 1 (one) year; or 2) To a Teacher who has obtained such status in any other public school District in the commonwealth [MGL 71 §41; WHRSD GCJ]. The provisions of MGL 71 (regarding school personnel granted certificates in accordance with MGL 71 §38G) shall apply to all such school personnel employed by Regional School Districts [MGL 71 §42B; see statute for additional civil service provisions].
- **Public Employee.** The term *Public Employee* (or "Employee") means any person in the executive or judicial branch of a government unit employed by a public Employer except elected officials, appointed officials, members of any board or commission, representatives of any public Employer, including the heads, directors and executive and administrative officers of departments and agencies of any public Employer, and other managerial employees or confidential employees, and members

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



GLOSSARY OF TERMS-CONT'D.

of the militia or national guard and employees of the Commission, and officers and employees within the departments of the state secretary, state treasurer, state auditor and attorney general [MGL 150E §1; WHEA-A 1 §B]. Public Employees shall be designated as managerial employees only if they: 1) Participate to a substantial degree in formulating or determining policy; or 2) Assist to a substantial degree in the preparation for or the conduct of collective bargaining on behalf of a public Employer; or 3) Have a substantial responsibility involving the exercise of independent judgment of an appellate responsibility not initially in effect in the administration of a Collective Bargaining Agreement or in personnel administration [MGL 150E §1]. Public Employees shall be designated as confidential employees only if they directly assist and act in a confidential capacity to a person or persons otherwise excluded from coverage under MGL 150E §1 [MGL 150E §1].

- **Public Employer.** The term *Public Employer* (or “Employer”) means, in the case of school employees, the municipal Employer represented by the school committee or its designated representative or representatives [MGL 150E §1]. For this purpose, the chief executive officer of a city or town or his designee shall participate and vote as a member of the city or town School Committee; provided, however, that if there is no town manager or town Administrator in a town, the chairman of the Board of Selectmen or his designee shall so participate and vote [MGL 150E §1]. In the case of a Regional School District, said chief executive officers or chairmen of Boards of Selectmen, as the case may be, of the member cities and towns shall, in accordance with regulations to be promulgated by the Board, elect one of their number to represent them pursuant to the requirements of MGL 150E §1 [MGL 150E §1].
- **Professional Employee.** The term *Professional Employee* means any Employee engaged in work predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work, involving the consistent exercise of discretion and judgment in its performance, of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, and requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes [MGL 150E §1; WHRSD GCA; WHEA-A 1 §B].
- **Regional School District.** The term *Regional School District* means any local education agency established under MGL 71 §15, 74 §5A or by a special act of the Great and General Court for the purpose of operating regional schools [603 CMR 41.01; WHRSD AA, BB and BD].
- **Residence Requirement.** The term *Residence Requirement* means requiring employee residence within the city, town or Regional School District as a condition of promotion, assignment, transfer or continued employment [MGL 71 §38]. Such a requirement may only be made for an individual appointed, reappointed or promoted to the position of Superintendent, Associate Superintendent or Assistant Superintendent [MGL 71 §38].
- **School Business Administrator.** The term *School Business Administrator* means an individual under contract with the School Committee to act as a school business Administrator for a period not exceeding 6 (six) years. Said contract may provide for the salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of duties or office, liability insurance, and leave for said School Business Administrator [MGL 71 §41; WHRSD CBD].
- **School Committee.** The term *School Committee* (or “Committee”) means the governing board of the town’s public District with autonomous and absolute authority within limitations established by the Commonwealth of Massachusetts to carry out the educational policies of the state and guide the educational process [MGL 41 §1 and 71 §37; WHRSD BB].
- **Strike.** The term *Strike* means a Public Employee’s refusal, in concerted action with others, to report for duty, or his or her wilful absence from his or her position, or his or her stoppage of work, or his or her abstinence in whole or in part from the performance of the duties of employment as established by an existing CBA or in a CBA expiring immediately preceding the alleged Strike, or in the absence of any such agreement, by written personnel policies in effect at least 1 (one) year prior to the alleged Strike [MGL 150E §1].

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF EXCELLENCE (WHRSD)



GLOSSARY OF TERMS-CONT'D.

- **Superintendent.** The term *Superintendent* means the person under contract for a period not exceeding 6 (six) years with the School Committee under MGL 71 §59, §59A, §61 or §63 to manage the District in a fashion consistent with state law and the policy determinations of the School Committee [MGL 71 §59; WHRSD CBD]. Said contract may provide for the salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of duties or office, liability insurance, and leave for said Superintendent [MGL 71 §41, §59, §59A and §61; WHRSD CBD]. Nothing in MGL 71 §41 shall be construed to prevent a School Committee from voting to employ a Superintendent of schools who has completed 3 (three) years of service or more to serve at its discretion [MGL 71 §41].
- **Support Staff Member.** The term *Support Staff Member* means an employee of the District who: 1) Is not a Professional Employee; and 2) May or may not be covered under a CBA [WHRSD GDB].
- **Suspension.** The term *Suspension* means an involuntary, temporary and disciplinary separation from service. The action may be taken without pay for disciplinary purposes (e.g., when the grounds for employee discipline involved warrant an action that is more severe than a Public Reprimand, but less severe than a Termination of Contract). A disciplinary Suspension is the most severe type of employee discipline that is still compatible with continued employment and is meant to serve as a significant consequence for either a serious lapse of judgment or for misconduct of such concern that the District must ensure that the employee understands that a repeat incident is likely to result in Termination of Contract. The action requires the level of due process outlined in state statute and District policy for a Certified Employee or the level of due process outlined in District policy for a Classified Employee.
- **Teacher.** For the purposes of MGL 71 §41 and §42, the term *Teacher* means a Teacher, school librarian, school adjustment counselor, school nurse, school social worker or school psychologist for the purposes of MGL 71 §41 [MGL 71 §41]. For the purpose of WHEA-A, the term means all full and regular part-time teachers, teaching specialists, guidance counselors, adjustment counselors, school psychologists, nurses, librarians and head teachers employed by the District [WHEA-A 1 §A1].
- **Withdrawal Ineligibility Period.** The term *Withdrawal Ineligibility Period* means the minimum period of time before a request to withdraw an eligible disciplinary action may be made by an affected employee.
- **Written Warning.** The term *Written Warning* means an informal notice given to an employee when the grounds for employee discipline and/or case circumstances involved warrant an action that is more severe than an Acknowledged Oral Warning, but less severe than an Official Reprimand. This personnel action is the most severe type of informal action and is meant to put the employee on notice for the ECOE violation involved. Although there is no prescribed format for issuing this action under state statute, the District-approved and/or CBA-defined procedure must be followed.
- **Written Majority Authorization.** The term *Written Majority Authorization* means writings signed and dated by employees in the form of authorization cards, petitions, or such other written evidence that the Commission finds suitable, in which a majority of employees in an appropriate bargaining unit designates an Employee Organization as its representative for the purpose of collective bargaining and certifies the designation to be its free act and deed and given without consideration [MGL 150E §1].

**ADMINISTRATIVE GUIDELINES:
EMPLOYEE CODE OF EXCELLENCE (WHRSD)**



GLOSSARY OF TERMS-CONT'D.

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