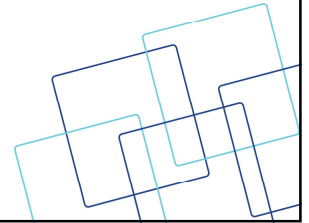




From Allegation to Action: A Step-by-Step Process for Investigating and Documenting Workplace Misconduct

Presented by: Desiree Serrano

Tulare County Office of Education L&E series
September 14, 2023



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Lozano Smith



Overview

Part 1 (Investigation)

Part 2 (Discipline)

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What the Documents in an Employee's File Say *and Do Not Say* Matters... A Lot.



- An employee's whole file will (should) be reviewed in detail before making an employment decision such as discipline, probationary release, dismissal, suspension.
- We will look to make sure that there is documentation supporting the employment decision, preferably contemporaneous documentation and progressive discipline.
- Make sure that there is nothing in the file (or not in the file) that may be concerning (*i.e.*, that may impact the ability to move forward with action or create liability).



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Document, Document, Document...

- When an employer has a consistent practice of documenting employment issues as they arise, it plays a big role in preventing and (if you cannot prevent them) defending claims.
- Lack of documentation has a significant effect on ability to move forward with discipline, probationary release, etc.
- Lack of documentation impacts the employer's ability to defend a civil lawsuit after discipline is imposed.
- Lack of documentation impacts the likelihood that the discipline is upheld if an administrative writ is filed.



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Conducting the Investigation

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10 Steps for an Effective Investigation

1. Receiving and Assessing Complaints
2. Urgent Measures
3. Determine the Scope
4. Gather, Review, and Preserve Evidence
5. Draft a List of Witnesses
6. Draft Interview Questions and Apply a Trauma-Informed Approach
7. Conduct Interviews
8. Prepare the Investigation Report
9. Corrective Action
10. Reflect



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Small Group Discussion

A parent sends an email to the school site principal that a teacher assigns too much homework to her ninth-grade student.

- What steps do you take to resolve this concern?
- Do you treat this case differently depending on whether the complaint was received on a formal complaint form versus an email?



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Is this a Complaint?



- Distinguish between a complaint that results in an investigation pursuant to the **District's complaint procedures** and a **disciplinary investigation** that is initiated by the District.
- Consider whether there are applicable complaint policies.
- Review the policies and collective bargaining agreement before proceeding.



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District Complaint Policies

BP/AR 1312.1 – Complaints Concerning District Employees

BP/AR 1312.2 – Complaints Concerning Instructional Materials

BP/AR 1312.3 – Uniform Complaint Procedures

BP/AR 1312.4 – Williams Act Uniform Complaint Procedures (sufficiency of instructional materials and facilities)

BP/AR 4144 – Complaints

BP/AR 4030 – Discrimination

BP/AR 4119.11 – Sexual Harassment

AR/E 4119.12 – Title IX Sexual Harassment Complaint Procedures



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Initial Discussion With Complainant

- Ask open-ended questions
- If they want to file a complaint, get it in writing or confirm allegations in writing if not already received
- Review policy against retaliation
- Determine whether the matter can be resolved informally
- Listen and “hear” the concern



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Urgent Considerations



- Interim Measures
- Leave of Absence
- Mandated Report
- Criminal Acts
- Complainant's Request



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Paid Administrative Leave

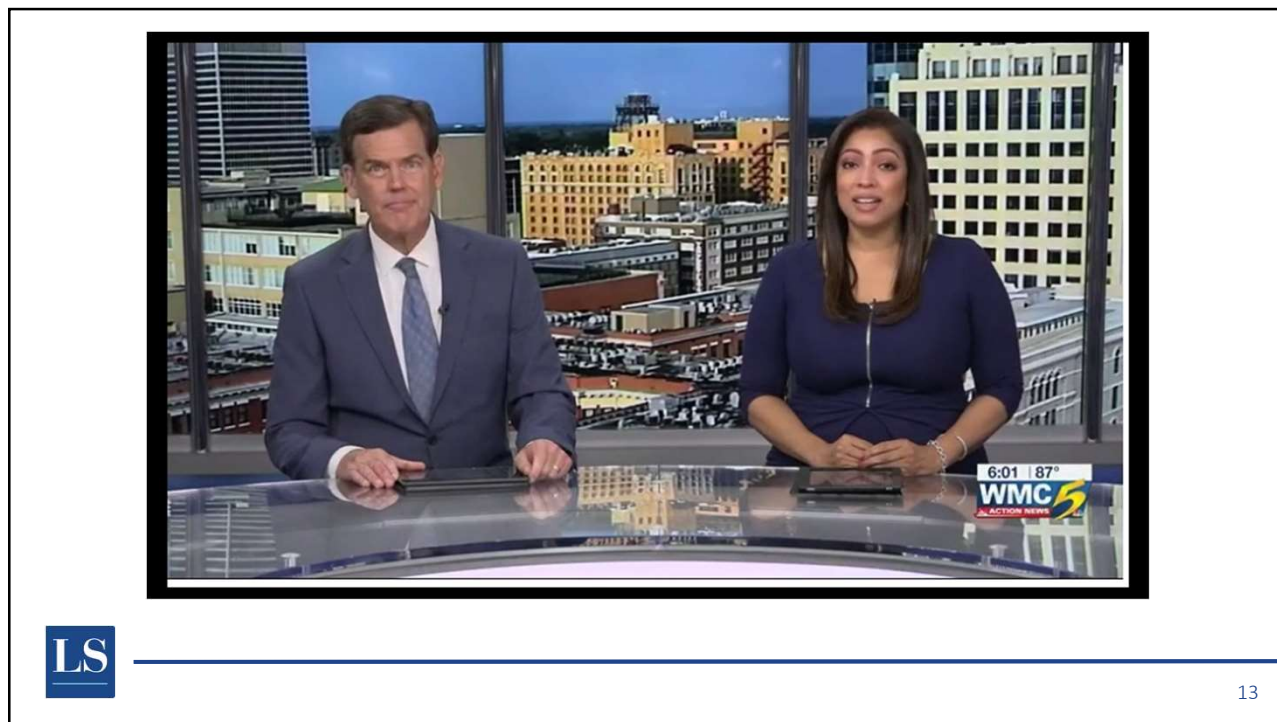
Paid administrative leave may be used when the allegations are such that the continuing presence of the **employee poses some sort of danger or disruption on campus to students, staff, district property or evidence** relevant in the investigation.

- After findings are made: either reinstatement of the employee or the District should initiate the termination process.
- **Paid administrative leave is not disciplinary.** The employee continues to receive his or her full salary and benefits during the leave.

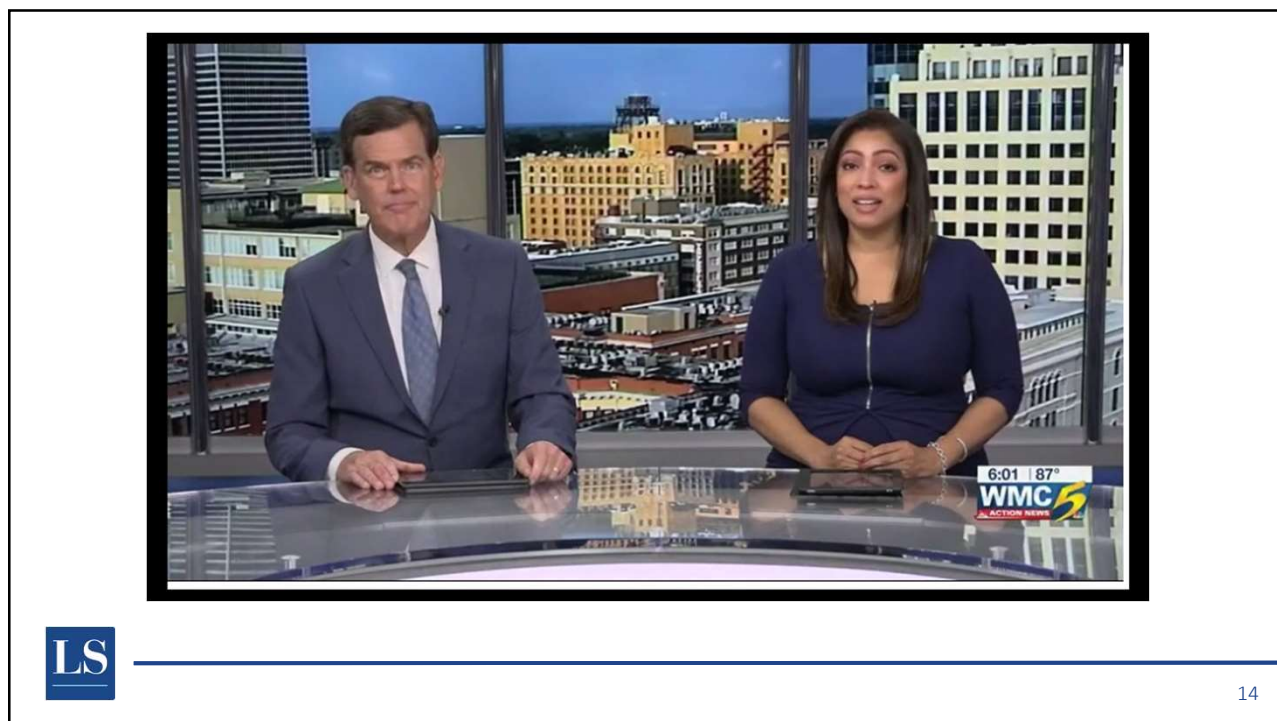


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Hypo

Question:

For purposes of discussion, let's pretend this case didn't hit the news and it has not yet come to light.

What are your first steps once the District hears the accusations?

Do you still need to investigate if the teacher resigns?



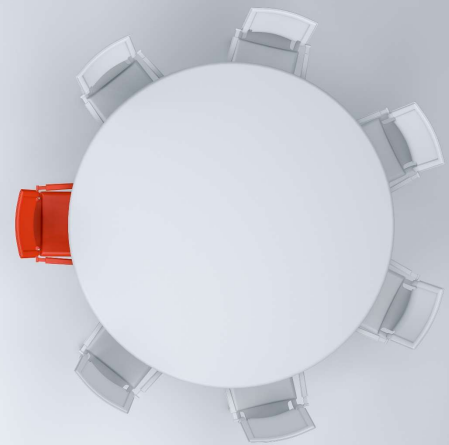
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Small Group Discussion

Review Hypothetical 1: Mr. Friendly.

Day 1: What are your initial steps?



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Determine the Scope of the Investigation.

What are the allegations?

- Prepare clear and concise “yes or no” questions that the investigation will answer.
- Avoid ambiguous and subjective words such as “inappropriate” and “unfair.”
- Make sure all relevant claims are included in the allegations. (Or, if you excluded something, be prepared to explain why.)

Practice Tip: Have someone else review your allegations before proceeding. This will save you time in the long run.



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Factual Findings v. Legal Conclusions

- Don't focus your investigation on whether an employee committed, for example, “sexual harassment” or violated some other law; instead, **focus on what specific actions the employee did or did not do.**
- Then, consider if the conduct was inappropriate, unprofessional, and/or in violation of District policies or standards.
 - *Example:*
 - Factual Findings: “*Ms. Ross massaged Jaden’s shoulders on two occasions, and the conduct was unwelcome. Such conduct was unprofessional and in violation of the District’s sexual harassment policies.*” vs.
 - Legal Conclusions: “*Ms. Ross sexually harassed Jaden.*”



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Understand the Scope - Frame the Allegations

- Bad example: Did Suzie bully Joe?
- Good example: Did Suzie repeatedly call Joe a derogatory name and publicly tease him because of his height?
- Bad example: Did Suzie act mean and unfairly toward Joe?
- Good example: Did Suzie tell Joe “Go to Hell?”



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Understanding the Scope/Frame the Allegations

- Do not include legal terms such as “discriminate,” “harass,” “retaliate,” and/or “hostile work environment.”
 - Problematic: Did Suzie discriminate against Joe?
 - Best Practice: Did Suzie issue Joe a letter of reprimand because of Joe’s race?



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Understanding the Scope/Frame the Allegations

- Problematic: Did Suzie create a hostile work environment for Joe?
***Break this up into separate allegations focusing on whether the alleged conduct occurred.
- Best Practice: On May 15, 2021, did Suzie tell Joe that she wanted to go on a date with him?
- Best Practice: On May 17, 2021, did Suzie touch Joe on his thigh?
- Best Practice: On May 20, 2021, did Suzie deny Joe's vacation request?



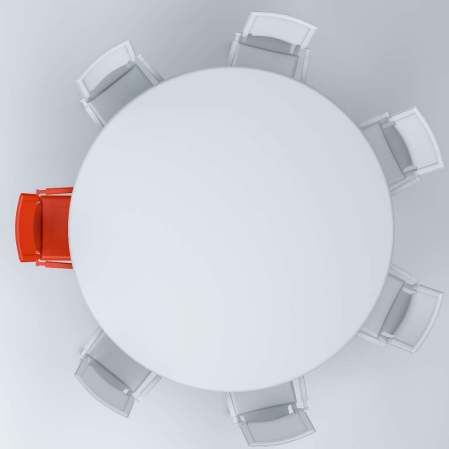
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Small Group Discussion

Go back to Hypothetical 1:
Mr. Friendly.

Develop your scope
questions.



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Investigations

- Gather the who, what, when, where, why.
- What are the FACTS?
- How do you know that fact?



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Where does Evidence Come From?

Emails

Phone records

Attendance records

Security records

Computer records/files

Complaint

Internet usage and websites visited

Voicemail messages

Pictures

Audio/Video

Credit Card Receipts

Observing Locations

***Note:** If you receive a document from a witness, make sure you note who provided the document and how it was received.



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Employee Searches

4th Amendment: illegal search and seizure



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Electronic Searches

4th Amendment: illegal search and seizure

Is there a reasonable expectation of privacy?

Just because it's a district device doesn't necessarily mean the user has no reasonable expectation of privacy. Review your Acceptable Use Policy.



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Planning for an Investigation

Develop A Witness List

Start with the complaint and complainant – who is listed as a witness?

Ask each witness who may have relevant information.

Ask respondent to provide their list of those with information.

Also...

Consider potential conflicts of interest.

Consider location, timing, and order.

If possible, have a 2nd supervisor come to the interview.

Never interview more than one person at a time.



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Tips for Witness Interviews

- Its okay to start out with “softball” questions to build repertoire with the witness.
- Start with non-controversial subjects such as background. What is your position? Can you briefly describe your job duties etc. This helps develop a benchmark for non-verbal communication.
- Remember, it is the witness’s story to tell, not yours! Don’t fill in the gaps for them.
- Always interview the accused employee and give them the opportunity to respond to the allegations.



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Framing the Questions

- **Funnel Approach** – Start broad and then follow up with specific questions.
 - Tell me what happened on May 5, 2021.
 - Who was present?
 - Any documentation of this incident (text messages, emails, videos, pictures)?
 - You said he “attacked” you. Can you explain that further? What does “attack” mean to you?
- **Avoid Leading Questions**
 - PROBLEMATIC: On May 5, 2021, you were alone in a room with Mr. Smith, correct?
 - PROBLEMATIC: Did you engage in any inappropriate behavior?
 - PROBLEMATIC: Do you consider yourself a racist?

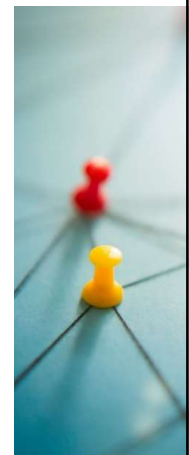


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Tips for Witness Interviews

- Don't ask compound questions!
- Use the outline as more of a roadmap for issues you need to touch on with each witness. If there are a series of incidents, consider a linear roadmap.
- Ask open Ended Questions: Who? What? Where? When? How?
- Review answers for contradictions and ask follow up questions regarding contradictions.
- Don't be afraid to circle back to get details.
- At the end, always ask: Is there anything else you think I should know? Is there anyone else you think I should speak with?
- Get copies of any physical evidence they mention. Ask about physical evidence.



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Example Questions

BAD

“On April 2, you had an argument with Student B, right?”

“That must have made you feel scared, didn’t it?”

“What time did you arrive, and how long were you there?”

“Why didn’t you just say ‘No’?”

GOOD

“Did you have a conversation with Student B with on April 2?” [If answer is yes] “Tell me about the conversation.”

“Tell me how that made you feel.”

“What time did you arrive?” and “How long did you stay there?”

“What was your thought process at that time?”



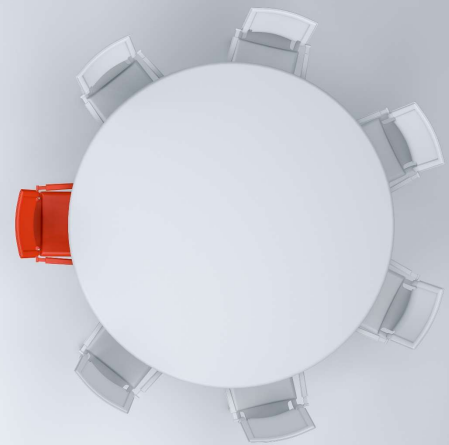
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Small Group Discussion

Review Hypothetical 1: Mr. Friendly.

Day 1: What are your initial steps?



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Activity

Group A

Write out interview questions for Complainant

Group B

Write out interview questions for Accused



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Activity

- Partner with a member of the opposite group (1 group A and 1 group B).
- Group A member, ask Group B member interview questions. (Group B member is the Complainant.)
- Group B member, ask Group A member interview questions. (Group A member is the Accused.)



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Activity

Discussion:

- Share observations in writing the questions?
- Share observations in asking the questions?
- Did you get off script?



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Recording the Interview



Take detailed notes or have a second administrator or confidential employee involved to take notes

Consider witness statement summaries



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Determine if Written Statements Are Needed

A wisely-developed witness statement ultimately saves time, preserves stronger evidence, and can help provide leverage with the wrongdoer at an earlier stage in the proceedings

Bad Example

"I was in class last week when Mr. X threatened Sam. I think Sam was calling Mr. X out to throw down right there. When Mr. X pushed his chair back and stood up, it scared everyone."

Good Example

"Last Monday at the end of 3rd period, Sam walked up to Mr. X's desk and said loudly, 'Why did you give me an F?' Mr. X stood up to talk to Sam, who is very tall. When Mr. X stood up, his chair rolled back into a metal filing cabinet and it made a loud 'boom' sound that surprised me a lot."



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Confidentiality & Preserving the Integrity of the Investigation

- It is important to discuss confidentiality with a witness.
- Remember to distinguish between "secrecy" and "confidentiality." Secrecy cannot be promised to a witness, primarily out of respect to employee due process.
- Reassure witnesses that you will maintain confidentiality to the extent possible.
- Explain to each witness that we also need their assistance in maintaining confidentiality. Each witness should know that confidentiality is necessary to protect the integrity of the investigation (excluding discussions with their union representative or lawyer).
- Witnesses can consult with their union representative and legal counsel and maintain confidentiality.



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Common Issues

WEINGARTEN RIGHTS

Union-represented employees have a protected right to the presence of a union representative at an investigatory interview when the employee reasonably believes the interview will result in disciplinary action.



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Common Issues

LYBARGER/SPIELBAUER WARNING/RIGHTS

Public employees may be compelled to answer potentially incriminating questions about their job performance provided they are not required to waive their constitutional protections.



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Are we done yet?

- Refer back to your Scope Questions. Can you answer them based on what you know?
- Have you interviewed everyone mentioned, and if not, why?
- Are there new allegations that you have not asked the Respondent about?
- Are there new questions that you have for the Complainant based on what the Respondent said?



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Common Issues

The reluctant complainant – “I don’t want to get anyone in trouble”

The hostile respondent

The witness refuses to be interviewed

The witness is a minor

Parent demands to be present while child is being interviewed

The difficult representative

The witness is biased

The witness lies

Conflicts of interest



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Investigation Report

- Basics: dates, titles and relationships
- Role: finder of fact
- Deliberative Issues: “Preliminary Draft” and “For Legal Counsel”
Labels
- Provide written overview of process
- Make findings by answering the allegation question and explain the conclusion
- Optional:
Prepare Executive Summary



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Content of Investigation Report

The investigator is the finder of fact and must make factual findings based upon the credibility of witnesses and the quality of other types of evidence.



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The Findings: Make a Determination of What Occurred



Preponderance of the Evidence/Determine what more than likely occurred



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Credibility Factors

- **Inherent plausibility:** Is the testimony believable on its face? Does it make sense?
- **Demeanor:** Did the person seem to be telling the truth or lying?
- **Motive to falsify:** Did the person have a reason to lie?
- **Corroboration:** Is there witness testimony (such as testimony by eye-witnesses, people who saw the person soon after the alleged incidents, or people who discussed the incidents with him or her around the time that they occurred) or physical evidence (such as written documentation) that corroborates the party's testimony?



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Credibility Factors (continued)

- **Past record:** Did the alleged harasser have a history of similar behavior in the past?
- **Opportunity and capacity to observe/actual knowledge:** Did the person see it themselves, or are they recounting what someone else told them?
- **Consistent or inconsistent statements:** Is the person changing their story? Did the person say the same thing to three other witnesses?
- **Reputation for veracity or deceit:** Does this person have a reputation of lying, cheating, etc.?
- **Bias:** Is this person the Complainant's best friend? Does the person have their own complaint against Respondent?



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Writing the Analysis

Topic sentence

Summarize Complainant's version of events (address credibility)

Summarize Respondent's version of events (address credibility)

Summarize independent evidence (witness statements, documents, etc.) and explain how it corroborates or contradicts the parties' version of events.

Factual Finding (i.e., sustained, not sustained, partially sustained.)



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Confidentiality of Investigation Report

It is important to consider who may have access to investigative notes, statements and reports.

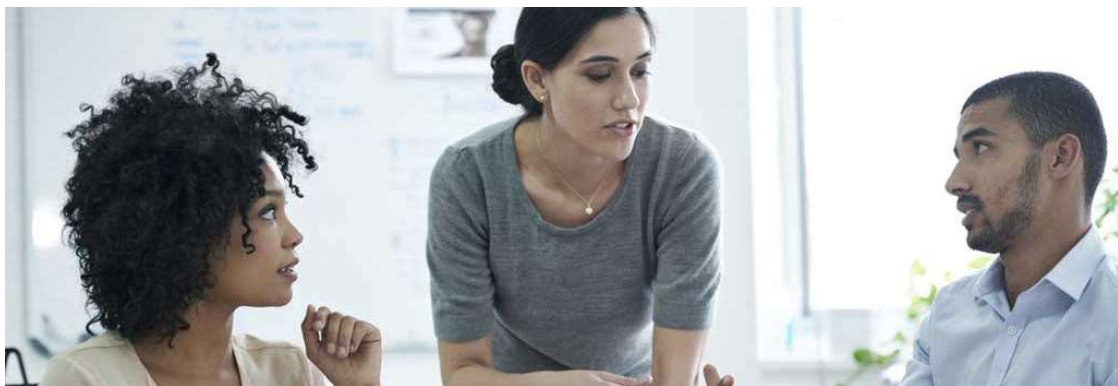


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Discussion Point

Are you meeting with employees to discuss the findings?



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Corrective Actions

OPTIONS

- Staff discipline (various forms)
- Ensuring no retaliation
- Additional support for victims or witnesses
- Generalized training for staff/students in class, school, or district-wide
- Generalized notification of policies/rules
- Increased monitoring and check-ins
- Changes to District practice



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Loose Ends

- Is a Commission on Teacher Credentialing (CTC) report required?
- Have all mandated reporter duties been satisfied if child abuse or neglect is at issue?
- What can be learned?
- Would staff benefit from further training?
- Be proactive.



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Part 2: Discipline

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What and How You Communicate and What You Do Not Communicate to Your Employees Matters... A lot.



- Providing clear feedback to employees builds relationships and helps things go right instead of correcting when things go wrong.
- Properly investigating and documenting performance issues, both the good and the bad, helps avoid an employee feeling surprised when more serious discipline is sought.
- Properly document and communicating specific feedback, both good and bad, gives employees the tools that they need to improve and, hopefully, succeed.



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Due Process – Progressive Discipline

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Progressive Discipline & Documentation
You can't go from 0 to 60 in one step...

Discipline

Your

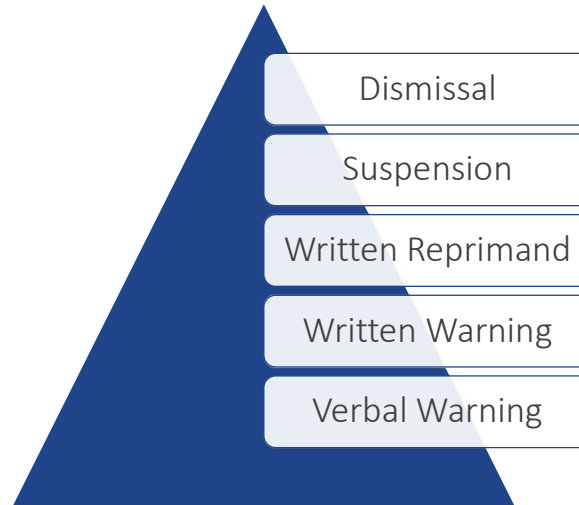
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Progressive Discipline



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Steps to Discipline Process

Always consult collective bargaining agreement for requirements specific to the District.

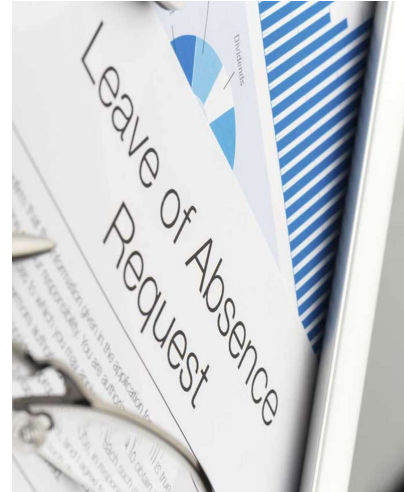


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Other Related Issues to Discipline

- Retaliation / Discrimination
- Hostile work environment
- Workplace bullying
- Simultaneous medical condition / issues
- FMLA or other leaves of absence
- Union President -> Concerted activity
- Whistleblower



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45/90-Day Notice – Certificated Employees ONLY

Must be given notice prior to filing charges of dismissal or suspension for unprofessional conduct (45 days) / unsatisfactory performance (90 days).

Specify nature of misconduct/poor performance, and list specific instances.

Purpose: give employee opportunity to correct faults and overcome grounds for charge.

Notice must attach most recent evaluation of teacher.

(Ed. Code, §§ 44938 (a) & (b)(2).)



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Certificated Employees Dismissal Process

(General Rule: First look to the collective bargaining agreement)

- 4-year rule: termination must usually be based on acts occurring within 4 years of termination
- Three-person hearing panel
- Panel's decision binding
- Estimated cost of termination process can exceed \$100,000
- Attorney fees to teacher if District loses



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Suspension (without Pay) or Demotion



A suspension or demotion is generally applied when there has been progressive discipline leading up to suspension/demotion. However, some conduct can warrant a suspension/demotion. A pre-disciplinary "Skelly" meeting is required for any suspension or demotion action resulting in a loss of pay and is generally recommended in all cases.



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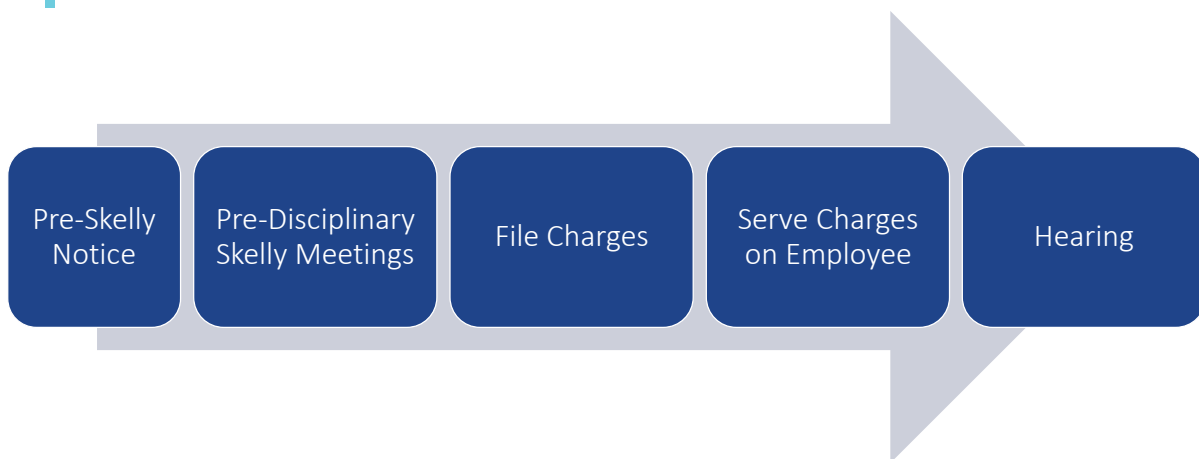
Classified Employees Statement of Charges for Suspension/Dismissal

(General Rule: First look to the collective bargaining agreement)

- **Generally, cannot base discipline on conduct that has occurred more than two years earlier.**
- Employee must be provided notice of the statement of charges and an opportunity to respond.
- Pre-disciplinary procedures and provides the employee with the opportunity to attend a pre-disciplinary meeting with Superintendent or designee who was not involved in the matter and respond to the charges before they are implemented.
- Following the pre-disciplinary Skelly meetings, if the recommendation is upheld, the employee is provided with a copy of the formal written charges including a request for hearing form.
- Classified employees may request a hearing.
- Hearing will be before the Board or a hearing officer.



Flowchart of a Typical Dismissal Process



Pros and Cons for Suspensions & Dismissals

Costs

Time

Money



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Building the Discipline Document

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Why is it Important to Document Misconduct?

Make your documentation solid as a house made with BRICS by following the Yellow BRICS Road.



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5 Steps for Effective Documentation: BRICS

B – Background

R – Rule

I – Importance

C – Corrective Actions

S – Statement of Rights



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Exercise – The Bad Reprimand

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Step #1 – B Background

Provide complete background information:

- Identify deficient conduct.
- Use complete descriptions – time, place, location, persons present.
- Use accurate facts.
- Avoid sole reliance on hearsay and unreliable sources of information; get confirmation.



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Meet Seth - The Forgetful and Clumsy Bus Driver: Background

Okay

You forgot to fill out your bus inspection reports. You also damaged the golf cart without reporting the damage to your supervisor and lied about what happened.

Better

You failed to complete your bus inspections and turn in your bus inspection reports on six different occasions over the last six weeks. In addition, you damaged the golf cart by backing into a pole, failed to report the incident to your supervisor, and then were dishonest with your supervisor when you were asked how the damage occurred.

Best

On July 15, 17, 18, 24, 25 and 27, 2022, you failed to perform your required daily bus inspections and failed complete and turn in the daily bus inspection reports.

On July 19, 2022, you were seen backing up the golf cart without looking over your shoulder and running the golf cart into the side of Building B. Not only did this cause damage to the side of Building B and the golf cart, but you also failed to report this incident to your supervisor at all.

On July 20, 2022, your supervisor asked you if you were aware of how the damage to the golf car occurred and you told her that you did not know what happened. Later that same date, you were shown security camera footage of the incident, at which time you admitted that you caused the damage to the golf cart and that you were previously dishonest with your supervisor.



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Step #2 – R Rule, Expectation or Principle Violated

Rules violated may include:

- Board Policy
- Education Code or other law
- Job description or requirements
- Supervisor's directives and Remediation Plans
- Collective Bargaining Agreement
- Standards of Performance



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The Forgetful and Clumsy Bus Driver: Rule

Okay

Forgetting to perform your daily bus inspections and complete bus inspection reports and failing to report incidents to your supervisor violates District Policies and Procedures.

Better

Failing to perform your daily bus inspections and complete your daily bus inspection reports violates District BP 4218 and the District's Bus Driver Handbook. It also violates prior directives issued to you by your supervisor. In addition, you failed to report to your supervisor that you had an incident with the golf cart and then lied to your supervisor about it when questioned, which also violates District BP 4218.

Best

Failing to perform your daily bus inspections and complete your daily bus inspection reports, failing to report that you backed the golf cart into the flagpole, causing damage to the vehicle, and being dishonest with your supervisor regarding that incident all violate District BP 4218 and the District's Bus Driver Handbook.

District BP 4218 requires that you perform the duties of your position efficiently and attentively and that you do not exhibit carelessness or negligence in the performance of your position or your duties or the care or use of District property. Your conduct violated the District's policies and procedures and risked the safety of District students and staff.

In addition, you have exhibited a similar pattern of failing to complete your bus inspections and reports, and being dishonest about those failures, during the 2021-2022 school year. On March 3, 2022, you were orally directed by your supervisor to ensure that you perform those job duties daily. Your conduct outlined above directly violates these past directives as well.



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Grounds for Discipline for Certificated Employees

Examples of Grounds (See Education Code section 44932)

- Immoral conduct, including, but not limited to, egregious misconduct.
- Unprofessional conduct.
- Commission, aiding, or advocating the commission of acts of criminal syndicalism, as prohibited by Chapter 188 of the Statutes of 1919, or in any amendment to that chapter.
- Dishonesty.
- Unsatisfactory performance.
- Evident unfitness for service.
- Physical or mental condition unfitting him or her to instruct or associate with children.
- Persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of the public schools by the state board or by the governing board of the school district employing him or her.
- Conviction of a felony or of any crime involving moral turpitude.
- Violation of Section 51530 or conduct specified in Section 1028 of the Government Code, added by Chapter 1418 of the Statutes of 1947.
- Alcoholism or other drug abuse that makes the employee unfit to instruct or associate with children



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Grounds for Discipline for Certificated Employees, Cont.

Morrison Factors

The California Supreme Court has identified seven factors used to determine whether an employee's alleged immoral conduct, dishonesty or acts of moral turpitude demonstrate evident unfitness for service, which are otherwise known as "the Morrison factors." They are:

1. The likelihood that the conduct may have adversely affected students or fellow teachers;
2. The degree of such adversity anticipated;
3. The proximate or remoteness in time of the conduct;
4. The type of teaching certificate held by the party involved;
5. The extenuating or aggravating circumstances, if any, surrounding the conduct;
6. The likelihood of the recurrence of the questioned conduct; and
7. The extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the teacher involved or other teachers.



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Grounds for Discipline for Classified Employees

Bargaining Unit Members > See CBA

- Non-bargaining Unit, See AR 4218



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Applicable District Policies or Procedures?

- AR and E 4119.21/4219.21/4319.21 – Professional Standards
 - The District “expects district employees to maintain the highest ethical standards, behave professionally, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community.”
- 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information

The above are only examples, be sure to check your district policies and tailor language to the needs and policies of your district.



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Step #3 – I Importance of the Matter to the School/District

Consider:

- What’s the Big Deal?
- Why is it important to:
 - Students
 - Co-workers, supervisors
 - Parents
 - District resources (e.g.: Time, Money, Facilities, Equipment, and Technology)
 - School/District’s image as a public entity



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The Forgetful and Clumsy Bus Driver : Importance

Okay

It is important to the operation of the District that you perform all of your job duties daily and exercise care in the operation of District vehicles.

Better

It is important to the operation of the District that you perform all of your job duties daily, exercise care in the operation of District vehicles, and honestly report any incidents that occur to your supervisor. Both students and other staff members are impacted when you fail to do so.

Best

It is important to the operation of the District that you perform all of your job duties daily, exercise care in the operation of District property, and honestly report any incidents that occur to your supervisor. The safety of both our students and staff members are directly impacted when you do not complete your bus inspections and bus inspection reports as they could reveal a safety hazards that would require the District to take the vehicle out of circulation for repairs.

In addition, your failure to report the accident that occurred with the golf cart and your failure to be honest with your supervisor regarding that incident causes the District to lose faith in your ability to carry out the duties of your position and negatively impacts the District's ability to provide safe and reliable transportation for its students and staff. This includes reporting safety concerns in a timely manner so that the District can ensure they are immediately corrected and that all vehicles are maintained in a safe condition.



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Other Examples of Statements Related to Importance

- **Tardiness.** Your conduct negatively impacts the school and its students. By arriving late on twelve dates, there was no one available to answer the phones and respond to student and parent questions. Additionally, other staff members had to cease performing their duties in order to assist parents that came into the office.
- **Discourteous Language.**
 - Using discourteous language towards another employee is unprofessional, inappropriate, unsafe, and demonstrates poor judgment. Your conduct has resulted in a disruption to employee morale and has caused another employee to feel unsafe and uncomfortable around you. Using discourteous language toward another employee is unacceptable and fails to promote a positive working environment or model effective means of communication.
 - Using discourteous and abusive language toward another employee is unacceptable and fails to promote a positive working environment or model effective means of communication.

The above are only examples. Tailor language to the needs and policies of your district, the duties of the employee, and the specific conduct at issue.



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Step #4 – C Corrective Action Required/Commendations

Options:

- Suggest specific corrections
- Reiterate the expected standard
- Directives
- Remediation Plan
- Commendations



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The Forgetful and Clumsy Bus Driver: Corrective Action

Okay

Perform your bus inspections, complete the reports, use District property vehicles, and be honest with your supervisor.

Better

Effective immediately, you are to perform your bus inspections daily and complete all of your bus inspection reports daily. You are also to operate all District vehicles with the utmost care, report incidents that occur, and be honest with your supervisor at all times.

Best

Effective immediately, you are directed do the following:

- Do not be dishonest with your supervisors regarding incidents that occur during your workday;
- Report any incidents that occur during your workday immediately to your supervisor;
- Comply with all District policies and regulations, including all policies and procedures regarding the safe operation of District vehicles;
- Perform your daily bus inspections and complete your daily bus inspection reports during your workday.
- Submit your daily inspection to your supervisor for their signature at the conclusion of your workday shifts;
- Review the District's Board Policy 4218 and the District's Bus Driver Handbook no later than **August 5, 2022**;
- Meet with your supervisor no later than **August 15, 2022**, to discuss your review of these documents and progress regarding these directives.



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Examples of Directives

1. Do not use discourteous, foul, or abusive language in any situation when carrying out your duties as a school employee.
2. Conduct yourself professionally in your interactions with staff, students, and the school community.
3. Treat staff, students, and the school community in a calm manner and with the utmost respect.
4. Do not use threatening or hostile body language.
5. Do not threaten students or staff.
6. Adhere to all [Name] School District's policies and procedures.
7. On or before <<DATE>>, review the [Name and Number] policies. Report to [Name] on or before <<DATE>> that you have completed the task.

The above are only examples. Tailor language to the needs and policies of your district, the duties of the employee, and the specific conduct at issue.



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Examples of Directives

1. Follow all directions and directives of your supervisor, the Superintendent;
2. Exhibit honesty and integrity regarding all District related business;
3. Be attentive and engaged with parents and any concerns they have;
4. Ensure that student discipline is implemented fairly and consistently;
5. Do not disparage students or staff.
6. Instructional time shall be used exclusively for instruction of students.
7. Be supportive and encouraging to students
8. Do not retaliate against any individual for participating in the District's investigation regarding your conduct.

The above are only examples. Tailor language to the needs and policies of your district, the duties of the employee, and the specific conduct at issue.



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Step #5 – S Statement of Rights

Explain employee rights:

- The right to a hearing or conference
- The right to representation
- List consequences of continued misconduct
- Right to prepare a written response
- Other legal rights



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Final Step: Meet with Employee to Issue Letter



Meet with employee to go over letter and concerns.

Go over expectations and corrective measures.

Check with the employee for understanding.



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Questions



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For more information, questions and comments about the presentation, please feel free to contact:

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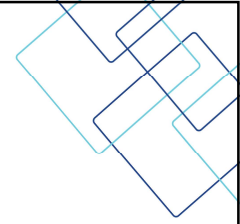
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HYPOTHETICAL 1: Mr. Friendly

September 12, 2023

Principal Holmes
Happy Elementary School
123 School Street
Sunny Days, CA 12345

Dear Principal Holmes:

I have concerns about my child's third grade teacher, Mr. Friendly. I do not wish for you to share these concerns with Mr. Friendly, because I fear my daughter will be retaliated against. Mr. Friendly is overly comfortable with students. He places his hands on students and it makes them uncomfortable, including my daughter.

Mr. Friendly placed his hand on my daughter's back. He has put his hands on her shoulders in a massaging way. He has also made comments about how the boys must really like a top she wore. This is very inappropriate and it is not okay for a student to have to tell a teacher they don't want to be touched. I bet he has done similar stuff to other students.

Mr. Friendly is well-liked by parents and students, so I do not want him to know my daughter and I shared these concerns. We just want it to stop.

Also, I don't think my daughter is graded fairly.

Sincerely,
Melissa Rose

[Instructions: Review this letter of reprimand and provide examples of how it can be improved.]

September 7, 2023

Dana Dillon
1234 Main St.
Sunset CA, 90000

Re: Letter of Reprimand

Dear Dana:

In August, you forgot to fill out your bus inspection reports. You also damaged the golf cart without reporting the damage to your supervisor and lied about what happened.

Forgetting to perform your daily bus inspections and complete bus inspection reports and failing to report incidents to your supervisor violates District Policies and Procedures.

It is important to the operation of the District that you perform all of your job duties daily and exercise care in the operation of District vehicles.

Perform your bus inspections, complete the reports, use District property vehicles, and be honest with your supervisor.

Your failure to comply with these directives will result in further discipline up to and including dismissal. Please contact me directly if you have any questions regarding this letter.

Sincerely,

Ruby Shay
Principal