Administrative Guidelines:

Employee Code of Conduct

Jessamine County Schools
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ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (KY)

INTRODUCTION

May 5, 2014

Dear Jessamine County Schools Employee:

Throughout its history, JCS has maintained and enforced high standards for employee ethics, conduct and professional competency. The JCS Employee Code of Conduct (ECOC) is one tool for assisting all staff in meeting these standards.

Because staff conduct has the potential to either support or undermine the stated mission, vision, values and core principles of the district, the ECOC was developed to provide all JCS employees with a better understanding of:

- The district’s expectations for ethical staff behavior outlined in the ECOC approved by the board of education;
- Their responsibilities to our community 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 law, Kentucky Revised Statutes and JCS policy;
- In a reasonable, fair and consistent manner; and
- Without regard to race, creed, color, religion, gender, age, national origin, military status, disability economic status, or any other basis in federal or state law in accordance with JCS policies 03.113, 03.133, 03.162, 03.212, 03.233, 03.262 and 03.27.

The ECOC does not establish new policies or procedures in these areas of staff conduct and employee discipline. Further, 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 a supervisor during his or her career.

When in doubt about any specific action or behavior, please consult with your direct supervisor or Human Resources.

Sincerely,

[Signature]

Kathy Fields
Superintendent
Jessamine County Schools
1.0 STATEMENTS OF PURPOSE AND INTENT

The following administrative statements were developed to assist all employees of the District in understanding the purpose and intent of the Employee Code of Conduct (ECOC).

PURPOSE OF THE EMPLOYEE CODE OF CONDUCT

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

- **Mission.** Jessamine County Schools exists to create caring, responsible citizens, who are high-level thinkers, performers, and learner for life.
- **Vision.** All Jessamine County graduates are life-ready.
- **Ethical Philosophy.** Jessamine County Schools believes that the mission of the District can be accomplished only through the exemplary services of its many employees. These services must be rendered in a manner that is both ethical and principled in its intent and delivery. Addressing the specific needs of each student is paramount. Therefore, every employee is expected to conduct him/herself in a manner that provides for those needs through diligent, focused and conscientious service. 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 employees are expected to comply with applicable federal law, Kentucky Revised Statutes (KRS), Kentucky Administrative Regulations (KAR) and local ordinances.
  - **Professional Expectations for Conduct.** Each Teacher (or other Certified Employee) is expected to comply with the Professional Code of Ethics for Kentucky School Personnel (KY-CESP) [KRS 161.120; 16 KAR 1.020; JCS 03.17; see Appendix 1.01].
  - **District Expectations for Conduct.** All employees are expected to comply with the Jessamine County Board of Education Expected Actions and Behaviors and all other policies, rules, procedures, and routines established by the Superintendent or his/her designee(s) [KRS 160.350 and 160.370].

INTENT OF THE EMPLOYEE CODE OF CONDUCT

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

- To inform all employees of the Jessamine County Board of Education of the behaviors necessary to create a safe and supportive school environment conducive to learning.
- 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 throughout the District.
2.0 EXPECTED ACTIONS & BEHAVIORS

JESSAMINE COUNTY SCHOOLS

Board Approved Employee Expected Actions and Behaviors – Employee Code of Conduct

Each Jessamine County Schools employee shall:

1. Report to work suitable and prepared for duty.
2. Comply with justifiable directives and duties that are legal and safe.
3. Maintain safe and secure working and learning environments.
4. Demonstrate professionalism, respect, fairness, and dignity when interacting with students, parents, staff, and community members.
5. Comply with federal laws, state statutes, and JCS policies that prohibit conduct that could reasonably be construed as coercive, retaliating, harassing, intimidating, bullying, discriminating, or threatening.
6. Communicate truthfully and honestly and ensure that all records, disclosures or other communications are complete, fair, accurate, timely and understandable to the best of his/her knowledge.
7. Acquire, use, maintain and dispose of district assets, including technology, in an ethical and responsible manner.
8. Maintain the confidentiality of information as required under federal laws, state statutes, and JCS policies.
9. Use established protocols to intervene against and/or report actions, behaviors or safety concerns that may represent one or more violations or federal law, state statutes, or JCS policy.
10. Refrain from activities outside of the contract day that may reasonably limit and clearly interfere with his/her ability to effectively perform duties as assigned, or undermines and disrupts the implementation of the district's mission.
11. Comply with all other federal laws, state statutes, and JCS policies as well as established operational routines or procedures.

Approved this 24th day of March, 2014

Signed: 
Eugene Peel, Chairman, Jessamine County Schools Board of Education

Signed: 
Amy Day, Vice Chair, Jessamine County Schools Board of Education

Signed: 
Hollie Bandy, Member, Jessamine County Schools Board of Education

Signed: 
Debra Hood, Member, Jessamine County Schools Board of Education

Signed: 
Franettis, Member, Jessamine County Schools Board of Education

Signed: 
Kathy T. Fields, Superintendent, Jessamine County Schools Board of Education

Signed: 
Matt Moore, Deputy Superintendent, Jessamine County Schools Board of Education
2.0 EXPECTED ACTIONS & BEHAVIORS-CONT’D.

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3.0 CONDUCT MANAGEMENT OVERVIEW

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

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 ECOC, disciplinary action must be considered and should reflect the following District goals for the disciplinary process:

**REASONABLENESS:** For the purpose of this ECOC, *reasonable* is defined as “like penalties for like offenses in like circumstances.”

**FAIRNESS:** For the purpose of this ECOC, *fair* 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 ECOC 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 ECOC, *consistent* 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 ECOC 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, religion, gender, age, national origin, military status, disability or economic status, and the private and confidential nature of each such action will be respected at all times [KRS 158.156 and 161.164; JCS 03.113, 03.162, 03.212, 03.262 and 03.27].

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, “Just Cause” must be established [KRS 161.790; JCS 03.17 and 03.27].

- **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 and ethical philosophy 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 ECOC 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.

- **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 consultation 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 Termination 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 ECOC violation.

- **Step #6: Select or Recommend a Specific Action.** Each ECOC violation is classified into one of five “tracks” (“minor”, “moderate”, “major”, “non-disqualifying” and “disqualifying”) based on its severity relative to all other ECOC 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 ECOC. 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 management provisions under state statute and District policy (see Section 9.0).
3.0 CONDUCT MANAGEMENT OVERVIEW-CONT'D.

DELEGATION OF AUTHORITY

While the Superintendent is ultimately responsible for all disciplinary actions within the District, the following lines of authority are designated for each specific type of disciplinary action [KRS 78.510(4), 160.350 and 160.370; JCS 01.11]:

- **Informal Actions.** Authority to take an informal disciplinary action (An Alert or a Warning) is delegated by the Superintendent to those administrators or supervisors directly responsible for planning, directing and/or overseeing the work of others.

- **Formal Actions.** Authority to take formal disciplinary action (A Private Reprimand, a Public Reprimand, a Suspension or a Termination of Contract) will remain with the Superintendent.

ROLES & RESPONSIBILITIES

District personnel with supervisory responsibilities should be aware of all disciplinary guidelines and regulations, 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 ECOC violations will typically be managed by direct supervisors; however, cases involving more serious infractions must be managed by the Superintendent or his/her designee.

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

- **Board of Education.** The Board of Education is responsible for:
  - Appointing a Superintendent in accordance with state statute and District policy.
  - Participating in grievance proceedings as necessary and where permitted under state statute and/or District policy.

- **Superintendent.** The Superintendent is responsible for:
  - Entering into: 1) Either a Limited Contract or a Continuing Service Contract for the employment of each Teacher (or other Certified Employee) as appropriate [KRS 161.730; JCS 03.11]; and 2) A Term Contract for the employment of each Classified Employee [KRS 161.011(5); JCS 03.21].
  - Overseeing all other personnel actions, including assignments, transfers, suspensions, dismissals, reinstatements, promotions and demotions [KRS 160.380, 160.390(1); JCS 03.11, 03.131, 03.1311, 03.1312, 03.1313, 03.17, 03.171, 03.21, 03.231, 03.2311, 03.2312 and 03.2313].
  - Developing and/or adopting procedures to provide adequate due process, covering matters that may result in Public Reprimand, Suspension without pay or Termination of Contract of classified employees that shall address, but are not limited to notice, opportunity to be heard, right to counsel, conducting a hearing (if requested), and the rendition of a decision or action [JCS 03.27 and 03.27 AP.1].
  - Making regulations and other conditions of employment known to all employees.
  - Assisting supervisory and operating officials in determining the appropriate disciplinary action to be taken in specific cases.
  - Conducting technical reviews of all proposals for formal disciplinary actions.
  - Ensuring that disciplinary actions are administered: 1) Fairly, impartially and uniformly; and 2) In accordance with applicable federal law, state statute and District policy.
  - Providing written notification to an employee of personnel actions (including but not limited to, terminations of contract, non-renewals, reductions in force, sanctions, suspensions and reinstatements) with assistance as necessary from the Board Attorney.
  - Notifying the Board of Education at the first meeting following a Public Reprimand, Suspension without pay or Termination of Contract [KRS 160.390(2); JCS 03.131, 03.1311, 03.1312, 03.1313, 03.17 and 03.27 and 03.2311].
3.0 CONDUCT MANAGEMENT OVERVIEW-CONT’D.

RESPONSIBILITIES FOR EMPLOYEE DISCIPLINE-CONT’D.

o Ensuring that all personnel actions described in KRS 160.390(1) are recorded in the minutes of the Board of Education at the next meeting after the action is taken [KRS 160.390(2); JCS 03.131, 03.1311, 03.1312, 03.1313, 03.17, 03.23, 03.2311, 03.2312, 03.2313 and 03.27].

o Participating in grievance or appeal proceedings as necessary.

• District-Level Administrators. District personnel who supervise others and report organizationally to the Superintendent are responsible for:

  o Communicating all regulations and other conditions of employment to subordinates.
  o Addressing ECOC violations with non-disciplinary measures wherever reasonable and appropriate.
  o Correcting misconduct constructively, individually and in private.
  o Gathering, analyzing and carefully considering all facts and circumstances before taking or recommending disciplinary actions.
  o Guiding supervisors who report directly to them in the completion and interpretation of disciplinary rubrics to determine appropriate disciplinary actions.
  o Ensuring that disciplinary actions are administered: 1) Fairly, impartially and uniformly; and 2) In accordance with applicable federal law, state statute and District policy.
  o Making final decisions in cases involving informal actions.
  o Referring recommendations for formal discipline up the chain of command.
  o Participating in grievance or appeal proceedings as necessary.
  o Maintaining data regarding formal disciplinary actions at the District level.

• Building/Site/Department-Level supervisors. District personnel who supervise others but do not report organizationally to the Superintendent are responsible for:

  o Communicating all regulations and other conditions of employment to subordinates.
  o Addressing ECOC violations with non-disciplinary measures wherever reasonable and appropriate.
  o Correcting misconduct constructively, individually and in private.
  o Gathering, analyzing, and carefully considering all facts and circumstances before taking or recommending disciplinary actions.
  o Ensuring that disciplinary actions are administered: 1) Fairly, impartially and uniformly; and 2) In accordance with applicable federal law, state statute and District policy.
  o Making final decisions in cases involving informal actions.
  o Referring recommendations for formal discipline up the chain of command.
  o Participating in grievance or appeal proceedings as necessary.
  o Maintaining data regarding informal disciplinary actions at the building or site level.

• District Personnel. All District personnel are responsible for:

  o Reading, understanding, abiding by, and asking questions about the ECOC.
  o Discharging their assigned professional duties ethically, conscientiously, competently and professionally.
  o Maintaining their personal lives in a manner that avoids potential off-duty ECOC conflicts.
4.0 ECOC VIOLATIONS

The ECOC 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 ECOC violations 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: Defined as 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.
- Leaving work before the required ending time.
- Using personal leave without approval (unless permitted by policy).
- Taking 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 notification or time reporting procedures.

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


State:

KRS 2.110; 2.190; 61.373; 61.377; 61.395; 78.616; 157.350; 157.360; 158.060; 158.070; 158.160; 160.290; 160.291; 160.340; 160.390; 161.011(9)(c); 161.030; 161.120; 161.152; 161.153; 161.154; 161.155; 161.164; 161.168; 161.185; 161.720(2); 161.740; 161.662; 161.770; 161.790; 342.730; 701 KAR 5:090

KY CESP: 16 KAR 1:020(1); 1:020(3)(c)(1)

District Policy:

JCS 01.5; 03.115; 03.122; 03.123; 03.123 AP.2; 03.1231; 03.1232; 03.12321; 03.12321 AP.1; 03.12321 AP.23; 03.12322; 03.12322 AP.1; 03.12322 AP.21; 03.1233; 03.1234; 03.1235; 03.1237; 03.1238; 03.1241; 03.1242; 03.1236; 03.1331; 03.1335; 03.17; 03.19; 03.1912; 03.221 AP.11; 03.221 AP.24; 03.222; 03.223; 03.223 AP.2; 03.2231; 03.22321 AP.1; 03.22322; 03.22322 AP.1; 03.22322 AP.2; 03.2233; 03.2234; 03.2235; 03.2237; 03.2238; 03.2241; 03.2324; 03.2331; 03.2332; 03.27; 03.273; 03.29; 03.4; 08.212; 08.3; 08.31; 08.32; 08.33

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

Classification: MINOR
ADMINISTRATIVE GUIDELINES:
EMPLOYEE CODE OF CONDUCT (KY)

4.0 ECOC VIOLATIONS-CONT’D.
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

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

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

| Disciplinary Options: Attendance, Punctuality or Contract Day Policy Violation |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Case Facts                      | 1st Occurrence                  | 2nd Occurrence                  | 3rd Occurrence                  | 4th Occurrence                  |
| Mostly Mitigating               | Non-Disciplinary Consultation   | Alert                           | Warning                         | Private Reprimand               |
| Relatively Equal                | Alert                           | Warning                         | Private Reprimand               | Public Reprimand                |
| Mostly Aggravitating            | Warning                         | Private Reprimand               | Public Reprimand                | Suspension                      |

Commentary:

1. These grounds exclude time approved in accordance with federal law, state statute or District policy.
2. Time will be certified in accordance with District policy and pre-approved where required, such as in cases of overtime for classified employees.
3. At least 1 (one) day prior to personal leave, the immediate supervisor must be notified and the leave approved, but no reason(s) shall be required [JCS 03.1231 and 03.2231]. No more than 3 (three) employees at each school may take personal leave on a given day; if requests exceed this limit, supervisors shall grant requests on a first-come, first-served basis [JCS 03.1231 and 03.2231]. Personal leave shall not be taken: 1) On the day before or after a holiday/vacation; or 2) On the first or last day of the school year unless approved by the Superintendent [JCS 03.1231 and 03.2231].
4. Emergency leave must be requested through the Superintendent, who will determine if the leave requested meets the criteria of the Board of Education [JCS 03.1236 and 03.2236].
5. Persons who will be absent from work to serve on juries must give advance notice to their immediate supervisors [JCS 03.1237 and 03.2237].
6. Employees are responsible for notifying their immediate supervisors upon notification of an impending military-related absence [JCS 03.1238 and 03.2238].
7. An employee taking personal, sick, emergency or extended disability leave must file a personal affidavit upon return to work [JCS 03.1231, 03.1232, 03.1236, 03.2231, 03.2232 and 03.2236].
8. At his or her discretion, the Superintendent may require an employee on disability leave to secure a licensed physician's verification of disability [JCS 03.1234 and 03.2234].
9. Educational leave requires advance approval, and employees who fail to notify the Superintendent of their return by April 1 of the year of leave termination cannot be guaranteed employment for the following school year [JCS 03.1235 and 03.2235].
10. Employees taking maternity or extended disability leave will be entitled on return to a comparable position for which they are qualified; placement in the same position or the same school cannot be guaranteed [JCS 03.1233, 03.1234, 03.2233 and 03.2234].
11. When, in the opinion of the Board of Education (for a Certified Employee) or the Superintendent (for a Classified Employee), there is evidence that an employee is no longer able to perform the assigned duties satisfactorily, the employee may be required to provide evidence of ability to perform the essential functions of the position in the form of an examination and report by a physician chosen by the Board of Education at its expense of the Board's choosing [JCS 03.1234 and 03.2234]. The Board of Education may suspend a Certified Employee temporarily pending the physician's examination and may grant an involuntary leave of absence and renewals thereof following the physician's examination [JCS 03.1234]. A Certified Employee shall have the right to a hearing on such involuntary leave and its renewal or extension in accordance with KRS 161.790 [JCS 03.1234].
12. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC VIOLATIONS-CONT'D.
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

BREACH OF CHAIN OF COMMAND PROTOCOL

Definition: Defined as the unauthorized or improper conveyance of an issue or concern to a District authority above the level of an employee's immediate supervisor.

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

- Bringing a problem to a District level supervisor that could have been directly addressed at the building or site level or encouraging others to do so.
- Failing to follow established grievance channels.
- Requesting that a higher level supervisor overrule an operational decision by a lower level supervisor that was within his or her scope of authority to make.

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

Federal: 29 USC §660
State: KRS 161.120; 161.790; 701 KAR 5:090
KY CESP: 16 KAR 1:020(1); 1:020(3)(c)(1); 1:020(3)(c)(3)
District Policy: JCS 01.5; 02.3; 02.422; 03.16; 03.16 AP.1; 03.17; 03.26; 03.26 AP.1; 03.27; 04.41; 10.2

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
4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

BREACH OF CHAIN OF COMMAND PROTOCOL-CONT’D.

| Disciplinary Options: Attendance, Punctuality or Contract Day Policy Violation |
|---------------------------------|-----------------|-----------------|-----------------|-----------------|
| Case Facts                      | 1st Occurrence  | 2nd Occurrence  | 3rd Occurrence  | 4th Occurrence  |
| Mostly Mitigating               | Non-Disciplinary Consultation | Alert           | Warning          | Private Reprimand |
| Relatively Equal                | Alert           | Warning          | Private Reprimand | Public Reprimand |
| Mostly Aggravating              | Warning         | Private Reprimand | Public Reprimand | Suspension       |

Commentary:

1. As a general rule, an issue or concern must be shared first with the employee’s immediate supervisor.
2. In a situation in which there may be justification to breach protocol with an immediate supervisor, the issue or concern must be brought to the attention of the next level supervisor in writing along with the reason for the breach.
3. If the issue or concern involves a potential civil rights or criminal violation, authorization is granted to breach protocol and go directly to the Superintendent.
4. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC VIOLATIONS-CONT'D.
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT'D.

DISHONESTY (NON-CRIMINAL)

Definition: Defined as 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: KRS 7.410; 45A.455; 156.480; 160.290; 160.340; 160.380; 160.390; 160.580; 161.011; 161.030; 160.410; 161.120; 161.790; 701 KAR 5:090; 702 KAR 3:130

KY CESP: 16 KAR 1:020(1); 1:020(3)(a)(4); 1:020(3)(a)(6); 1:020(3)(b)(3); 1:020(3)(b)(6); 1:020(3)(b)(7); 1:020(3)(c)(1); 1:020(3)(c)(6)

District Policy: JCS 01.5; 01.821; 02.441; 03.11; 03.125; 03.125 AP.2; 03.125 AP.22; 03.1312; 03.1322; 03.1322 AP.1; 03.17; 03.1721; 03.21; 03.225; 03.225 AP.2; 03.2312; 03.2322; 03.2322 AP.1; 03.27; 03.2721; 04.31; 04.311; 04.3111; 04.312; 04.3122; 04.32; 04.41; 04.7; 04.81; 04.9; 05.4; 06.34; 07.14; 09.2211

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

Classification: MODERATE

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: NO
4.0 ECOC VIOLATIONS-CONT’D.
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

DISHONESTY (NON-CRIMINAL)-CONT’D.

<table>
<thead>
<tr>
<th>Case Facts</th>
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<td>Private Reprimand</td>
<td>Public Reprimand</td>
<td>Suspension</td>
</tr>
<tr>
<td>Mostly Aggravating</td>
<td>Private Reprimand</td>
<td>Public Reprimand</td>
<td>Suspension</td>
<td>Termination</td>
</tr>
</tbody>
</table>

Commentary:

1. Some acts may represent violations of criminal law or civil statute and are addressed elsewhere in the ECOC.
2. Although no criminal consequences are associated with the act, any person found to have not followed security guidelines for administration of the approved state test, or a successor test, including making or distributing unauthorized copies of the test, altering a grade or answer sheet, providing copies of answers or test questions or otherwise compromising the integrity of the testing process shall be placed on immediate Suspension, and such actions may be grounds for termination, including termination of employees under Continuing Service Contract [KRS 158.6453 and 161.795]. Such actions may be grounds for revocation of state license [KRS 161.120].
3. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC VIOLATIONS-CONT’D.
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

DRESS CODE VIOLATION

Definition: Defined as any deviation from the expectations for employee attire outlined in the District’s Employee Dress Policy (EDP) 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:

- Reporting to a school in clothing that is overly revealing (e.g., items that are low cut or otherwise suggestive).
- Arriving at a job site in clothing inappropriate for the work environment (e.g., items that do not provide adequate protection).
- Attending a work-related activity in clothing that can reasonably be expected to be disruptive (e.g., items that display abusive, vulgar or offensive language, items that display offensive symbols, items that advertise alcohol or tobacco products, or items that promote drug use or other illegal activity).

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


State: KRS 160.290; 160.340; 161.011; 161.030; 161.120; 161.790; 701 KAR 5:090; 803 KAR 2:308; 803 KAR 2:404

KY CESP: 16 KAR 1:020(1); 1:020(3)(c)(1)

District Policy: JCS 01.5; 03.14; 03.14 AP.1; 03.17; 03.2326; 03.24; 03.24 AP.1; 03.27; 10.21

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
### Commentary:

1. 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.
2. Some roles may require job-specific dress that is appropriate for the duties typically encountered during the workday (e.g., District-issued or approved uniforms).
3. For additional information and examples, see the *Jessamine County Schools Employee Dress Policy* (EDP) [JCS 03.1326 and 03.2326].
4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

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

Definition: Defined as 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 disbursal of funds in a manner required by policy.
- Falsifying student records.

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

Federal: NONE

State: KRS 7.410; 160.290; 160.340; 160.390; 160.410; 161.011; 161.030; 161.120; 161.200; 161.210; 161.690; 161.790; 171.420; 701 KAR 5:090; 702 KAR 3:130; 704 KAR 3:406; 725 KAR 1:030

KY CESP: 16 KAR 1:020(1); 1:020(3)(a)(6); 1:020(3)(b)(3); 1:020(3)(c)(1); 1:020(3)(c)(6)

District Policy: JCS 01.5; 01.821; 02.441; 03.112; 03.112 AP.21; 03.125; 03.125 AP.2; 03.125 AP.22; 03.17; 03.225; 03.225 AP.2; 03.27; 04.12; 04.31; 04.311; 04.3111; 04.312; 04.3122; 04.41; 04.7; 04.81; 04.9; 04.91; 07.14; 08.221; 09.2211; 09.438

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

Classification: MODERATE

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: NO
4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

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

<table>
<thead>
<tr>
<th>Disciplinary Options:</th>
<th>Falsification of or Failure to Accurately Provide Information (Non-criminal)</th>
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<td>Case Facts</td>
<td>1st Occurrence</td>
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<tr>
<td>Mostly Mitigating</td>
<td>Alert</td>
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<tr>
<td>Relatively Equal</td>
<td>Warning</td>
</tr>
<tr>
<td>Mostly Aggravating</td>
<td>Private Reprimand</td>
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Commentary:

1. Some acts may represent violations of criminal law or civil statute and are addressed elsewhere in the ECOC.
2. Although no criminal consequences are associated with the act, any person found to have not followed security guidelines for administration of the approved state test, or a successor test, including making or distributing unauthorized copies of the test, altering a grade or answer sheet, providing copies of answers or test questions or otherwise compromising the integrity of the testing process shall be placed on immediate Suspension, and such actions may be grounds for termination, including termination of employees under Continuing Service Contract [KRS 158.6453 and 161.795]. Such actions may be grounds for revocation of state license [KRS 161.120].
3. See also Education Department General Administrative Regulations (EDGAR 34 CFR §74-86 and 97-99).
4. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

INADEQUATE PREPARATION FOR EMPLOYEE JOB RESPONSIBILITIES

Definition: Defined as 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.
- Remaining unwilling or unable to plan for the optimization of allotted time.
- 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: KRS 156.095; 156.101; 156.553; 156.557; 158.070; 158.852; 158.6451; 158.6455; 160.290; 160.340; 160.345; 160.350; 160.380; 160.390; 160.445; 161.011; 161.030; 161.048; 161.049; 161.120; 161.1221; 161.220; 161.740; 161.765; 161.790; 341.050; 342.630; 701 KAR 5:090; 702 KAR 6:045; 704 KAR 3:035; 704 KAR 3:325; 704 KAR 3:345

KY CESP: 16 KAR 1:020(1); 1:020(3)(a)(1); 1:020(3)(c)(1); 1:020(3)(c)(2); 1:020(3)(c)(4); 1:020(3)(c)(5)

District Policy: JCS 01.111; 01.5; 01.83; 02.11; 02.1311; 02.14; 02.3; 02.44; 02.441; 02.4244; 02.431; 02.442; 03.11; 03.112; 03.112 AP.21; 03.115; 03.1235; 03.131; 03.1311; 03.1312; 03.1313; 03.132; 03.17; 03.18; 03.18 AP.11; 03.19; 03.1912; 03.21; 03.2235; 03.231; 03.2311; 03.2312; 03.2313; 03.232; 03.233; 03.27; 03.28; 03.28 AP.1; 03.28 AP.21; 03.28 AP.22; 03.29; 03.5; 06.23; 07.16; 08.131; 08.13452; 08.141; 08.5; 09.214; 09.2212; 09.311; 10.31

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
**4.0 ECOC VIOLATIONS-CONT’D.**  
**POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.**

**INADEQUATE PREPARATION FOR EMPLOYEE JOB RESPONSIBILITIES-CONT’D.**

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<td>Public Reprimand</td>
<td>Suspension</td>
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**Commentary:**

1. For additional information and examples, consult your direct supervisor or HR.
2. No **Superintendent** shall assign a certified or classified staff person to an alternative education program as part of any disciplinary action taken pursuant to KRS 161.011 or 161.790 as part of a corrective action plan established pursuant to the local District evaluation plan [KRS 160.380(3); JCS 03.131 and 03.231].
4.0 ECOC VIOLATIONS-CONT’D.
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

INADEQUATE SUPERVISION OF STAFF

Definition: Defined as: 1) Neglect of assigned staff supervisory responsibilities; or 2) 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 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: KRS 157.320; 160.290; 160.340; 160.390; 161.011; 161.030; 161.042; 161.044; 161.120; 161.148; 161.790; 701 KAR 5:090
KY CESP: 16 KAR 1:020(1); 1:020(3)(c)(1); 1:020(3)(c)(2); 1:020(3)(c)(4)
District Policy: JCS 01.5; 02.3; 03.131; 03.132; 03.17; 03.231; 03.232; 03.27; 03.5; 03.6

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
4.0 ECOC VIOLATIONS-CONT’D.
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

INAPPROPRIATE SUPERVISION OF STAFF-CONT’D.

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<td>Public Reprimand</td>
<td>Suspension</td>
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Commentary:

1. Each Paraeducator shall be under the direct supervision of a Teacher [JCS 03.5].
2. Each Volunteer shall provide assistance only under the direction and supervision of a member of the professional administrative and teaching staff [KRS 161.148(2); JCS 03.6].
3. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

INADEQUATE SUPERVISION OF STUDENTS

Definition: Defined as: 1) Neglect of assigned student supervisory responsibilities; or 2) 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 school related activities: (e.g., a field trip; before or after school or during recess.
- Placing a student in a hallway 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.
- Leaving students unattended on a bus in non-essential emergency situation.

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

Federal: NONE

State: KRS 157.360; 160.290; 160.340; 161.011; 161.030; 161.120; 161.180; 161.185; 161.790; 701 KAR 5:090 ; 702 KAR 5:030; 702 KAR 5:080

KY CESP: 16 KAR 1:020(1); 1:020(3)(a)(3); 1:020(3)(a)(7); 1:020(3)(c)(1)

District Policy: JCS 01.5; 03.17; 03.27; 06.33; 06.34; 06.342; 06.35; 09.221; 09.1231; 09.221; 09.2241; 09.3; 09.311; 09.32; 09.321; 09.322; 09.33; 09.34; 09.35; 09.36; 09.4; 09.42; 09.421; 09.422; 09.423; 09.4232; 09.426; 09.4261; 09.42811; 09.43; 09.432; 09.438

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
INAPPROPRIATE SUPERVISION OF STUDENTS-CONT’D.

### Disciplinary Options:
#### Inadequate Supervision of Students

<table>
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<tr>
<th>Case Facts</th>
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</table>

**Commentary:**
1. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

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

Definition: 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, students, parents or community members 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 a “reasonable person standard.”
- Engaging in an act of retaliation not prohibited by law.
- Using profanity or obscene gestures in the presence of students, staff or community members.
- Failing to follow established operational procedures.

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

Federal: 20 USC §1232h (a)

State:
KRS 7.410; 61.870 through 61.884; 157.320; 158.148; 158.160; 158.445; 160.290; 160.291; 160.294; 160.325; 160.340; 160.345; 160.370; 160.380; 160.390; 160.410; 160.445; 160.570; 160.611; 161.030; 161.120; 161.148; 161.158; 161.164; 161.166; 161.176; 161.765; 161.790; 161.800; 171.410; 171.670; 171.710 and 171.720; 171.420; 189.292; 189.294; 401 KAR 58:010; 701 KAR 5:090; 702 KAR 3:130; 702 KAR 3:070; 725 KAR 1:010 et seq.; 803 KAR 2:010 et seq.; 902 KAR 2:020

KY CESP: 16 KAR 1:020(1); 1:020(2); 1:020(3)(a)(2); 1:020(3)(a)(3); 1:020(3)(a)(4); 1:020(3)(a)(5); 1:020(3)(a)(7); 1:020(3)(b)(1); 1:020(3)(b)(4); 1:020(3)(b)(5); 1:020(3)(b)(6); 1:020(3)(b)(7); 1:020(3)(c)(1); 1:020(3)(c)(3); 1:020(3)(c)(4)

District Policy:
JCS 01.5; 01.61; 01.821; 02.414; 02.421; 02.422; 02.423; 02.4231; 02.4242; 02.4244; 02.432; 02.433; 02.4331; 02.44; 02.441; 02.442; 03.11; 03.11 AP.1; 03.111; 03.111 AP.21; 03.115; 03.12; 03.121; 03.1211; 03.1212; 03.1231; 03.125; 03.125 AP.2; 03.125 AP.22; 03.131; 03.1311; 03.1312; 03.1313; 03.1323; 03.1324; 03.1325; 03.1335; 03.14; 03.14 AP.1; 03.14 AP.2; 03.15; 03.17; 03.171; 192; 03.21; 03.21 AP.1; 03.211; 03.21; 03.22; 03.221; 03.221 AP.11; 03.2211; 03.224; 03.225; 03.225 AP.2; 03.231; 03.2311; 03.2312; 03.2313; 03.2321; 03.23215; 03.2324; 03.2325; 03.24; 03.24 AP.1; 03.24 AP.2; 03.25; 03.27; 03.271; 03.4; 03.6 AP.22; 04.1; 04.11; 04.12; 04.2; 04.21; 04.31; 04.311; 04.3111; 04.312; 04.3122; 04.31; 04.311; 04.3111; 04.312; 04.3122; 04.32; 04.41; 04.41; 04.7; 04.8; 04.81; 04.9; 04.91; 05.1; 05.11; 05.2; 05.21; 05.23; 05.3; 05.31; 05.32; 05.33; 05.4; 05.41; 05.411; 05.42; 05.43; 05.45; 05.47; 05.5; 05.7; 06.0; 06.1; 06.11; 06.12; 06.14; 06.2; 06.21; 06.22; 06.31; 06.32; 06.33; 06.34; 06.342; 06.35; 06.4; 06.5; 07.1; 07.11; 07.111; 07.12; 07.13;
4.0 ECOC Violations-Cont’d.
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

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

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

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<td>Public Reprimand</td>
<td>Suspension</td>
</tr>
</tbody>
</table>

Commentary:

1. Some acts may represent violations of civil or criminal law and are addressed elsewhere in the ECOC.
2. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

INAPPROPRIATE USE OF TECHNOLOGY RESOURCES

Definition: Defined as 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 excessively for personal reasons.
- Providing authentication data to unauthorized parties (e.g., giving an unauthorized student the password to a computer or program).
- Accessing unauthorized online activities or sites (e.g., unauthorized social networks) during the work day.
- Accessing or displaying inappropriate materials, content or information.
- Failing to monitor student use of technology or failing to limit student access to the internet as required.
- Compromising network security either intentionally or through neglect.
- Failing to monitor the safety and security of students using electronic mail, chat rooms or other forms of direct electronic communications.
- Using personal mobile phones for non-emergency purposes in the presence of students or as prohibited by law.
- Connecting personal equipment to hardware or networks owned by the District without prior approval from the District Technology Coordinator.
- Loading unapproved software on computers owned by the District.
- Transferring or permitting the transfer of District software to personal computers.

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


State: KRS 160.290; 160.340; 161.011; 161.030; 161.120; 161.790; 281A.205; 701 KAR 5:090

KY CESP: 16 KAR 1:020(1); 1:020(3)(a)(3); 1:020(3)(a)(4); 1:020(3)(a)(5); 1:020(3)(c)(1); 1:020(3)(c)(3)

District Policy: JCS 01.5; 03.1321; 03.17; 03.2321; 03.27; 05.22; 08.232; 08.2321; 08.2323

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

Classification: MINOR

Initial Case Management: BUILDING OR SITE LEVEL SUPERVISOR
4.0 ECOC VIOLATIONS-CONT’D.
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

INAPPROPRIATE USE OF TECHNOLOGY RESOURCES-CONT’D.

Mandatory Reporting: NO

<table>
<thead>
<tr>
<th>Disciplinary Options:</th>
<th>Inappropriate Use of Technology Resources</th>
</tr>
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<tbody>
<tr>
<td>Case Facts</td>
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</tbody>
</table>

Commentary:

1. Some acts may represent violations of criminal law or civil statute and are addressed elsewhere in the ECOC.
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 Jessamine County Schools Acceptable Use Policy (AUP) [JCS 08.2323], your direct supervisor or HR.
4. Initiating or developing relationships with students using tools and resources other than those approved by the District may represent a violation of the Children’s Internet Protection Act of 2000 [47 USC §254; FCC Order 03-188].
4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

INSUBORDINATION

Definition: Defined as: 1) Violation of the school laws of the state or administrative regulations adopted by the Kentucky Board of Education, the EPSB, or lawful rules and regulations established by the Board of Education for the operation of schools; or 2) Refusal to recognize or obey the authority of the Superintendent, principal, or any other supervisory personnel of the Board of Education in the performance of their duties [KRS 161.790(1)(a)].

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

- Refusing to complete a reasonably assigned task.
- Refusing to work or cooperate with a designated or assigned team.
- 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.
- Being involved in a revolt against established authority.

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

Federal: NONE

State: KRS 160.290; 160.340; 161.011; 161.030; 161.120; 161.790; 701 KAR 5:090

KY CESP: 16 KAR 1:020(1); 1:020(2); 1:020(3)(c)(1); 1:020(3)(c)(2)

District Policy: JCS 01.5; 03.17; 03.27

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
4.0 ECOC VIOLATIONS-CONT’D.  
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.  

INSUBORDINATION-CONT’D.

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**Commentary:**

1. Charges relating to this ECOC violation should be accompanied by: 1) A refusal to comply with a legitimate directive issued by a recognized source of authority; and 2) Evidence that the employee had both knowledge of the directive and the capacity to carry it out.
2. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

OFF-DUTY MISCONDUCT

Definition: Defined as any misconduct 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: KRS 160.290; 160.340; 160.390; 161.011; 161.030; 161.120; 161.164; 161.790; 701 KAR 5:090

KY CESP: 16 KAR 1:020(1); 1:020(3)(a)(2); 1:020(3)(a)(3); 1:020(3)(a)(4); 1:020(3)(b)(4); 1:020(3)(b)(6); 1:020(3)(c)(1)

District Policy: JCS 01.5; 03.123; 03.1324; 03.1331; 03.17; 03.223; 03.2324; 03.2321; 03.23215; 03.2331; 03.27; 08.2323

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

Classification: MODERATE

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: NO
4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

OFF-DUTY MISCONDUCT-CONT’D.

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<td>Termination</td>
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</table>

Commentary:

1. While the District does not wish to become involved in the personal lives of employees, disciplinary action may result when a “rational nexus” can be established between the incident and the alleged outcomes referenced in the definition for this ECOC violation.
2. Employees shall not perform any duties related to an outside job during their regular working hours [JCS 03.1331].
3. Some acts may represent violations of criminal law or civil statute and are addressed elsewhere in the ECOC.
4. 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 [JCS 03.17 and 03.27].
5. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC VIOLATIONS-CONT’D.
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

TOBACCO POLICY VIOLATION

Definition: Defined as any act which violates a federal, state and/or District Tobacco Free Schools policy.

Examples: Include, but are not limited to, the following:
- Using tobacco products on district property, in district owned vehicles, or at district sponsored events.

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


State: KRS 160.290; 160.340; 161.011; 161.030; 161.120; 161.790; 438.047; 438.050; 701 KAR 5:090

KY CESP: 16 KAR 1:020(1); 1:020(3)(a)(3); 1:020(3)(c)(1)

District Policy: JCS 01.5; 03.1327; 03.1327 AP.1; 03.17; 03.2327; 05.31; 06.221; 09.4232; 10.5

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
4.0 ECOC VIOLATIONS-CONT’D.
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

TOBACCO POLICY VIOLATION-CONT’D.

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**Commentary:**

1. For additional information and examples, see the *Jessamine County Schools Employee Tobacco Policy* (ETP) [JCS 03.1327 and 03.2327].
4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

OTHER POLICY VIOLATION

Definition: Defined as 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 ECOC that is a matter of interest to the District only.

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

• Engaging in action(s) or behavior(s) that violate a policy or administrative procedure ratified by the Board of Education.
• Engaging in action(s) or behavior(s) that violate a regulatory directive of the Superintendent or his/her designee 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 all KRS 160.290; 160.340, 160.345, 161.011, 161.030, 161.120, 161.790, 701 KAR 5:090 and state level regulations not otherwise specified
KY CESP: 16 KAR 1:020(1); 16 KAR 1:020(2); 16 KAR 1:020(3); 1:020(3)(b)(2); 1:020(3)(c)(1); 1:020(3)(c)(2)
District Policy: Includes JCS 01.5, 02.414, 02.421, 02.423, 02.4231, 03.17, 03.27, 04.1, 08.13451, 08.13452, 08.141, 08.221, 09.125, 10.1, 10.2, 10.3, 10.31 and all District level regulations 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
4.0 ECOC VIOLATIONS-CONT’D.
POTENTIAL VIOLATIONS OF POLICY ALONE-CONT’D.

OTHER POLICY VIOLATION-CONT’D.

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</table>

**Commentary:**

1. Some acts may represent violations of criminal law or civil statute and are addressed elsewhere in the ECOC.
2. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC 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:

Defined as 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 confidential District operational information without proper authorization.
- Assisting unauthorized users to gain access of secure information.
- Leaving confidential information unattended in a non-secure area.
- Illegally removing sensitive data from the District physically or electronically regardless of purpose or stated intent.
- Disposing of protected information in a manner contrary to established policy.
- Disclosing Personally Identifiable Information (or “PII”) about a student on social media.

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

Federal:


State:

KRS 7.410; 15A.067; 45A.455; 61.870 through 61.884, 171.410, 171.670, 171.710 and 171.720; 157.320; 158.032; 158.148; 158.150; 158.153; 158.156; 160.290; 160.291; 160.340; 160.345; 160.390; 160.705; 160.710; 160.715; 160.720; 160.725; 161.011; 161.030; 161.120; 161.158; 161.163; 161.180; 161.195; 161.790; 214.625; 610.320; 610.340; 610.345; 620.050; 701 KAR 5:090; 702 KAR 1:035; 702 KAR 1:140; 702 KAR 3:070; 725 KAR 1:010 et seq.
4.0 ECOC VIOLATIONS-CONT’D.  

POTENTIAL VIOLATIONS OF CIVIL STATUTE-CONT’D.  

BREACH OF CONFIDENTIALITY-CONT’D.

KY CESPs: 16 KAR 1:020(1); 1:020(3)(a)(2); 1:020(3)(a)(5); 1:020(3)(c)(1); 1:020(3)(c)(3)

District Policy:  

JCS 01.43; 01.5; 01.61; 03.11; 03.11 AP.1; 03.111; 03.111 AP.21; 03.12; 03.121; 03.1211; 03.1313; 03.1323; 03.13251; 03.15; 03.15 AP.21; 03.16; 03.16 AP.1; 03.162; 03.162 AP.1; 03.162 AP.2; 03.162 AP.21; 03.162 AP.23; 03.17; 03.18; 03.18 AP.11; 03.18 AP.12; 03.21; 03.21 AP.1; 03.21 AP.254; 03.211; 03.211 AP.21; 03.22; 03.221; 03.221 AP.11; 03.2211; 03.2212; 03.224; 03.2313; 03.2325; 03.23251; 03.25; 03.25 AP.2; 03.26; 03.26 AP.1; 03.262; 03.262 AP.1; 03.262 AP.2; 03.262 AP.21; 03.262 AP.23; 03.27; 03.28; 04.41; 07.1; 07.11; 08.131; 08.1312; 08.132; 08.133; 08.13451; 08.14; 08.22; 08.2323; 09.214; 09.422; 09.42811; 09.43; 09.12311; 09.14; 09.21; 09.211; 09.213; 09.22; 09.41; 09.43; 09.434; 09.4341; 09.435; 10.11; 10.5

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

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

<table>
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<th>Disciplinary Options: Breach of Confidentiality</th>
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<tr>
<td>Case Facts</td>
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</table>

Commentary:

1. All incidents potentially involving these grounds must be reported to HR.
2. The lack of an actionable civil complaint or outside agency interest is not a factor for establishing or verifying this ECOC violation.
3. In accordance with IDEA Part B, all persons collecting or using personally identifiable information 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 personally identifiable information [34 CFR §300.623].
4. For additional information and examples, consult your direct supervisor or HR.

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4.0 ECOC VIOLATIONS-CONT’D.
POTENTIAL VIOLATIONS OF CIVIL STATUTE-CONT’D.

DISCRIMINATION

Definition: Defined as the prejudicial treatment of an individual or a group differently than others based on perceived categories such as race, creed, color, religion, gender, age, national origin, military status, disability, economic status, sexual orientation, gender identity or 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 offensive comments referencing race or national origin.
- Seeking termination of an employee based solely on his or her age.
- Excluding student subgroups from educational 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:


State: KRS 150.148; 158.150; 158.156; 160.290; 160.340; 160.352; 160.011; 161.030; 161.120; 161.662; 161.790; 207.130 et seq.; 701 KAR 5:090

KY CESP: 16 KAR 1:020(1); 1:020(2); 1:020(3)(a)(1); 1:020(3)(a)(2); 1:020(3)(b)(3); 1:020(3)(a)(7); 1:020(3)(b)(2); 1:020(3)(c)(1)

District Policy: JCS 01.1; 01.5; 02.442; 03.11; 03.11 AP.1; 03.11; 03.111 AP.21; 03.11; 03.1325; 03.13251; 03.162; 03.162 AP.1; 03.162 AP.2; 03.162 AP.21; 03.162 AP.23; 03.17; 03.21; 03.21 AP.1; 03.211; 03.211 AP.21;
4.0 ECOC VIOLATIONS-CONT’D.
POTENTIAL VIOLATIONS OF CIVIL STATUTE-CONT’D.

DISCRIMINATION-CONT’D.

03.212; 03.2325; 03.23251; 03.262; 03.262 AP.1; 03.262 AP.2; 05.3; 05.31; 05.32; 06.32; 06.34; 07.1; 07.11; 08.1; 08.1212; 08.131; 08.1312; 08.132; 08.133; 08.13451; 08.13452; 08.1353; 08.22; 08.232; 09.11; 09.12; 09.121; 09.122; 09.1221; 09.123; 09.124; 09.42811; 09.126; 09.13; 09.15; 09.2; 09.211; 09.221; 09.3; 09.31; 09.32; 09.321; 09.3211; 09.41; 09.422; 09.43; 09.434; 09.4341; 09.435; 10.3; 10.31; 10.4; 10.5

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

**Classification:** MODERATE

**Initial Case Management:** SUPERINTENDENT/DESIGNEE

**Mandatory Reporting:** YES

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**Commentary:**

1. All incidents potentially involving these grounds must be reported to HR.
2. Incidents alleging harassment or discrimination must be reported using the required form. Such allegations will be investigated and resolved in accordance with District protocol.
3. The lack of an actionable civil complaint or outside agency interest is not a factor for establishing or verifying this ECOC violation.
4. Evidence of intentionality is not a required factor for verifying this ECOC violation.
5. Evidence of an actual detriment to the affected individual or group is not a required factor for verifying this ECOC violation.
6. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC VIOLATIONS-CONT’D.
POTENTIAL VIOLATIONS OF CIVIL STATUTE-CONT’D.

SEXUAL HARASSMENT

Definition: Defined as any unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature that may be a matter of interest to an outside agency when: 1) Submission to such conduct is made, either explicitly or implicitly, a term or condition of a person’s employment or educational development; 2) Submission to, or rejection of, such conduct by an individual is used as the basis for employment or education decisions affecting such individual or 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive environment [29 CFR §1604.11(a)].

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

- Engaging in prohibited physical actions or behaviors (e.g., unwelcome sexual advances, touching, indecent exposure, or 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:


State: KRS 158.070; 158.148; 158.150; 158.156; 160.290; 160.340; 161.011; 161.030; 161.120; 161.190; 341.050; 342.630; 525.070; 525.080; 701 KAR 5:090

KY CESP: 16 KAR 1:020(1); 1:020(2); 1:020(3)(a)(2); 1:020(3)(a)(3); 1:020(3)(a)(7); 1:020(3)(a)(8); 1:020(3)(c)(1); 1:020(3)(c)(4)
4.0 ECOC VIOLATIONS-CONT'D.
POTENTIAL VIOLATIONS OF CIVIL STATUTE-CONT'D.

SEXUAL HARASSMENT-CONT'D.

District Policy: JCS 01.5; 03.1325; 03.162; 03.162 AP.1; 03.162 AP.2; 03.162 AP.21; 03.162 AP.23; 03.17; 03.2325; 03.262; 03.262 AP.1; 03.262 AP.2; 03.27; 09.31; 09.422; 09.42811; 09.43; 10.4

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

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

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**Commentary:**

1. All incidents potentially involving these grounds must be reported to HR.
2. Incidents alleging harassment or discrimination must be reported using the required form. Such allegations will be investigated and resolved in accordance with District protocol.
3. The lack of an actionable civil complaint or outside agency interest is not a factor for establishing or verifying this ECOC violation.
4. Evidence of intentionality is not a required factor for verifying this ECOC violation.
5. Evidence of an actual detriment to the affected individual or group is not a required factor for verifying this ECOC violation.
6. For additional information and examples, consult your direct supervisor or HR.
OTHER CIVIL VIOLATION

Definition: Defined as 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 ECOC 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 either verbally or in writing.
- 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 search procedures.
- Violating a copyright.
- Harassing a co-worker or other member of the school community on social media.
- Violating an End-User License Agreement (EULA) for software.
- Engaging in an act of software piracy.

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


KY CESP: 16 KAR 1:020(1); 1:020(2); 1:020(3)(a)(2); 1:020(3)(a)(3); 1:020(3)(b)(4); 1:020(3)(b)(5); 1:020(3)(b)(6); 1:020(3)(c)(1)

District Policy: Includes JCS 01.5, 02.131, 02.1311, 02.422, 02.423, 02.4231, 03.1, 03.1, 03.11, 03.111, 03.111 AP.21, 03.115, 03.131, 03.1311, 03.12, 03.121, 03.1211, 03.1212, 03.1213, 03.124, 03.1241, 03.1313, 03.1324, 03.1325, 03.14, 03.14 AP.1, 03.14 AP.2, 03.16, 03.16 AP.1, 03.162, 03.162 AP.1, 03.162 AP.2, 03.162 AP.21, 03.162 AP.23, 03.17, 03.171, 03.175, 03.192, 03.21 AP.254, 03.21, 03.211, 03.211 AP.21, 03.22, 03.221, 03.221 AP.11, 03.221 AP.24, 03.2211, 03.2212, 03.224, 03.2241, 03.231, 03.2311, 03.2313, 03.2324, 03.2325, 03.24, 03.24 AP.1, 03.24 AP.2, 03.26, 03.26 AP.1, 03.262, 03.262 AP.1, 03.262 AP.2, 03.27, 03.271, 03.273, 03.273 AP.1, 03.4, 03.6, 03.6 AP.22, 04.2, 04.21, 04.31, 04.311, 04.3111, 04.312, 04.4, 04.6, 05.11, 05.2, 05.21, 05.22, 05.3, 05.31, 05.32, 05.33, 05.4, 05.41, 05.411, 05.42, 05.43,
4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF CIVIL STATUTE-CONT’D.

OTHER CIVIL VIOLATION-CONT’D.

05.45, 05.47, 05.5, 05.6, 06.0, 06.1, 06.12, 06.14, 06.2, 06.21, 06.22, 06.23, 06.31, 06.32, 06.33, 06.34, 06.342, 06.35, 06.4, 06.5, 07.111, 08.1, 08.113, 08.1131, 08.1132, 08.131, 08.1312, 08.132, 08.133, 08.13451, 08.13452, 08.1351, 08.1353, 08.1354, 08.14, 08.141, 08.22, 08.232, 08.2321, 08.2322, 08.2323, 08.33, 09.11, 09.12, 09.121, 09.122, 09.1221, 09.1223, 09.123, 09.1231, 09.124, 09.126, 09.13, 09.15, 09.21, 09.211, 09.213, 09.214, 09.22, 09.221, 09.2212, 09.224, 09.2241, 09.23, 09.3, 09.31, 09.311, 09.312, 09.313, 09.32, 09.321, 09.3211, 09.34, 09.35, 09.36, 09.41, 09.42, 09.421, 09.422, 09.4261, 09.42811, 09.4294, 09.43, 09.432, 09.434, 09.4341, 09.435, 09.436, 09.4361, 09.438, 10.21, 10.3, 10.4, 10.5 and all district level civil violations 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

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Commentary:

1. All incidents potentially involving these grounds must be reported to HR.
2. Incidents alleging harassment or discrimination must be reported using the required form. Such allegations will be investigated and resolved in accordance with District protocol.
3. The lack of an actionable civil complaint or outside agency interest is not a factor for establishing or verifying this ECOC violation.
4. Evidence of intentionality is not a required factor for verifying this ECOC violation.
5. Evidence of an actual detriment to the affected individual or group is not a required factor for verifying this ECOC violation.
6. The Kentucky Supreme Court has ruled in that a student being questioned by District personnel in the presence of a School Resource Officer (or "SRO") is entitled to a Miranda warning beforehand (N.C. v. Kentucky, No. 2011-SC-000271, Apr. 25, 2013). In July 2013, the Kentucky Attorney General requested a review of this decision by the U.S. Supreme Court.
7. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC 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: Defined as 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:

- 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.
- Possessing accessories, paraphernalia, chemical precursors, or equipment associated with controlled substances on school property.
- Selling, purchasing, distributing, furnishing or possessing an alcoholic beverage on District property or at a District-sponsored event/activity.
- Being under the influence of alcohol, a controlled substance or other intoxicant while on the job or at a District-sponsored event/activity.

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


State: KRS 17.160; 17.165; 160.290; 160.340; 160.350; 160.380; 161.011; 161.020; 161.030; 161.120; 161.148; 161.175; 161.790; 214.185; 217.900; 218A.005 et seq.; 222.001 et seq.; 309.080 et seq.; 311.375; 315.010; 319C.010; 500.080; 501.010 et seq.; 502.010 et seq.; 504.020 et seq.; 506.010 et seq.; 525.100; 530.064; 530.065; 530.070; 532.005 et seq.; 701 KAR 5:090; 701 KAR 5:130; 702 KAR 5:080

KY CESP: 16 KAR 1:020(1); 1:020(3)(a)(3); 1:020(3)(c)(1)

District Policy: JCS 01.5; 03.11; 03.11 AP.1; 03.111; 03.112; 03.1231; 03.1311; 03.1321; 03.1325; 03.13251; 03.13251 AP.1; 03.17; 03.21; 03.21 AP.254; 03.211; 03.2311; 03.2321; 03.2325; 03.23251; 03.23251 AP.1; 03.27; 03.4; 03.6 AP.22; 05.31; 06.22; 06.23; 06.221; 09.31; 09.35; 09.423

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

Classification: MAJOR
Initial Case Management: SUPERINTENDENT/DESIGNEE
4.0 ECOC VIOLATIONS-CONT’D.
POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT’D.

ALCOHOL OR DRUG POLICY VIOLATION-CONT’D.

Mandatory Reporting: YES

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Commentary:

1. All incidents potentially involving these grounds must be reported to HR.
2. Some examples of this ECOC 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 KDE/KBOE) where mandated.
5. An employee shall not be considered to be in violation of JCS 03.13251 or 03.23251 simply and only because he/she applies on his/her own recognizance to a drug or alcohol rehabilitation program; furthermore, such an employee may be granted an unpaid leave of absence for up to 6 (six) calendar months to undergo treatment and may be reinstated [JCS 03.13251 and 03.23251].
6. A Teacher who has been determined through an administrative or judicial proceeding to have engaged in conduct involving the illegal use of controlled substances shall be subject to random and periodic drug testing at least 3 (three) times within a period not to exceed 12 (twelve) calendar months from the date of the determination [701 KAR 5:130(1)(a); JCS 03.13251]. A Superintendent shall determine the length of the drug testing period within the maximum time permitted, except 2 (two) of the tests shall be within 2 (two) weeks of each other [701 KAR 5:130(1)(b)]. Testing policies or practices shall provide for: 1) Reliability of test results; 2) Employee privacy during taking of samples; 3) Security of samples; and 4) Protection of confidentiality throughout the testing process and in handling of results [701 KAR 5:130(2)]. 701 KAR 5:130 shall not preclude or supplant other lawful employee drug testing policies or procedures [701 KAR 5:130(3)]. A Teacher subject to drug testing under 701 KAR 5:130 shall be provided with a copy of applicable Board of Education policies and shall be notified the Teacher shall be subject to drug testing as a condition of continued employment 701 KAR 5:130(4)]. A Teacher subject to drug testing who refuses to complete any part of the drug testing process shall be subject to disciplinary action under KRS 161.175 and 161.790 [701 KAR 5:130(5)]. A Teacher subject to drug testing who refuses to complete any part of the drug testing process shall be subject to disciplinary action under KRS 161.175 and 161.790 [701 KAR 5:130(6)]. Results of drug testing shall be: 1) Confidential; 2) Separate from the personnel file [701 KAR 5:130(7)(a) and (b)]. Results of drug testing shall be Subject to release to third parties only: 1) Upon written consent of the individual; 2) Upon lawfully issued administrative or court order or compulsory process (such as subpoena); 3) As needed to address work-related health or safety risks; or 4) To be used in administrative or court action [701 KAR 5:130(7)(c)].
7. All employees shall receive a copy of the District Drug-Free Workplace Notice on an annual basis [JCS 03.13251 AP.1 and 03.23251 AP.1].
8. Probation may be used as a non-disciplinary alternative in eligible cases.
9. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC VIOLATIONS-CONT’D.
POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT’D.

COMMISSION OF A SEX OFFENSE

Definition: Defined as 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 minor student or other minor regardless of location or consensuality.
- Possessing child pornography.
- Committing another act of sexually-related misconduct prohibited under federal, state or local law.

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

Federal: 

State: 
- KRS 17.160; 17.165; 156.483; 160.290; 160.340; 160.350; 160.380; 161.011; 161.020; 161.030; 161.020; 161.120; 161.148; 161.790; 500.080; 501.010 et seq.; 502.010 et seq.; 504.020 et seq.; 506.010 et seq.; 508.140; 508.150; 510.010 et seq.; 530.064; 530.065; 530.070; 532.005 et seq.; 701 KAR 5:090

KY CESP: 
- 16 KAR 1:020(1); 1:020(2); 1:020(3)(a)(3); 1:020(3)(a)(4); 1:020(3)(a)(8); 1:020(3)(c)(1)

District Policy: 
- JCS 01.5; 03.11; 03.11 AP.1; 03.112; 03.1311; 03.1325; 03.17; 03.21; 03.2311; 03.2325; 03.27; 03.4; 03.6; 03.6 AP.22; 06.22; 06.23; 09.31; 10.5

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

Classification: DISQUALIFYING

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: YES
4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT’D.

COMMISSION OF A SEX OFFENSE-CONT’D.

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Commentary:

1. All incidents potentially involving these grounds must be reported to HR.
2. Most examples of this ECOC 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 KDE/KBOE) where mandated.
4. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT’D.

DISHONESTY (CRIMINAL)

Definition: Defined as 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 (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 (e.g., the failure to relate all pertinent details to an investigator, such as neglecting mandatory reporting responsibilities regarding suspected child abuse or other criminal activity, 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:
KRS 7.410; 17.160; 17.165; 45A.455; 156.480; 158.070; 158.150; 158.154; 158.155; 158.156; 160.290; 160.340; 160.350; 160.380; 160.390; 160.410; 160.580; 161.011; 161.020; 161.030; 161.120; 161.148; 161.155; 161.790; 500.080; 501.010 et seq.; 502.010 et seq.; 504.020 et seq.; 506.010 et seq.; 519.030; 519.050; 519.055; 520.110; 523.010 et seq.; 530.040; 530.060; 532.005 et seq.; 600.020; 620.030; 620.040; 620.050; 701 KAR 5:090; 702 KAR 3:130

KY CESP:
16 KAR 1:020(1); 1:020(3)(a)(3); 1:020(3)(a)(5); 1:020(3)(a)(6); 1:020(3)(b)(3); 1:020(3)(b)(7); 1:020(3)(c)(1); 1:020(3)(c)(6)

District Policy:
JCS 01.5; 01.821; 03.11; 03.11 AP.1; 03.112; 03.125; 03.125 AP.2; 03.125 AP.22; 03.1311; 03.1312; 03.132; 03.132 AP.1; 03.1325; 03.17; 03.1721; 03.21; 03.225; 03.225 AP.2; 03.2311; 03.2312; 03.2322; 03.2322 AP.1; 03.2325; 03.27; 03.2721; 03.4; 03.6; 03.6 AP.22; 04.31; 04.311; 04.3111; 04.312; 04.3122; 04.32; 04.41; 04.7; 04.81; 04.81; 04.9; 05.4; 05.48; 06.22; 06.23; 06.34; 07.14; 09.22; 09.2211; 09.227; 09.31; 09.423; 09.425

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

Classification: MAJOR

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: YES
## DISHONESTY (CRIMINAL)-CONT’D.

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**Commentary:**

1. All incidents potentially involving these grounds must be reported to HR.
2. Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or KDE/KBOE) where mandated.
3. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT’D.

FALSIFICATION OF OR FAILURE TO ACCURATELY PROVIDE INFORMATION (CRIMINAL)

Definition: Defined as 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 testimony 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 official applications or records after their 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 disbursal of funds in a manner prohibited by law.

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

State: KRS 7.410; 17.160; 17.165; 160.290; 160.340; 160.350; 160.380; 160.390; 161.020; 161.030; 160.410; 161.011; 161.120; 161.148; 161.690; 161.790; 171.420; 500.080; 501.010 et seq.; 502.010 et seq.; 504.020 et seq.; 506.010 et seq.; 516.010 et seq.; 519.030; 519.040; 519.060; 520.110; 532.005 et seq.; 701 KAR 5:090; 702 KAR 3:130; 725 KAR 1:030
KY CESP: 16 KAR 1:020(1); 1:020(3)(a)(3); 1:020(3)(a)(6); 1:020(3)(b)(3); 1:020(3)(c)(1); 1:020(3)(c)(6)
District Policy: JCS 01.5; 01.821; 03.11; 03.11 AP.1; 03.112; 03.125; 03.125 AP.2; 03.125 AP.22; 03.1311; 03.1312; 03.1325; 03.17; 03.21; 03.225; 03.225 AP.2; 03.2311; 03.2325; 03.27; 03.4; 03.6; 03.6 AP.22; 04.12; 04.31; 04.311; 04.3111; 04.312; 04.3122; 04.41; 04.7; 04.81; 04.9; 04.91; 06.22; 07.14; 06.23; 09.2211; 09.31; 09.438

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

Classification: MAJOR
Initial Case Management: SUPERINTENDENT/DESIGNEE
Mandatory Reporting: YES
4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT’D.

FALSIFICATION OF OR FAILURE TO ACCURATELY PROVIDE INFORMATION (CRIMINAL)-
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**Commentary:**

1. All incidents potentially involving these grounds must be reported to HR.
2. Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or KDE/KBOE) where mandated.
3. See also *Education Department General Administrative Regulations* (EDGAR 34 CFR §74-86 and 97-99).
4. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT’D.

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (CRIMINAL)

Definition: Defined as 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 or injuring 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:


State: KRS 17.160; 17.165; 158.148; 158.150; 158.156; 160.290; 160.340; 160.350; 160.380; 161.011; 161.020; 161.030; 161.120; 161.148; 161.164; 161.190; 161.790; 189.292; 189.294; 189.294; 411.010; 411.020; 411.220; 500.080; 501.010 et seq.; 502.010 et seq.; 503.010 et seq.; 504.020 et seq.; 506.010 et seq.; 508.010 et seq.; 532.005 et seq.; 701 KAR 5:090; 702 KAR 5:080

KY CESP: 16 KAR 1:020(1); 1:020(2); 1:020(3)(a)(1); 1:020(3)(a)(2); 1:020(3)(a)(3); 1:020(3)(a)(7); 1:020(3)(a)(8); 1:020(3)(c)(1)

District Policy: JCS 01.5; 03.11; 03.11 AP.1; 03.12; 03.1231; 03.1311; 03.1325; 03.162; 03.162 AP.1; 03.17; 03.21; 03.21 AP.254; 03.2311; 03.2321; 03.2324; 03.2325; 03.262; 03.262 AP.1; 03.262 AP.2; 03.27; 03.4; 03.6; 03.6 AP.22; 06.22; 06.23; 06.34; 09.2212; 09.31; 09.422; 09.425; 09.42811; 09.433; 10.21

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

Classification: MAJOR

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: YES

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4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT’D.

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

<table>
<thead>
<tr>
<th>Case Facts</th>
<th>1st Occurrence</th>
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</thead>
<tbody>
<tr>
<td>Mostly Mitigating</td>
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<td>Public Reprimand</td>
<td>Suspension</td>
<td>Termination</td>
</tr>
<tr>
<td>Relatively Equal</td>
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<td>Termination</td>
<td>Termination</td>
</tr>
<tr>
<td>Mostly Aggravating</td>
<td>Suspension</td>
<td>Termination</td>
<td>Termination</td>
<td>Termination</td>
</tr>
</tbody>
</table>

Commentary:
1. All incidents potentially involving these grounds must be reported to HR.
2. Some examples of this ECOC 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 KDE/KBOE) where mandated.
4. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC VIOLATIONS-CONT’D.
POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT’D.

THEFT, ABUSE, OR UNAUTHORIZED USE OF PROPERTY

Definition: Defined as 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 a petty cash account.
- Misappropriating materials rightly owned by another party.
- Diverting District technology assets for personal use without authorization.
- Destroying District property in an act of vandalism.
- Abusing a vehicle owned by the District.
- Using District-owned equipment after hours without proper authorization or approval.

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

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

State:
KRS 7.410; 17.160; 17.165; 160.290; 160.340; 160.350; 160.380; 160.410; 161.020; 161.011; 161.030; 161.120; 161.148; 161.790; 171.420; 500.080; 501.010 et seq.; 502.010 et seq.; 504.020 et seq.; 506.010 et seq.; 512.010 et seq.; 514.010 et seq.; 532.005 et seq.; 701 KAR 5:090

KY CESP: 16 KAR 1:020(1); 1:020(3)(a)(3); 1:020(3)(b)(6); 1:020(3)(c)(1)

District Policy:
JCS 01.5; 01.821; 03.11; 03.11 AP.1; 03.112; 03.125; 03.125 AP.2; 03.125 AP.22; 03.1311; 03.1321; 03.1325; 03.17; 03.21; 03.225; 03.225 AP.2; 03.2311; 03.2321; 03.2325; 03.27; 03.4; 03.6; 03.6 AP.22; 04.31; 04.311; 04.3111; 04.312; 04.3122; 04.41; 04.7; 04.8; 04.81; 04.9; 05.48; 05.5; 05.6; 06.1; 06.14; 06.22; 06.23; 07.14; 09.31

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

Classification: MAJOR

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: YES
4.0 ECOC VIOLATIONS-CONT'D.
POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT'D.

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

<table>
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<th>Case Facts</th>
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<td>Suspension</td>
<td>Termination</td>
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<td>Termination</td>
</tr>
</tbody>
</table>

Commentary:

1. All incidents potentially involving these grounds must be reported to HR.
2. Incidents must be reported to the appropriate outside agency (e.g. law enforcement, social services and/or KDE/KBOE) where mandated.
3. See also Education Department General Administrative Regulations (EDGAR 34 CFR §74-86 and 97-99).
4. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT’D.

WEAPONS POLICY VIOLATION

Definition: Defined as any 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:

- Illegally possessing, transporting, exchanging, exhibiting or using any device, instrument or item that: 1). Fires a projectile by means of an explosive or propellant; 2). Contains component(s) that may be converted into such a device; 3). May be reasonably characterized as an offensive or defensive weapon capable of inflicting temporary or permanent injury upon a person; 4). Is used to threaten or attack another person; or 5). Resembles such a weapon.

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


State: KRS 17.160; 17.165; 160.290; 160.340; 160.350; 160.380; 161.011; 161.020; 161.030; 161.120; 161.148; 161.790; 237.030; 237.040; 237.050; 237.060 et seq.; 411.155; 437.030; 500.080; 501.010 et seq.; 502.010 et seq.; 504.020 et seq.; 506.010 et seq.; 527.010 et seq.; 532.005 et seq.; 701 KAR 5:090

KY CESP: 16 KAR 1:020(1); 1:020(3)(a)(3); 1:020(3)(c)(1)

District Policy: JCS 01.5; 03.11; 03.11 AP.1; 03.112; 03.1311; 03.1325; 03.17; 03.21; 03.2311; 03.2325; 03.27; 03.4; 03.6; 03.6 AP.22; 05.21; 05.48; 06.22; 06.23; 09.31

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

Classification: MAJOR

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: YES
4.0 ECOC VIOLATIONS-CONT’D.
POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT’D.

WEAPONS POLICY VIOLATION-CONT’D.

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<tr>
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</tr>
</tbody>
</table>

Commentary:

1. All incidents potentially involving these grounds must be reported to HR.
2. Some examples of this ECOC 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 KDE/KBOE) where mandated.
4. The provisions of KRS 527.070 prohibiting the unlawful possession of a weapon on school property shall not apply to an adult who possesses a firearm, if the firearm is contained within a vehicle operated by the adult and is not removed from the vehicle, except for a purpose permitted herein, or brandished by the adult, or by any other person acting with expressed or implied consent of the adult, while the vehicle is on school property [KRS 527.070(3)(a)].
5. Evidence of intentionality is not a required factor for verifying this ECOC violation.
6. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC VIOLATIONS-CONT’D.

POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT’D.

OTHER CRIMINAL VIOLATION (NON-DISQUALIFYING)

Definition: Defined as any act that does not statutorily render an employee ineligible for employment not specified elsewhere in this section of the ECOC 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) if no transportation duties are required of the employee.

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


KY CESP: 16 KAR 1:020(1); 1:020(3)(a)(3); 1:020(3)(c)(1)

District Policy: Includes JCS 01.5, 03.11, 03.11 AP.1, 03.112, 03.1311, 03.1321, 03.1325, 03.17, 03.21, 03.21 AP.254, 03.2311, 03.2321, 03.2325, 03.27, 03.4, 03.6, 03.6 AP.22, 05.43, 06.22, 06.23, 09.31 and all non-disqualifying district level criminal violations or regulations not otherwise specified

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

Classification: NON-DISQUALIFYING

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: YES
4.0 ECOC VIOLATIONS-CONT’D.
POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT’D.

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

<table>
<thead>
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<td>Termination</td>
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Commentary:
1. All incidents potentially involving these grounds must be reported to HR.
2. Some examples of this ECOC 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 KDE/KBOE) where mandated.
4. For additional information and examples, consult your direct supervisor or HR.
4.0 ECOC VIOLATIONS-CONT’D.
POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT’D.

OTHER CRIMINAL VIOLATION (DISQUALIFYING)

Definition: Defined as any act that statutorily renders an employee ineligible for employment not specified elsewhere in this section of the ECOC that 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 EPSB or the Kentucky Department of Education/Kentucky Board of Education for subsequent consideration for license Suspension, revocation or denial or fingerprint clearance forfeiture.

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


KY CESP: 16 KAR 1:020(1); 1:020(3)(a)(3); 1:020(3)(a)(8); 1:020(3)(c)(1)

District Policy: Includes JCS 01.5, 03.11, 03.11 AP.1, 03.112, 03.1311, 03.1325, 03.17, 03.21, 03.21 AP.254, 03.2311, 03.2325, 03.27, 03.4, 03.6, 03.6 AP.22, 06.22, 06.23, 09.31, 10.5 and all disqualifying district level criminal violations or regulations not otherwise specified

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

Classification: DISQUALIFYING

Initial Case Management: SUPERINTENDENT/DESIGNEE

Mandatory Reporting: YES
4.0 ECOC VIOLATIONS-CONT’D.
POTENTIAL VIOLATIONS OF CRIMINAL LAW-CONT’D.

OTHER CRIMINAL VIOLATION (DISQUALIFYING)-CONT’D.

<table>
<thead>
<tr>
<th>Disciplinary Options: Other Criminal Violation (Disqualifying)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Facts</td>
</tr>
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Commentary:
1. All incidents potentially involving these grounds must be reported to HR.
2. All examples of these ECOC 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 KDE/KBOE) where mandated.
4. For additional information and examples, consult your direct supervisor or HR.
5.0 PROCEDURES FOR INFORMAL DISCIPLINARY ACTIONS

ALERTS

An employee facing an Alert will receive the following:

- **Teacher (or other Certified Employee):**
  - 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 and/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 [JCS 03.132].
  - An explanation of the reason(s) for taking action.
  - A written, signed copy of the action that includes expectations for correction (if any).
  - An opportunity to respond to the action in writing.
  - Notification that more severe discipline may result in the future if the same or similar action(s) or behavior(s) occur.

- **Classified Employee:**
  - 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 and/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 [JCS 03.232].
  - An explanation of the reason(s) for taking action.
  - A written, signed copy of the action that includes expectations for correction (if any).
  - An opportunity to respond to the action in writing [JCS 03.27].
  - Notification that more severe discipline may result in the future if the same or similar action(s) or behavior(s) occur.

Procedural considerations when issuing this type of informal disciplinary action are as follows:

- **Teacher (or other Certified Employee):**
  - **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 employee 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/her reason(s) for proceeding with the action.
    - Reference any aggravating and/or 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.

  **NOTE:** If signature is refused, the refusal will be dated and witnessed on the documentation.

  - **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 [JCS 03.132]. Any written response must be attached to the documentation of the action.

**NOTE:** There is no provision for the appeal of this action under state statute. Additionally, the Board of Education will not hear any grievance concerning personnel action taken by the Superintendent or his/her designee unless the grievance is based on an alleged violation of constitutional, statutory, regulatory or policy provisions [JCS 03.16, 03.16 AP.1 and 03.16 AP.2]. The Board of Education shall not hear grievances concerning simple disagreement or dissatisfaction with a personnel action [JCS 03.16, 03.16 AP.1 and 03.16 AP.2].
5.0 PROCEDURES FOR INFORMAL DISCIPLINARY ACTIONS-CONT’D.
ALERTS-CONT’D.

- **Classified Employee:**
  - **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 employee 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/her reason(s) for proceeding with the action.
    - Reference any aggravating and/or mitigating factors considered prior to making the decision.
    - Review the documentation with the employee [JCS 03.27 AP.1].
    - Request written acknowledgement of receipt of the action.

  *NOTE:* If signature is refused, the refusal will be dated and witnessed on the documentation.

  - **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 [JCS 03.232 and 03.27]. Any written response must be attached to the documentation of the action [JCS 03.27 and 03.27 AP.1].

  *NOTE:* There is no provision for the appeal of this action under state statute. Additionally, the Board of Education will not hear any grievance concerning personnel actions taken by the Superintendent or his/her designee, unless the grievance is based on an alleged violation of constitutional, statutory, regulatory or policy provisions [JCS 03.26, and 03.26 AP.1]. The Board of Education shall not hear grievances concerning simple disagreement or dissatisfaction with a personnel action [JCS 03.26 and 03.26 AP.1].

Post-action considerations include the following:

- **Teacher (or other Certified Employee):**
  - **Reporting.** Events shall be reported as follows:

    | Reporting Requirements: Alerts |
    |-----------------------------|
    | Entity                        |
    | JCS Board of Education       | NO |
    | Kentucky Commissioner of Education | NO |
    | EPSB                          | NO |

  - **Records Management.** Documentation associated with the action will remain in an Unofficial Supervisor's File (or “USF”). Employee access, external inquiry, inspection exclusion and safeguard provisions apply under state statute and District policy.
  - **Expiration of Action.** There is no provision for the automatic expiration of this action under state statute or District policy; however, the action shall automatically expire after 3 (three) calendar years if no further documented violations have been noted during that time.

  Additional considerations include the following:

  - An expired action may not be used to justify progressive discipline on the same or substantially similar grounds in the future.
  - Physical removal of the documentation associated with the action may be subject to applicable open records and records maintenance provisions under state statute.
5.0 PROCEDURES FOR INFORMAL DISCIPLINARY ACTIONS-CONT’D.
ALERTS-CONT’D.

and District policy.

To process an expired action, the supervisor must:

- Move all documentation associated with the action from the “active” portion of the USF to the “inactive” portion of the USF.

  o Withdrawal of Action. There is no provision for the withdrawal of this action under state statute or District policy; however, withdrawal of the action may be considered if all of the following conditions are met:

    - No further action was taken on the case after a minimum of 1 (one) calendar year.
    - The employee submits a signed and dated request to the current supervisor outlining the reason(s) why the employee believes the withdrawal is warranted which states that the employee will adhere to the requirements of the expected behavior in the future.
    - The issuing supervisor and/or the employee’s current supervisor deems that the withdrawal was submitted appropriately.
    - The written withdrawal request is retained by the supervisor.

Additional considerations include the following:

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

To process a withdrawn action, the supervisor must:

- Retain the original withdrawal request in the “active” portion of the USF.
- Attach a copy of the withdrawal request to the original documentation associated with the action.
- Move the copy of the withdrawal request and the original documentation associated with the action from the “active” portion of the USF to the “inactive” portion of the USF.
- Advise the employee in writing within a reasonable timeframe that: 1) The withdrawal was completed; 2) The original withdrawal request was retained in the “active” portion of the USF; and 3) The action may still be subject to progressive discipline in the future if warranted.

• **Classified Employee:**

  o Reporting. Events shall be reported as follows:

<table>
<thead>
<tr>
<th>Reporting Requirements:</th>
<th>Alerts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entity</td>
<td>Required?</td>
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<tr>
<td>JCS Board of Education</td>
<td>NO</td>
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</table>

  o Records Management. Documentation associated with the action will remain in an Unofficial Supervisor’s File (or “USF”). Employee access, external inquiry, inspection exclusion and safeguard provisions apply under state statute and District policy.

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5.0 PROCEDURES FOR INFORMAL DISCIPLINARY ACTIONS-CONT’D.

ALERTS-CONT’D.

- **Expiration of Action.** There is no provision for the automatic expiration of this action under state statute or District policy; however, the action shall automatically expire after 3 (three) calendar years if no further documented violations have been noted during that time.

  Additional considerations include the following:
  
  - An expired action **may not** be used to justify progressive discipline on the same or substantially similar grounds in the future.
  - Physical removal of the documentation associated with the action may be subject to applicable open records and records maintenance provisions under state statute and District policy.

  To process an expired action, the supervisor must:
  
  - Move all documentation associated with the action from the “active” portion of the USF to the “inactive” portion of the USF.

- **Withdrawal of Action.** There is no provision for the withdrawal of this action under state statute or District policy; however, withdrawal of the action may be considered if all of the following conditions are met:

  - No further action was taken on the case after a minimum of 1 (one) calendar year.
  - The employee submits a signed and dated request to the current supervisor outlining the reason(s) why the employee believes the withdrawal is warranted which states that the employee will adhere to the requirements of the expected behavior in the future.
  - The issuing supervisor and/or the employee’s current supervisor deems that the withdrawal was submitted appropriately.
  - The written withdrawal request is retained by the supervisor.

  Additional considerations include the following:
  
  - The supervisor is under no obligation to withdraw the action.
  - A withdrawn action **may be used** to justify progressive discipline on the same or substantially similar grounds in the future.
  - Physical removal of the documentation associated with the action may be subject to applicable open records and records maintenance provisions under state statute and District policy.

  To process a withdrawn action, the supervisor must:
  
  - Retain the original withdrawal request in the “active” portion of the USF.
  - Attach a copy of the withdrawal request to the original documentation associated with the action.
  - Move the copy of the withdrawal request and the original documentation associated with the action from the “active” portion of the USF to the “inactive” portion of the USF.
  - Advise the employee in writing within a reasonable timeframe that: 1) The withdrawal was completed; 2) The original withdrawal request was retained in the “active” portion of the USF; and 3) The action may still be subject to progressive discipline in the future if warranted.
5.0 PROCEDURES FOR INFORMAL DISCIPLINARY ACTIONS-CONT’D.

WARNINGS

An employee facing a Warning will receive the following:

- **Teacher (or other Certified Employee):**
  - 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 [JCS 03.132].
  - An explanation of the reason(s) for taking action.
  - A written, signed copy of the action that includes expectations for correction (if any).
  - An opportunity to respond to the action in writing.
  - Notification that more severe discipline may result in the future if the same or similar action(s) or behavior(s) occur.

- **Classified Employee:**
  - 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 [JCS 03.232].
  - An explanation of the reason(s) for taking action.
  - A written, signed copy of the action that includes expectations for correction (if any).
  - An opportunity to respond to the action in writing [JCS 03.27].
  - Notification that more severe discipline may result in the future if the same or similar action(s) or behavior(s) occur.

Procedural considerations when issuing this type of informal disciplinary action are as follows:

- **Teacher (or other Certified Employee):**
  - **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 employee 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/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 [JCS 03.132].
    - Request written acknowledgement of receipt of the action from the employee.

    **NOTE:** If signature is refused, the refusal will be dated and witnessed on the documentation.

  - **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 [JCS 03.132]. Any written response must be attached to the documentation of the action.

**NOTE:** There is no provision for the appeal of this action under state statute. Additionally, the Board of Education will not hear any grievance concerning personnel action taken by the Superintendent or his/her designee unless the grievance is based on an alleged violation of constitutional, statutory, regulatory or policy provisions [JCS 03.16, 03.16 AP.1 and 03.16 AP.2]. The Board of Education shall not hear grievances concerning simple disagreement or dissatisfaction with a personnel action [JCS 03.16, 03.16 AP.1 and 03.16 AP.2].
5.0 PROCEDURES FOR INFORMAL DISCIPLINARY ACTIONS-CONT’D.
WARNINGS-CONT’D.

• **Classified Employee:**
  
  o **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 employee discipline that warrant this type of action.

  o **During Action.** The supervisor will:
    
    ▪ Document the action (see Appendix 5.02).
    ▪ Meet with the employee within a reasonable timeframe.
    ▪ State his/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 [JCS 03.27 AP.1].
    ▪ Request written acknowledgement of receipt of the action.

    **NOTE:** If signature is refused, the refusal will be dated and witnessed on the documentation.

  o **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 [JCS 03.232 and 03.27]. Any written response must be attached to the documentation of the action [JCS 03.27 and 03.27 AP.1].

    **NOTE:** There is no provision for the appeal of this action under state statute. Additionally, the Board of Education will not hear any grievance concerning personnel actions taken by the Superintendent or his/her designee unless the grievance is based on an alleged violation of constitutional, statutory, regulatory or policy provisions [JCS 03.26 and 03.26 AP.1]. The Board of Education shall not hear grievances concerning simple disagreement or dissatisfaction with a personnel action [JCS 03.26 and 03.26 AP.1].

Post-action considerations include the following:

• **Teacher (or other Certified Employee):**
  
  o **Reporting.** Events shall be reported as follows:

<table>
<thead>
<tr>
<th>Reporting Requirements: Warnings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entity</td>
</tr>
<tr>
<td>----------------------------------</td>
</tr>
<tr>
<td>JCS Board of Education</td>
</tr>
<tr>
<td>Kentucky Commissioner of Education</td>
</tr>
<tr>
<td>EPSB</td>
</tr>
</tbody>
</table>

  o **Records Management.** Documentation associated with the action will remain in an Unofficial Supervisor’s File (or “USF”). Employee access, external inquiry, inspection exclusion and safeguard provisions apply under state statute and District policy.

  o **Expiration of Action.** There is no provision for the automatic expiration of this action under state statute or District policy; however, the action shall automatically expire after 3 (three) calendar years if no further documented violations have been noted during that time.

Additional considerations include the following:

- An expired action may not be used to justify progressive discipline on the same or substantially similar grounds in the future.
- Physical removal of the documentation associated with the action may be subject to applicable open records and records maintenance provisions under state statute.
5.0 PROCEDURES FOR INFORMAL DISCIPLINARY ACTIONS-CONT’D.

WARNINGS-CONT’D.

and District policy.

To process an expired action, the supervisor must:

- Move all documentation associated with the action from the “active” portion of the USF to the “inactive” portion of the USF.

  o Withdrawal of Action. There is no provision for the withdrawal of this action under state statute or District policy; however, withdrawal of the action may be considered if all of the following conditions are met:

    - No further action was taken on the case after a minimum of 1 (one) calendar year.
    - The employee submits a signed and dated request to the current supervisor outlining the reason(s) why the employee believes the withdrawal is warranted which states that the employee will adhere to the requirements of the expected behavior in the future.
    - The issuing supervisor and/or the employee’s current supervisor deems that the withdrawal was submitted appropriately.
    - The written withdrawal request is retained by the supervisor.

Additional considerations include the following:

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

To process a withdrawn action, the supervisor must:

- Retain the original withdrawal request in the “active” portion of the USF.
- Attach a copy of the withdrawal request to the original documentation associated with the action.
- Move the copy of the withdrawal request and the original documentation associated with the action from the “active” portion of the USF to the “inactive” portion of the USF.
- Advise the employee in writing within a reasonable timeframe that: 1) The withdrawal was completed; 2) The original withdrawal request was retained in the “active” portion of the USF; and 3) The action may still be subject to progressive discipline in the future if warranted.

• **Classified Employee:**

  o Reporting. Events shall be reported as follows:

<table>
<thead>
<tr>
<th>Reporting Requirements: Warnings</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Entity</strong></td>
</tr>
<tr>
<td>JCS Board of Education</td>
</tr>
</tbody>
</table>

  o Records Management. Documentation associated with the action will remain in an Unofficial Supervisor’s File (or “USF”). Employee access, external inquiry, inspection exclusion and safeguard provisions apply under state statute and District policy.
5.0 PROCEDURES FOR INFORMAL DISCIPLINARY ACTIONS-CONT’D.

WARNINGS-CONT’D.

- **Expiration of Action.** There is no provision for the automatic expiration of this action under state statute or District policy; however, the action shall automatically expire after 3 (three) calendar years if no further documented violations have been noted during that time.

  Additional considerations include the following:
  - An expired action **may not** be used to justify progressive discipline on the same or substantially similar grounds in the future.
  - Physical removal of the documentation associated with the action may be subject to applicable open records and records maintenance provisions under state statute and District policy.

  To process an expired action, the supervisor must:
  - Move all documentation associated with the action from the “active” portion of the [USF](#) to the “inactive” portion of the [USF](#).

- **Withdrawal of Action.** There is no provision for the withdrawal of this action under state statute or District policy; however, withdrawal of the action may be considered if all of the following conditions are met:
  - No further action was taken on the case after a minimum of 1 (one) calendar year.
  - The employee submits a signed and dated request to the current supervisor outlining the reason(s) why the employee believes the withdrawal is warranted which states that the employee will adhere to the requirements of the expected behavior in the future.
  - The issuing supervisor and/or the employee’s current supervisor deems that the withdrawal was submitted appropriately.
  - The written withdrawal request is retained by the supervisor.

  Additional considerations include the following:
  - The supervisor is under no obligation to withdraw the action.
  - A withdrawn action **may** be used to justify progressive discipline on the same or substantially similar grounds in the future.
  - Physical removal of the documentation associated with the action may be subject to applicable open records and records maintenance provisions under state statute and District policy.

  To process a withdrawn action, the supervisor must:
  - Retain the original withdrawal request in the “active” portion of the [USF](#).
  - Attach a copy of the withdrawal request to the original documentation associated with the action.
  - Move the copy of the withdrawal request and the original documentation associated with the action from the “active” portion of the [USF](#) to the “inactive” portion of the [USF](#).
  - Advise the employee in writing within a reasonable timeframe that: 1) The withdrawal was completed; 2) The original withdrawal request was retained in the “active” portion of the [USF](#); and 3) The action may still be subject to progressive discipline in the future if warranted.
6.0 PROCEDURES FOR NON-DISCIPLINARY ACTIONS

ADMINISTRATIVE LEAVE (WITH PAY)

Procedural considerations for this non-disciplinary action are as follows:

- **Teacher (or other Certified Employee):** A Certified Employee shall be suspended with pay only when the Superintendent determines there is a justifiable need for an investigation of alleged employee actions necessary to protect the safety of students and staff or to prevent significant disruption of the workplace and/or educational process [JCS 03.173 and 03.1325]. The period of suspension with pay shall not exceed the time needed to determine whether the Certified Employee is to return to active service or face disciplinary action [JCS 03.173]. The Certified Employee suspended with pay shall remain available for immediate recall to active service [JCS 03.173].

  NOTE: Suspension with pay shall not be viewed as disciplinary action [JCS 03.173].

- **Classified Employee:** A Classified Employee may be relieved from duty for the remainder of the work day, without loss of pay for the affected portion of the day, by his or her immediate supervisor, pending a review of the facts or allegations, when such time is needed to protect health or welfare of students or staff or to prevent disruption of the educational process [JCS 03.27 and 03.2325]. A Classified Employee shall be suspended with pay only when the Superintendent determines there is a justifiable need to protect the health, safety or welfare of students and staff or to prevent significant disruption of the workplace and/or educational process [JCS 03.27]. The period of suspension with pay shall not exceed the time needed to determine whether the Classified Employee is to return to active service or face disciplinary action; however, suspension with pay shall not exceed 10 (ten) working days [JCS 03.27]. The Classified Employee suspended with pay shall remain available for immediate recall to active service [JCS 03.27].

  NOTE: If circumstances arise that require an investigation or other proceedings that may extend beyond ten 10 (ten) working days, the Superintendent may lengthen the period of suspension with pay not to exceed an additional 15 (fifteen) working days [JCS 03.27]. Suspension with pay shall not be viewed as disciplinary action.

ADMINISTRATIVE LEAVE (WITHOUT PAY)

Procedural considerations for this non-disciplinary action are as follows:

- **Teacher (or other Certified Employee):** The Superintendent may suspend a Teacher pending final action to terminate the contract, if, in his or her judgment, the character of the charge(s) warrant(s) the action [KRS 161.790(8); JCS 03.173]. The suspension shall be without pay [JCS 0.173]. If after the hearing the decision of the Tribunal is against the Termination of Contract, the suspended Teacher shall be reinstated and paid his or her full salary for any period of suspension [KRS 161.790(8); JCS 03.173 and 03.174] (see Appendix 7.02).

- **Classified Employee:** In determining to impose a suspension without pay pending disposition of any employee request for a hearing, the Superintendent or designated investigator shall review whether the conduct at issue gives rise to the need to protect the health, welfare or safety of staff and/or students or the orderly, efficient, and lawful operation of the educational process [JCS 03.27 and 03.27 AP.1]. In cases where the Superintendent will serve as the hearing authority (i.e., he or she will not serve as the investigator), the investigator may include a recommendation for suspension without pay pending disposition of any Classified Employee request for a hearing in the report if he or she determines that the conduct at issue gives rise to the need to protect the health, welfare, or safety of staff and/or students or the orderly, efficient, and lawful operation of the educational process [JCS 03.27 and 03.27 AP.1]. If the investigator recommends a suspension without pay pending disposition of any Classified Employee request for a hearing, the investigator shall provide the classified employee an opportunity for a conference to discuss the allegations and potential suspension without pay [JCS 03.27 and 03.27 AP.1]. This opportunity for a conference shall be provided before the Superintendent imposes a suspension without pay pending.

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disposition of any employee request for a hearing [JCS 03.27 and 03.27 AP.1]. In the conference, the investigator will provide oral or written notice of the violation of the “Causes for Action” constituting Cause for the suspension without pay pending disposition of any Classified Employee request for a hearing, an explanation of the evidence supporting such violation if the Classified Employee denies it, and an opportunity for the Classified Employee to present his/her version of the facts relating to the violation [JCS 03.27 and 03.27 AP.1].

NOTE: In cases where the Superintendent will not serve as the hearing authority (i.e., he or she will serve as the investigator), the steps above shall be completed by the Superintendent [JCS 03.27 AP.1].

Post-action considerations include the following:

- **Teacher (or other Certified Employee):**
  - **Reporting.** Events shall be reported as follows:

<table>
<thead>
<tr>
<th>Reporting Requirements: Administrative Leave (Without Pay)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entity</td>
</tr>
<tr>
<td>JCS Board of Education</td>
</tr>
<tr>
<td>Kentucky Commissioner of Education</td>
</tr>
<tr>
<td>EPSB</td>
</tr>
</tbody>
</table>

- **Classified Employee:**
  - **Reporting.** Events shall be reported as follows:

<table>
<thead>
<tr>
<th>Reporting Requirements: Administrative Leave (Without Pay)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entity</td>
</tr>
<tr>
<td>JCS Board of Education</td>
</tr>
</tbody>
</table>

**ADMINISTRATIVE REASSIGNMENT**

Procedural considerations for this non-disciplinary disciplinary action are as follows:

- **Teacher (or other Certified Employee):** The employee shall continue to be paid at the same rate of pay he or she received prior to the transfer [KRS 160.380(12); JCS 03.1311]. If an employee is charged with an offense outside of the Commonwealth, this provision may also be applied if the charge would have been treated as a felony if committed within the Commonwealth [KRS 160.380(12); JCS 03.1311]. Transfers shall be made to prevent disruption of the educational process and District operations and in the interest of students and staff and shall not be construed as evidence of misconduct KRS 160.380(12); JCS 03.1311].

- **Classified Employee:** There is no provision for this action under state statute. Under District policy, a Classified Employee may be subject to Reassignment [JCS 03.27].
7.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS
PRIVATE REPRIMANDS

An employee facing a Private Reprimand will receive the following:

- **Teacher (or other Certified Employee):**
  - 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 Superintendent or his/her designee in a private location [JCS 03.132].
  - An explanation of the reason(s) for taking action.
  - A written, signed copy of the action that includes expectations for correction (if any).
  - An opportunity to respond to the action in writing.
  - Notification that more severe discipline may result in the future if the same or similar action(s) or behavior(s) occur.

- **Classified Employee:**
  - 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 Superintendent or his/her designee in a private location [JCS 03.232].
  - An explanation of the reason(s) for taking action.
  - A written, signed copy of the action that includes expectations for correction (if any).
  - An opportunity to respond to the action in writing [JCS 03.27].
  - Notification that more severe discipline may result in the future if the same or similar action(s) or behavior(s) occur.

Procedural considerations when issuing type of formal disciplinary action are as follows:

- **Teacher (or other Certified Employee):** As an alternative to Termination of Contract, the Superintendent may impose other sanctions, including a Private Reprimand [KRS 161.790(10); JCS 03.17 and 03.172].
  - **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 employee 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 7.01).
    - Meet with the employee within a reasonable timeframe.
    - State his/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.

    **NOTE:** If signature is refused, the refusal will be dated and witnessed on the documentation.

  - **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 [JCS 03.132].
7.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS-CONT’D.
PRIVATE REPRIMANDS-CONT’D.

Any written response must be attached to the documentation of the action.

NOTE: There is no provision for the appeal of this action under state statute. Additionally, the Board of Education will not hear any grievance concerning personnel action taken by the Superintendent unless the grievance is based on an alleged violation of constitutional, statutory, regulatory or policy provisions [JCS 03.16, 03.16 AP.1 and 03.16 AP.2]. The Board of Education shall not hear grievances concerning simple disagreement or dissatisfaction with a personnel action [JCS 03.16, 03.16 AP.1 and 03.16 AP.2].

- **Classified Employee:**
  - **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 employee 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 7.01).
    - Meet with the employee within a reasonable timeframe.
    - State his/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 [JCS 03.27 AP.1].
    - Request written acknowledgement of receipt of the action.

    **NOTE:** If signature is refused, the refusal will be dated and witnessed on the documentation.

  - **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 [JCS 03.27]. Any written response must be attached to the documentation of the action [JCS 03.27 and 03.27 AP.1].

    **NOTE:** There is no provision for the appeal of this action under state statute. Additionally, the Board of Education will not hear any grievance concerning personnel actions taken by the Superintendent or his/her designee, unless the grievance is based on an alleged violation of constitutional, statutory, regulatory or policy provisions [JCS 03.26 and 03.26 AP.1]. The Board of Education shall not hear grievances concerning simple disagreement or dissatisfaction with a personnel action [JCS 03.26 and 03.26 AP.1].

Post-action considerations include the following:

- **Teacher (or other Certified Employee):**
  - **Reporting.** Events shall be reported as follows:

    | Entity                           | Required? |
    |---------------------------------|-----------|
    | JCS Board of Education          | NO        |
    | Kentucky Commissioner of Education | NO       |
    | EPSB                            | VARIABLE  |

  - **Records Management.** Documentation associated with the action will remain in the Official Personnel File (or "OPF"). Employee access, external inquiry, inspection exclusion and safeguard provisions apply under state statute and District policy.
  - **Expiration of Action.** There is no provision for the automatic expiration of this action for progressive discipline purposes under state statute or District policy.
7.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS-CONT’D.  
PRIVATE REPRIMANDS-CONT’D.

- Withdrawal of Action. There is no provision for the withdrawal of this action under state statute or District policy.

- **Classified Employee:**

  - Reporting. Events shall be reported as follows:

<table>
<thead>
<tr>
<th>Entity</th>
<th>Required?</th>
</tr>
</thead>
<tbody>
<tr>
<td>JCS Board of Education</td>
<td>NO</td>
</tr>
</tbody>
</table>

- Records Management. Documentation associated with the action will remain in the **Official Personnel File (or “OPF”).** Employee access, external inquiry, inspection exclusion and safeguard provisions apply under state statute and District policy.

- Expiration of Action. There is no provision for the automatic expiration of this action for progressive discipline purposes under state statute or District policy.

- Withdrawal of Action. There is no provision for the withdrawal of this action under state statute or District policy.

- Reporting. Events shall be reported as follows:
7.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS-CONT’D.
PRIVATE REPRIMANDS-CONT’D.
An employee facing a Public Reprimand will receive the following:

- **Teacher (or other Certified Employee):**
  - A written statement of charge(s) and notice of pending action.
  - An opportunity for a hearing before a state-appointed Tribunal.
  - An opportunity for representation by counsel at the employee’s expense.
  - An opportunity to hear and present evidence at any hearing.
  - An opportunity to call and cross-examine witnesses at any hearing.
  - Notice of the final action within a specified timeframe.
  - An opportunity to appeal an adverse decision.

- **Classified Employee:**
  - A written statement of charge(s) and notice of pending action.
  - An opportunity for a hearing before either the Superintendent or an impartial Hearing Officer.
  - An opportunity for representation by counsel at the employee's expense.
  - An opportunity to hear and present evidence at any hearing.
  - An opportunity to call and cross-examine witnesses at any hearing.
  - Notice of the final action within a specified timeframe.
  - An opportunity to appeal an adverse decision.

Procedural considerations when issuing this type of formal disciplinary action are as follows:

- **Teacher (or other Certified Employee):** As an alternative to Termination of Contract, the Superintendent, upon notifying the Board of Education and providing written notification to the Teacher (or other Certified Employee) of the charge(s), may impose other sanctions, including a Public Reprimand [KRS 161.790(10); JCS 03.17 and 03.172]. The due process set out in KRS 161.790(3) et seq. shall apply if a Teacher (or other Certified Employee) is publicly reprimanded [KRS 161.790(10); JCS 03.17] (see Appendix 7.02).

  **NOTE:** The Teacher (or other Certified Employee) may appeal the action of the Superintendent if this sanction is imposed in the same manner as established in KRS 161.790(4) to (9) [KRS 161.790(10)].

- **Classified Employee:** The due process set out in JCS 03.27 and 03.27 AP.1 shall apply if a Classified Employee is publicly reprimanded (see Appendix 7.03).

  **NOTE:** There is no provision for the appeal of this action under state statute. Additionally, the Board of Education will not hear any grievance concerning personnel actions taken by the Superintendent, unless the grievance is based on an alleged violation of constitutional, statutory, regulatory or policy provisions [JCS 03.26 and 03.26 AP.1]. The Board of Education shall not hear grievances concerning simple disagreement or dissatisfaction with a personnel action [JCS 03.26 and 03.26 AP.1].

Post-action considerations include the following:

- **Teacher (or other Certified Employee):**
  - **Reporting.** Events shall be reported as follows:

<table>
<thead>
<tr>
<th>Reporting Requirements: Public Reprimands</th>
<th>Entity</th>
<th>Required?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>JCS Board of Education</td>
<td>YES</td>
</tr>
<tr>
<td></td>
<td>Kentucky Commissioner of Education</td>
<td>YES</td>
</tr>
</tbody>
</table>
7.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS-CONT’D.
PUBLIC REPRIMANDS-CONT’D.

<table>
<thead>
<tr>
<th>EPSB</th>
<th>VARIABLE</th>
</tr>
</thead>
</table>

- **Records Management.** Documentation associated with the action will remain in the Official Personnel File (or “OPF”). Employee access, external inquiry, inspection exclusion and safeguard provisions apply under state statute and District policy.
- **Expiration of Action.** There is no provision for the automatic expiration of this action for progressive discipline purposes under state statute or District policy.
- **Withdrawal of Action.** There is no provision for the withdrawal of this action under state statute or District policy.

- **Classified Employee:**
  - **Reporting.** Events shall be reported as follows:

<table>
<thead>
<tr>
<th>Entity</th>
<th>Required?</th>
</tr>
</thead>
<tbody>
<tr>
<td>JCS Board of Education</td>
<td>YES</td>
</tr>
</tbody>
</table>

- **Records Management.** Documentation associated with the action will remain in the Official Personnel File (or “OPF”). Employee access, external inquiry, inspection exclusion and safeguard provisions apply under state statute and District policy.
- **Expiration of Action.** There is no provision for the automatic expiration of this action for progressive discipline purposes under state statute or District policy.
- **Withdrawal of Action.** There is no provision for the withdrawal of this action under state statute or District policy.
7.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS-CONT’D.

SUSPENSIONS

An employee facing a Suspension will receive the following:

- **Teacher** (or other Certified Employee):
  - A written statement of charge(s) and notice of pending action.
  - An opportunity for a hearing before a state-appointed Tribunal.
  - An opportunity for representation by counsel at the employee’s expense.
  - An opportunity to hear and present evidence at any hearing.
  - An opportunity to call and cross-examine witnesses at any hearing.
  - Notice of the final action within a specified timeframe.
  - An opportunity to appeal an adverse decision.

- **Classified Employee**:
  - A written statement of charge(s) and notice of pending action.
  - An opportunity for a hearing before either the Superintendent or an impartial Hearing Officer.
  - An opportunity for representation by counsel at the employee’s expense.
  - An opportunity to hear and present evidence at any hearing.
  - An opportunity to call and cross-examine witnesses at any hearing.
  - Notice of the final action within a specified timeframe.
  - An opportunity to appeal an adverse decision.

Procedural considerations when issuing this type of formal disciplinary action are as follows:

- **Teacher** (or other Certified Employee): As an alternative to Termination of Contract, the Superintendent, upon notifying the Board of Education and providing written notification to the Teacher (or other Certified Employee) of the charge(s), may impose other sanctions, including a Suspension without pay [KRS 161.790(10); JCS 03.17, 03.172 and 03.173]. The due process set out in KRS 161.790(3) et seq. shall apply if a Teacher (or other Certified Employee) is suspended without pay [KRS 161.790(10); JCS 03.17]. Upon completion of the Suspension period, the Teacher may be reinstated [KRS 161.790(10); JCS 03.17 and 03.174] (see Appendix 7.02).

  **NOTE:** The Teacher (or other Certified Employee) may appeal the action of the Superintendent if this sanction is imposed in the same manner as established in KRS 161.790(4) to (9) [KRS 161.790(10)].

- **Classified Employee**: The due process set out in JCS 03.27 and 03.27 AP.1 shall apply if a Classified Employee is suspended without pay (see Appendix 7.03). Upon completion of the Suspension period, the Classified Employee may be reinstated.

  **NOTE:** There is no provision for the appeal of this action under state statute. Additionally, the Board of Education will not hear any grievance concerning personnel actions taken by the Superintendent unless the grievance is based on an alleged violation of constitutional, statutory, regulatory or policy provisions [JCS 03.26 and 03.26 AP.1]. The Board of Education shall not hear grievances concerning simple disagreement or dissatisfaction with a personnel action [JCS 03.26 and 03.26 AP.1].

Post-action considerations include the following:

- **Teacher** (or other Certified Employee):
  - Reporting. Events shall be reported as follows:

<table>
<thead>
<tr>
<th>Reporting Requirements: Suspensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entity</td>
</tr>
<tr>
<td>JCS Board of Education</td>
</tr>
<tr>
<td>Kentucky Commissioner of Education</td>
</tr>
</tbody>
</table>

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7.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS-CONT’D.
SUSPENSIONS-CONT’D.

o **Records Management.** Documentation associated with the action will remain in the Official Personnel File (or “OPF”). Employee access, external inquiry, inspection exclusion and safeguard provisions apply under state statute and District policy.

o **Expiration of Action.** There is no provision for the automatic expiration of this action for progressive discipline purposes under state statute or District policy.

o **Withdrawal of Action.** There is no provision for the withdrawal of this action under state statute or District policy.

• **Classified Employee:**

  o **Reporting.** Events shall be reported as follows:

<table>
<thead>
<tr>
<th>Reporting Requirements: Suspensions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Entity</strong></td>
</tr>
<tr>
<td>JCS Board of Education</td>
</tr>
</tbody>
</table>

o **Records Management.** Documentation associated with the action will remain in the Official Personnel File (or “OPF”). Employee access, external inquiry, inspection exclusion and safeguard provisions apply under state statute and District policy.

o **Expiration of Action.** There is no provision for the automatic expiration of this action for progressive discipline purposes under state statute or District policy.

o **Withdrawal of Action.** There is no provision for the withdrawal of this action under state statute or District policy.
7.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS-CONT’D. 

TERMINATIONS

An employee facing a Termination of Contract will receive the following:

- **Teacher** (or other **Certified Employee**):
  - A written statement of charge(s) and notice of pending action.
  - An opportunity for a hearing before a state-appointed Tribunal.
  - An opportunity for representation by counsel at the employee’s expense.
  - An opportunity to hear and present evidence at any hearing.
  - An opportunity to call and cross-examine witnesses at any hearing.
  - Notice of the final action within a specified timeframe.
  - An opportunity to appeal an adverse decision.

- **Classified Employee**:
  - A written statement of charge(s) and notice of pending action.
  - An opportunity for a hearing before either the Superintendent or an impartial Hearing Officer.
  - An opportunity for representation by counsel at the employee’s expense.
  - An opportunity to hear and present evidence at any hearing.
  - An opportunity to call and cross-examine witnesses at any hearing.
  - Notice of the final action within a specified timeframe.
  - An opportunity to appeal an adverse decision.

Procedural considerations when issuing this type of formal disciplinary action are as follows:

- **Teacher** (or other **Certified Employee**): No contract shall be terminated except upon notification of the Board of Education by the Superintendent [KRS 161.790(3); JCS 03.17]. The due process set out in KRS 161.790(3) et seq. shall apply if a Teacher (or other Certified Employee) is terminated [KRS 161.790; 701 KAR 5:090; JCS 03.17] (see Appendix 7.02). 
  
  **NOTE:** The Teacher (or other Certified Employee) may appeal the action of the Superintendent [KRS 161.790].

- **Classified Employee**: The due process set out in JCS 03.27 and 03.27 AP.1 shall apply if a Classified Employee is terminated (see Appendix 7.03).
  
  **NOTE:** There is no provision for the appeal of this action under state statute. Additionally, the Board of Education will not hear any grievance concerning personnel actions taken by the Superintendent, unless the grievance is based on an alleged violation of constitutional, statutory, regulatory or policy provisions [JCS 03.26 and 03.26 AP.1]. The Board of Education shall not hear grievances concerning simple disagreement or dissatisfaction with a personnel action [JCS 03.26 and 03.26 AP.1].

Post-action considerations include the following:

- **Teacher** (or other **Certified Employee**):
  - Reporting. Events shall be reported as follows:

<table>
<thead>
<tr>
<th>Reporting Requirements: Terminations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entity</td>
</tr>
<tr>
<td>JCS Board of Education</td>
</tr>
<tr>
<td>Kentucky Commissioner of Education</td>
</tr>
<tr>
<td>EPSB</td>
</tr>
</tbody>
</table>
7.0 PROCEDURES FOR FORMAL DISCIPLINARY ACTIONS-CONT’D.

TERMINATIONS-CONT’D.

- **Records Management.** Documentation associated with the action will remain in the [Official Personnel File (or “OPF”)](#). Employee access, external inquiry, inspection exclusion and safeguard provisions apply under state statute and District policy.

- **Expiration of Action.** There is no provision for the automatic expiration of this action for progressive discipline purposes under state statute or District policy.

- **Withdrawal of Action.** There is no provision for the withdrawal of this action under state statute or District policy.

- **Classified Employee:**

  - **Reporting.** Events shall be reported as follows:

    | Reporting Requirements: | Entity | Required? |
    |-------------------------|--------|-----------|
    | Terminations            | JCS Board of Education | YES       |

- **Records Management.** Documentation associated with the action will remain in the [Official Personnel File (or “OPF”)](#). Employee access, external inquiry, inspection exclusion and safeguard provisions apply under state statute and District policy.

- **Expiration of Action.** There is no provision for the automatic expiration of this action for progressive discipline purposes under state statute or District policy.

- **Withdrawal of Action.** There is no provision for the withdrawal of this action under state statute or District policy.
8.0 PROCEDURES FOR OTHER ACTIONS
NON-RENEWALS

Considerations for this action are as follows:

- **Teacher (or other Certified Employee):**
  - Continuing Service Contract. There is no provision for this action under state statute or District policy.
  - Limited Contract.
    - **Before Action.** The Principal (or immediate supervisor) shall provide the Superintendent with notice of the recommendation of non-renewal by a date established by the Superintendent [KRS 161.750; JCS 03.17 and 03.4].
    - **During Action.** Non-renewal of the Limited Contract of a Certified Employee shall be made no later than May 15 in compliance with the requirements of KRS 161.750 [KRS 161.750; JCS 03.17 and 03.4].
    - **After Action.** Upon completion of the action: 1) An exit interview may be attempted; and 2) No additional documents and/or adverse materials shall be placed in the OPF.

- **Classified Employee:**
  - Term Contract; Service Over Four Years. The contract may be non-renewed for: 1) Incompetency; 2) Neglect of duty; 3) Insubordination; 4) Inefficiency; 5) Misconduct; 6) Immorality; 7) Other grounds contained in Board of Education policy, including, but not limited to, Causes for Action set forth in JCS 03.27; 8) Loss or reduction of funding; or 9) Obsolescence or redundancy of position due to program reorganization, changes to program requirements, elimination or reduction of a program (including a Council decision that fewer employees are needed at the school or any other change in District personnel staffing policies or guidelines) [KRS 161.011(7) and (8); JCS 03.27, 03.271 and 03.2711].
    - **Before Action.** The Principal (or immediate supervisor) shall provide the Superintendent with notice of recommended non-renewals by the date established by the Superintendent [JCS 03.2711].
    - **During Action.** An employee who has completed 4 (four) years of continuous active service, upon written notice which is provided or mailed to the employee by the Superintendent, no later than May 15, that the contract is not being renewed due to 1 (one) or more of the Causes for Action described in KRS 161.011(7) [KRS 161.011(5)(b)].
    - **After Action.** Upon written request within 10 (ten) calendar days of the receipt of the Notice of Non-Renewal, the employee shall be provided with a specific and complete written statement of the grounds upon which the non-renewal is based [KRS 161.011(5)(b)]. The Superintendent may direct the supervisor who provided information supporting the notice of non-renewal to prepare the specific and complete written statement of grounds and may furnish a copy to the employee, or the Superintendent may prepare and furnish the statement of grounds. The employee shall have 10 (ten) calendar days to respond in writing to the grounds for non-renewal [KRS 161.011(5)(b)]. If the employee wants a hearing on the statement of grounds, he or she must include a request for a hearing in the written response to the statement. If the employee files a timely request for a hearing, the Superintendent shall make appropriate arrangements for a hearing to be held upon reasonable notice to the employee. If the Superintendent is in a position to serve as an impartial Hearing Officer, he or she may do so; if the Superintendent determines that he or she is not able to serve, the Superintendent shall arrange for the appointment of an impartial Hearing Officer. At the hearing, the employee shall have the following rights: 1) To appear and produce evidence; 2) To call witnesses and conduct cross-examination; 3) To have counsel of the employee’s choosing at
8.0 PROCEDURES FOR OTHER ACTIONS-CONT’D.
NON-RENEWALS-CONT’D.

his/her expense; 4) To be heard by an impartial decision-maker; and 5) To receive a statement of basis for the ultimate decision. Following the hearing, the Superintendent or impartial Hearing Officer shall issue his or her written decision setting forth the reasons for the decision within 5 (five) work days after conclusion of the hearing. The decision shall be final, shall be effective on the employee’s receipt of written notice of the decision, and shall be maintained in the Classified Employee’s file. Upon completion of the action and the exhaustion of due process: 1) An exit interview may be attempted; and 2) No additional documents and/or adverse materials shall be placed in the OPF.

o **Term Contract: Service Under Four Years.** The contract may be non-renewed for any legal reason [JCS 03.27, 03.271 and 03.2711].

   - **Before Action.** The Principal (or immediate supervisor) shall provide the Superintendent with notice of recommended non-renewals by the date established by the Superintendent [JCS 03.2711].
   - **During Action.** An employee who has not completed 4 (four) years of continuous active service, upon written notice which is provided or mailed to the employee by the Superintendent, no later than May 15, that the contract will not be renewed for the subsequent school year [KRS 161.011(5)(a); JCS 03.2711]. No other due process is required under state statute or District policy.
   - **After Action.** Upon written request by the employee, within 10 (ten) calendar days of the receipt of the Notice of Non-Renewal, the Superintendent shall provide, in a timely manner, written reason(s) for the nonrenewal [KRS 161.011(5)(a); JCS 03.2711]. Upon completion of the action: 1) An exit interview may be attempted; and 2) No additional documents and/or adverse materials shall be placed in the OPF.

**DEMOTIONS**

Considerations for this action, which serves to reduce the responsibility of the affected employee, are as follows:

- **Teacher (or other Certified Employee):**

  - **Administrator.**

     - **Service Over Three Years.** An Administrator who has completed 3 (three) years of administrative service (not including leave granted under KRS 161.770) cannot be demoted unless the notice, hearing and appeal provisions of KRS 161.765(2) have been complied with [KRS 161.765(2)]. The action shall not be effective prior to receipt of written notice of the personnel action by the affected employee from the Superintendent [JCS 03.1313].

     - **Service Under Three Years.** A Superintendent may demote an Administrator who has not completed 3 (three) years of administrative service (not including leave granted under KRS 161.770) by complying with the requirements of KRS 161.760 [KRS 161.765(1); JCS 03.1212]. The action shall not be effective prior to receipt of written notice of the personnel action by the affected employee from the Superintendent [JCS 03.1313].

**REDUCTIONS OF RESPONSIBILITY**

- **Teacher.** Reduction of responsibility for a Teacher may be accompanied by a corresponding reduction in salary provided that written notification stating the specific reason for the reduction shall be furnished to the Teacher not later than 90 (ninety) days before the first student attendance day of the school year or May 15, whichever occurs earlier [KRS 161.011(5)(a); JCS 03.2711].

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8.0 PROCEDURES FOR OTHER ACTIONS-CONT’D.

REDUCTIONS OF RESPONSIBILITY-CONT’D.

161.760(3); JCS 03.1313. The action shall not be effective prior to receipt of written notice of the personnel action by the affected employee from the Superintendent [JCS 03.1313].

- **Classified Employee**: The Demotion of a Classified Employee shall be made by the Superintendent [JCS 03.2313]. The action shall not be effective prior to receipt of written notice of the personnel action by the affected employee from the Superintendent [JCS 03.2313].

RESIGNATIONS

Considerations for this action are as follows:

- **Teacher (or other Certified Employee)**:
  - Superintendent. No Superintendent shall be permitted to terminate his or her contract within 30 (thirty) calendar days prior to the beginning of the school term or during the school term without the consent of the employing Board of Education [KRS 161.780(1)]. A Superintendent shall be permitted to terminate his or her contract at any other time when schools are not in session by giving 2 (two) weeks written notice to the employing Board of Education [KRS 161.780(1)]. Upon complaint by the employing Board of Education to the EPSB, the certificate of a Superintendent terminating his or her contract in any manner other than provided in KRS 161.780 may be suspended for not more than 1 (one) year, pursuant to the hearing procedures set forth in KRS 161.120 [KRS 161.780(1)].
  - Teacher. No Teacher shall be permitted to terminate his or her contract within 15 (fifteen) calendar days prior to the first instructional day of the school term at a school to which the Teacher is assigned or during the school term without the consent of the Superintendent [KRS 161.780(1); JCS 03.17]. A Teacher shall be permitted to terminate his or her contract at any other time when schools are not in session by giving 2 (two) weeks written notice to the employing Superintendent [KRS 161.780(1); JCS 03.17]. If a Teacher voluntarily resigns his or her contract during the school term, the Resignation shall become binding on the date the Resignation is accepted by the Superintendent [KRS 161.780(2); JCS 03.17]. No further action by the employing Board of Education is necessary [KRS 161.780(2); JCS 03.17]. The Resignation is effective on the date specified in the letter of Resignation [KRS 161.780(2); JCS 03.17]. A Resignation, once accepted, may be withdrawn only with the approval of the employing Board of Education [KRS 161.780(2); JCS 03.17]. Upon complaint by the employing Superintendent to the EPSB, the certificate of a Teacher or Superintendent terminating his contract in any manner other than provided in KRS 161.780 may be suspended for not more than 1 (one) year, pursuant to the hearing procedures set forth in KRS 161.120 [KRS 161.780(1); JCS 03.17]. Nothing in KRS 161.780(2) shall release the Teacher from liability to the local Board of Education for breach of contract [KRS 161.780(2); JCS 03.17].

- **Classified Employee**: Persons separating from service on their own accord should give the Superintendent notice as far in advance as possible but not less than 2 (two) weeks prior to retirement [JCS 03.273].

PROBATIONS FOR ALCOHOL POLICY VIOLATIONS

Considerations for this action are as follows:

- **Teacher (or other Certified Employee)**: A program of intervention may be permitted if the employee's offense in JCS 03.13251 (A) or (B): 1) Is limited to a first-time violation related to alcohol only; and 2) If the employee has not contributed to the use of alcohol on the part of other employees or students; and 3) If the employee is not employed as a bus driver [JCS 03.13251]. If the employee's offense results in an adverse job action described in JCS 03.13251 (A) or (B), the
employee may petition the Superintendent for consideration of a probationary period of continued employment [JCS 03.13251]. The employee must then submit to a chemical dependency evaluation by an agency approved by the Superintendent [JCS 03.13251]. A report of the chemical dependency evaluation shall be sent to the Superintendent within 10 (ten) work days of the employee's petition [JCS 03.13251]. If the petition to grant a probationary period of continued employment is allowed, the employee shall adhere to the recommendations of the chemical dependency evaluation and to any other restrictions placed by the Superintendent [JCS 03.13251]. The costs of such services shall be borne entirely by the employee [JCS 03.13251]. The period of employment Probation shall last no less than 12 (twelve) calendar months from the time of the initial chemical dependency evaluation [JCS 03.13251]. Any violation of the recommendations of the evaluative agency or restrictions placed by the Superintendent shall result in the employee's dismissal [JCS 03.13251]. Subsequent violations governed by JCS 03.13251 shall not be considered for the intervention process [JCS 03.13251].

**NOTE:** Nothing in the above shall prevent the Superintendent from dismissing or not-renewing the contract of an employee for other causes as set forth by law [JCS 03.13251].

- **Classified Employee:** See above [JCS 03.23251].
9.0 RECORDS MANAGEMENT

Records of disciplinary events shall be managed as follows:

DISPOSITION OF RECORDS

Documentation of any actions will be maintained as follows:

- **Official Personnel File (or “OPF”)**. One (1) master personnel file, documenting employment history and including information maintained in electronic format, shall be maintained for each employee [JCS 03.15 and 03.25]. This file shall be maintained in the central office [JCS 03.15 and 03.25]. The Official Custodian shall be the Superintendent or his/her designee [JCS 03.15 and 03.25]. The documentation involved with any formal action will be retained in the OPF in “active” status.

- **Unofficial supervisor File (or “USF”).** A Principal or supervisor may maintain a personnel folder for each person under his/her supervision [JCS 03.15 and 03.25]. These folders may contain: 1) Items used as reference and not 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 (these may or may not be maintained in the central office master personnel file) [JCS 03.15 and 03.25]. The documentation involved with any informal action will be retained in the USF in “active” status.

ACCESS TO RECORDS BY EMPLOYEES

Any person shall have access to any Public Record relating to him or her in which he or she is mentioned by name, upon presentation of appropriate identification, subject to the provisions of KRS 61.878 (regarding excluded records) [KRS 61.884; JCS 03.15, 03.15 AP.21, 03.25 and 03.25 AP.2]. Except for materials deemed confidential by law, the Superintendent or his/her designee may: 1) Grant any employee access at any reasonable time to his or her OPF or USF; and 2). Give any employee, upon request and upon payment of any applicable compensation, a copy of specified documents in the employee's OPF or USF [KRS 61.876(1)(c) and (d)] (see Appendix 9.01).
9.0 RECORDS MANAGEMENT-CONT’D.
ACCESS TO RECORDS BY OTHERS-CONT’D.
10.0 PROCEDURES FOR ECOC REVIEW AND DISSEMINATION

The Superintendent or his/her designee will assure that these guidelines and regulations are:

- Reviewed on an annual basis; and
- Provided to, or made accessible to, all employees on an annual basis [KRS160.390] (see Appendix 10.01).
10.0 PROCEDURES FOR ECOC REVIEW AND DISSEMINATION-CONT’D.

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APPENDICES

1.01: RESOURCE; CODE OF ETHICS FOR SCHOOL PERSONNEL

PROFESSIONAL CODE OF ETHICS FOR SCHOOL PERSONNEL (KENTUCKY)

Certified employees in the Commonwealth [16 KAR 1.020(1); JCS 03.17]:

1. Shall strive toward excellence, recognize the importance of the pursuit of truth, nurture democratic citizenship, and safeguard the freedom to learn and to teach.
2. Shall believe in the worth and dignity of each human being and in educational opportunities for all.
3. Shall strive to uphold the responsibilities of the education profession, including the following obligations to students, to parents, and to the education profession:
   a. To students: Certified employees shall:
      i. Provide students with professional education services in a non-discriminatory manner and in consonance with accepted best practice known to the educator.
      ii. Respect the constitutional rights of all students.
      iii. Take reasonable measures to protect the health, safety, and emotional well-being of students.
      iv. Not use professional relationships or authority with students for personal advantage.
      v. Keep in confidence information about students which has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
      vi. Not knowingly make false or malicious statements about students or colleagues.
      vii. Refrain from subjecting students to embarrassment or disparagement.
      viii. Not engage in any sexually-related behavior with a student with or without consent, but shall maintain a professional approach with students (e.g., sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape; threats of physical harm; and sexual assault).
   b. To parents: Certified employees shall:
      i. Make reasonable effort to communicate to parents information which should be revealed in the interest of the student.
      ii. Endeavor to understand community cultures and diverse home environments of students.
      iii. Not knowingly distort or misrepresent facts concerning educational issues.
      iv. Distinguish between personal views and the views of the employing educational agency.
      v. Not interfere in the exercise of political and citizenship rights and responsibilities of others.
      vi. Not use institutional privileges for private gain, for the promotion of political candidates, or for partisan political activities.
      vii. Not accept gratuities, gifts, or favors that might impair or appear to impair professional judgment, and shall not offer any of these to obtain special advantage.
   c. To the education profession: Certified employees shall:
      i. Exemplify behaviors which maintain the dignity and integrity of the profession.
      ii. Accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities.
      iii. Keep in confidence information acquired about colleagues in the course of employment (unless disclosure serves professional purposes or is required by law).
      iv. Not use coercive means or give special treatment in order to influence professional decisions.
      v. Apply for, accept, offer, or assign a position or responsibility only on the basis of professional preparation and legal qualifications.
      vi. Not knowingly falsify or misrepresent records of facts relating to the educator’s own qualifications or those of other professionals.
APPENDICES-CONT’D.

1.01: RESOURCE; CODE OF ETHICS FOR SCHOOL PERSONNEL-CONT’D.

Violation of these administrative regulations may result in cause to initiate proceedings for revocation or suspension of Kentucky certification by the Education Professional Standards Board as provided in KRS 161.120, 16 KAR 1:030 and 704 KAR 20:580 [16 KAR 1:020(2); JCS 03:17]. The Superintendent shall comply with the reporting requirements of KRS 161.120 [JCS 03:17].
EMPLOYEE CODE OF CONDUCT DISCIPLINARY WORKFLOW OVERVIEW (KENTUCKY)

1. Was incident performance-based?
   - NO
   - YES

2. Was incident misconduct-based?
   - NO
   - YES

PERFORMANCE INCIDENT

Is assistance plan warranted?
- Action plan for assistance per state statute and district policy
- Notify Director/designee if needed
- Document assistance plan
- Conference with employee; re-evaluate per schedule
- Documentation retained in performance section of UFP or OFP

OTHER INCIDENT

DISCIPLINARY INCIDENT (INFORMAL)

Is an Alert warranted?
- Document action
- Document retained in disciplinary section of unofficial file (USP)

Is a Warning warranted?
- Document action
- Document retained in disciplinary section of unofficial file (USP)

DISCIPLINARY INCIDENT (FORMAL)

Is a Private Reprimand, Public Reprimand, Suspension (without pay) or Termination of Contract warranted?
- Transfer case to the Superintendent for management
- Prepare Statement of Charges (Certified Employee) / written notification (Classified Employee)
- Private Reprimand: Superintendent may privately reprimand a Certified Employee (KRS 161.790(10)) or a Classified Employee (KCS 03.27). Notice, hearing and appeal provisions do not apply in either case.
- Public Reprimand: Superintendent may publicly reprimand a Certified Employee (KRS 161.790(10); KCS 03.17) or a Classified Employee (KRS 161.790; KCS 03.17). Notice, hearing and appeal provisions apply for a Certified Employee (KRS 161.790) and Classified Employee (KCS 03.17).
- Suspension (Disciplinary): Superintendent may suspend, without pay, a Certified Employee (KRS 161.790(10); KCS 03.17) or a Classified Employee (KCS 03.27). Notice, hearing and appeal provisions apply for a Certified Employee (KRS 161.790; KCS 03.17) and a Classified Employee (KCS 03.17).
- Termination of Contract: Superintendent may terminate the contract of a Certified Employee (KRS 161.790; KCS 03.17) or a Classified Employee (KCS 03.27). Notice, hearing and appeal provisions apply for a Certified Employee (KRS 161.790; KCS 03.17) and a Classified Employee (KCS 03.17).

Documentation retained in disciplinary section of official file (OFP)
APPENDICES-CONT’D.
3.01: FLOWCHART; EMPLOYEE DISCIPLINARY PROCESS-CONT’D.

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APPENDICES-CONT’D.

3.02: FORM; GENERAL INVESTIGATION WORKSHEET

Incident Investigation Report

Date: Click here to enter a date.

Staff involved: [individual accused and position within district]

Description of Incident: [description, include date and location]

Grounds: [from ECOC identify policy, civil or criminal code violated]

Witnesses/Evidence Collection:
[all sources of information]

Review of Evidence:
[findings based on interviews, written statements and other data...nothing but the facts; account of incident from various perspectives]

Finding:
[account of incident as best determined from the evidence]

Douglas Factors were applied: □ Yes □ No

Recommendation:
[action recommended along with the basis for such]

Information Submitted to Central Office by: [staff reporting]
APPENDICES-CONT’D.
3.02: FORM; GENERAL INVESTIGATION WORKSHEET-CONT’D.
APPENDICES-CONT'D.
3.03: FORM; CASE EVALUATION RUBRIC

JESSAMINE COUNTY SCHOOLS
DECISION SUPPORT RUBRIC: EMPLOYEE DISCIPLINE

DATE:

EMPLOYEE NAME:

EMPLOYEE TYPE: NO EMPLOYEE TYPE

POSITION/TITLE:

LENGTH OF SERVICE:

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. 200, 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 intra-rater reliability.

DIRECTIONS: Complete steps 1-7 below.

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

1.0. EMPLOYEE MISCONDUCT: NO SUBCATEGORY: NO CODE OF EMPLOYEE CONDUCT VIOLATION

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

D

STEP 3: Next, review the range of reasonable disciplinary option(s) for this incident, if any, based on school or district progressive employee discipline guidelines.

RANGE OF "REASONABLE" DISCIPLINARY OPTIONS:

<table>
<thead>
<tr>
<th>DISCIPLINARY OPTION</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>NON-DISCIPLINARY COUNSELING</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BREACH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>REMEDIATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>immediate suspension</td>
<td></td>
<td></td>
</tr>
<tr>
<td>VOLUNTEER DEPARTURE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TERMINATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NOT APPLICABLE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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### Evaluation Criteria and Rating Guide for Aggravating Factors

**Applicant Position:**

<table>
<thead>
<tr>
<th>Evaluation Criterion</th>
<th>Rating</th>
<th>Rating Guide</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1. AGGRAVATING FACTOR: NATURE OF INCIDENT(s): This/these incident(s) represents a specific violation of the Employee Code of Conduct.</td>
<td>0</td>
<td>Evidence addressing this criterion cannot be identified or this factor does not apply to the case</td>
</tr>
<tr>
<td>1.1.1. AGGRAVATING FACTOR: NATURE OF INCIDENT(s): This/these incident(s) represents a specific violation of the Employee Code of Conduct.</td>
<td>0</td>
<td>Evidence addressing this criterion cannot be identified or this factor does not apply to the case</td>
</tr>
<tr>
<td>1.1.2. AGGRAVATING FACTOR: NATURE OF INCIDENT(s): This/these incident(s) represents a specific violation of the Employee Code of Conduct.</td>
<td>0</td>
<td>Evidence addressing this criterion cannot be identified or this factor does not apply to the case</td>
</tr>
<tr>
<td>1.1.3. AGGRAVATING FACTOR: NATURE OF INCIDENT(s): This/these incident(s) represents a specific violation of the Employee Code of Conduct.</td>
<td>0</td>
<td>Evidence addressing this criterion cannot be identified or this factor does not apply to the case</td>
</tr>
<tr>
<td>1.1.4. AGGRAVATING FACTOR: NATURE OF INCIDENT(s): This/these incident(s) represents a specific violation of the Employee Code of Conduct.</td>
<td>0</td>
<td>Evidence addressing this criterion cannot be identified or this factor does not apply to the case</td>
</tr>
<tr>
<td>1.2.1. AGGRAVATING FACTOR: WORK ROLE: This employee performs a supervisory, faculty, or other prominent role within the school or district.</td>
<td>0</td>
<td>Evidence addressing this criterion is weak and subjective</td>
</tr>
<tr>
<td>1.2.2. AGGRAVATING FACTOR: WORK ROLE: This employee’s position requires significant contact with external stakeholders and/or the public.</td>
<td>0</td>
<td>Evidence addressing this criterion is weak and subjective</td>
</tr>
<tr>
<td>1.3.1. AGGRAVATING FACTOR: DISCIPLINARY RECORD: Disciplinary action was taken against this employee on the same or similar matter in the past.</td>
<td>0</td>
<td>Evidence addressing this criterion is weak but objective</td>
</tr>
<tr>
<td>1.3.2. AGGRAVATING FACTOR: DISCIPLINARY RECORD: Disciplinary action was taken against this employee on a similar matter in the past.</td>
<td>0</td>
<td>Evidence addressing this criterion is weak but objective</td>
</tr>
<tr>
<td>1.4.1. AGGRAVATING FACTOR: COMMUNITY IMPACT: The incident(s) involved harmed or damaged the reputation of the school or district in the future.</td>
<td>0</td>
<td>Evidence addressing this criterion is strong and subjective</td>
</tr>
<tr>
<td>1.5.1. AGGRAVATING FACTOR: ADVANCE NOTICE: The employee previously received, understood, and agreed to abide by the Employee Code of Conduct prior to this disciplinary incident.</td>
<td>0</td>
<td>Evidence addressing this criterion is strong and subjective</td>
</tr>
</tbody>
</table>

**Aggravating Factor Subtotal:**

<table>
<thead>
<tr>
<th>Category subtotal</th>
<th>Subtotal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0</td>
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</table>
### APPENDICES-CONT'D. 3.03: FORM; CASE EVALUATION RUBRIC-CONT'D.

#### EMPLOYEE CODE OF CONDUCT (KY)

**ADMINISTRATIVE GUIDELINES:**

**JESSAMINE COUNTY SCHOOLS**

**DECISION SUPPORT RUBRIC: EMPLOYEE DISCIPLINE**

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

<table>
<thead>
<tr>
<th>MITIGATING FACTORS</th>
<th>RATING</th>
<th>RATING GUIDE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.6.1: MITIGATING FACTOR PERFORMANCE RECORD</td>
<td>0</td>
<td>Evidence addressing this criterion cannot be identified or this factor does not apply to the case</td>
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<tr>
<td>2.6.2: MITIGATING FACTOR PERFORMANCE RECORD</td>
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<td>Evidence addressing this criterion is weak and subjective</td>
</tr>
<tr>
<td>2.7.1: MITIGATING FACTOR PSYCHOLOGICAL RECORD</td>
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<td>Evidence addressing this criterion is weak but objective</td>
</tr>
<tr>
<td>2.8.1: MITIGATING FACTOR FUTURE WORK ENVIRONMENT</td>
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<td>Evidence addressing this criterion is strong but subjective</td>
</tr>
<tr>
<td>2.8.2: MITIGATING FACTOR FUTURE WORK ENVIRONMENT</td>
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<td>Evidence addressing this criterion is strong and objective</td>
</tr>
</tbody>
</table>

**MITIGATING FACTOR SUBTOTAL:** 0
APPENDICES-CONT'D.

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

STEP 5: Next, review the most appropriate disciplinary option(s) for this employee based on your responses to the case evaluation.

<table>
<thead>
<tr>
<th>NET DOUGLAS FACTOR EVALUATION SCORE:</th>
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**"APPROPRIATE" DISCIPLINARY OPTION:**

<table>
<thead>
<tr>
<th>NON-DISCIPLINARY COUNSELING</th>
<th>YES</th>
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<tbody>
<tr>
<td>ALARM</td>
<td>NO</td>
</tr>
<tr>
<td>WARNING</td>
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</tr>
<tr>
<td>PRIVATE SEASONAL</td>
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<td>PUBLIC SEASONAL</td>
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<td>TERMINATION</td>
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<tr>
<td>NOT APPLICABLE</td>
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**SELECTION GUIDE:**

<table>
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</thead>
<tbody>
<tr>
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<td>0</td>
<td>0</td>
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<tr>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**NON-DISCIPLINARY COUNSELING**

NO EMPLOYEE DISCIPLINE

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

STEP 7: Finally, confirm that the disciplinary option actually selected or recommended was the most reasonable and appropriate option based on your responses to the case evaluation. If so, a "YES" will appear to the right.

NO
APPENDICES-CONT’D.
5.01: FORM; ALERT

ALERT

Date: Click here to enter a date.

Employee: Click here to enter text.

Site: Click here to enter text.

Incident: Click here to enter text.

Grounds: Click here to enter text.

Expectation: Click here to enter text.

Supervisor’s Signature:

Employee’s Signature:

By signing this form I acknowledge that I was given the opportunity to respond in writing to the statements above.
[Insert date]

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

RE: 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 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)]
APPENDICES-CONT’D.
5.02: FORM; WARNING-CONT’D.

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APPENDICES-CONT’D.
7.01: FORM; PRIVATE REPRIMAND

[Insert date]

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

RE: PRIVATE 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)]
APPENDICES-CONT'D.
7.02: RESOURCE; FORMAL DUE PROCESS (TEACHER/OFFER CERTIFIED EMPLOYEE)

Notice, hearing and appeal provisions apply for a Certified Employee facing Public Reprimand, Suspension without pay or Termination of Contract under state statute and District policy [KRS 161.790; 701 KAR 5:090; JCS 03.17]. Considerations include the following:

- **Step #1: Conducting the Investigation.** The Superintendent or his/her designee 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 employee discipline that warrant this type of action.

- **Step #2: Initiating Action.** Only the Superintendent may issue a Public Reprimand, Suspension without pay or Termination of Contract for a Teacher (or other Certified Employee) [JCS 03.17 and 03.172]. The action shall not be effective prior to receipt of written notice of the personnel action by the affected employee from the Superintendent [KRS 160.390(2); JCS 03.17 and 03.173].

- **Step #3: Statement of Charges; Notifications and Reporting.** Prior to notification of the Board of Education, the Superintendent shall furnish the Teacher (or other Certified Employee) with a written statement specifying in detail the charge(s) against the Teacher (or other Certified Employee) [KRS 160.390 and 161.790(3); JCS 03.17]. In the event of Dismissal for Inadequate Performance, charges under KRS 161.790(1)(a) and (d) shall be supported by a written record of Teacher (or other Certified Employee) performance by the Superintendent, Principal or other supervisory personnel of the District, except when the charges are brought as a result of a recommendation made under KRS 158.6455 (regarding the state’s school accountability system) [KRS 161.790(2); JCS 03.17].

**NOTE:** A local school District Superintendent proposing to discipline (except for a Private Reprimand) or place on involuntary leave a Teacher (or other Certified Employee) shall immediately, after notice to the employee, transmit a copy of the notice of the action to the Kentucky Commissioner of Education and the EPSB, along with advice as to the date of the receipt of the notice by the employee [701 KAR 5:090(1); JCS 03.17].

- **Step #4: Opportunity for Hearing.** The Teacher (or other Certified Employee) may, within 10 (ten) business days after receiving the charge(s), notify both the Kentucky Commissioner of Education and the Superintendent of his or her intention to answer the charge(s) [KRS 161.790(3); JCS 03.17].

**NOTE:** Upon failure of the Teacher (or other Certified Employee) to give notice within 10 (ten) business days, the Public Reprimand, Suspension without pay or Termination of Contract shall be final [KRS 161.790(3); JCS 03.17].

- **Step #5: Tribunal Appointment.** Except as provided in KRS 163.032, upon receiving the employee's notice of his or her intention to answer the charge, the Kentucky Commissioner of Education shall appoint a Tribunal to conduct an administrative hearing in accordance with KRS 13B.005 et seq. within the District [KRS 13B.010(2) and 161.790(4); JCS 03.17]. Priority for selection as a Tribunal member shall be from a pool of potential Tribunal members who have been designated and trained to serve as Tribunal members on a regular and ongoing basis, pursuant to administrative regulations promulgated by the Kentucky Board of Education [KRS 13B.040 and 161.790(4); JCS 03.17].

**NOTE:** To be a member of the pool of potential Tribunal members who is designated to serve as a Tribunal member on an ongoing basis, a person shall receive training on the following topics: 1). The hearing process; 2). The role of the Tribunal; 3). The role of the Hearing Officer; 4). How to determine facts; 5). Fundamental fairness; 6). The law on Teacher (or other Certified Employee) disciplinary actions [KRS 161.790]; and 7). The deliberative process [KRS 13B.010(7); 701 KAR 5:090(3)(1); JCS 03.17]. Funds appropriated to the Department of Education for professional development may be used to provide Tribunal member training [KRS 161.790(4)]. For attending training to become a member of the pool of potential Tribunal members, a person shall receive a per diem of $100 (one hundred dollars) and reimbursement of travel expenses from the Kentucky Department of Education [701 KAR 5:090(3)(2); JCS 03.17].

- **Step #6: Tribunal Scheduling.** The Kentucky Commissioner of Education shall name the chairman of the Tribunal and set the date and time for the hearing [KRS 161.790(4); JCS 03.17]. The hearing shall begin no later than 45 (forty-five) calendar days after the Teacher (or other Certified Employee) files the notice of intent to answer the charge [KRS 161.790(4)]. Notice will be provided to all parties [KRS 13B.050].
APPENDICES-CONT’D.
7.02: RESOURCE; FORMAL DUE PROCESS (TEACHER/OTHER CERTIFIED EMPLOYEE)-CONT’D.

NOTE: If, after a requested hearing has been scheduled by the Kentucky Commissioner of Education or his/her designee, a continuance is requested by the Teacher (or other Certified Employee), the Teacher (or other Certified Employee) shall specifically and in writing waive the statutory hearing deadlines and any subsequent back pay award for the period of the requested continuance [KRS 13B.020(6); 701 KAR 5:090(2)(1)(a); JCS 03.17]. A continuance initiated by the Teacher (or other Certified Employee) shall not be granted without the appropriate waiver [701 KAR 5:090(2)(1)(a); JCS 03.17]. If the continuance request was initiated by the school District, the waiver shall not be required [701 KAR 5:090(2)(1)(b); JCS 03.17]. A continuance requested by the Teacher (or other Certified Employee) may be granted for good cause shown, including pending criminal charges making it inadvisable for the employee to testify at an administrative hearing or late entry of an attorney into the case on behalf of the employee [701 KAR 5:090(2)(2); JCS 03.17]. A continuance requested by the school District, and not agreed to by the employee, may be granted upon documentation of an emergency or other circumstance making it impossible or prejudicially impractical for the District to adequately present its case at the scheduled hearing [701 KAR 5:090(2)(3); JCS 03.17]. A request for continuance made prior to the 3 (three) member Tribunal convening shall be submitted in writing to the Hearing Officer [KRS 13B.010(7); 701 KAR 5:090(2)(4); JCS 03.17].

Step #7: Tribunal. The hearing before the Tribunal shall be conducted in accordance with KRS 13B.005 et seq. [701 KAR 5:090(5); JCS 03.17]. A Hearing Officer shall have final authority to rule on dispositive prehearing motions [KRS 13B.010(7), 13B.080 and 161.790(5); JCS 03.17]. The hearing may be public or private at the discretion of the Teacher (or other Certified Employee) [KRS 13B.080 and 161.790(6); JCS 03.17]. At the hearing, a Hearing Officer appointed by the Kentucky Commissioner of Education shall preside with authority to rule on procedural matters; however, the Tribunal shall be the ultimate trier of fact [KRS 13B.010(7), 13B.080, 13B.090 and 161.790(6); 701 KAR 5:090(4)(1); JCS 03.17]. An official record of the hearing will be kept [KRS 13B.130].

NOTE: If, for any reason and after testimony has commenced, a Tribunal member becomes unavailable to complete the hearing of the evidence of both parties, an appropriate substitute Tribunal member shall be appointed by the Kentucky Commissioner of Education and provided by the school District with a written transcript of all prior proceedings at the hearing unless waived under 701 KAR 5:090(2) [701 KAR 5:090(6)(1); JCS 03.17]. Alternatively, a hearing may be concluded and a decision rendered by a 2 (two) member Tribunal upon express agreement of both parties [701 KAR 5:090(6)(2); JCS 03.17].

• Step #8: Decision. Upon hearing both sides of the case, the Tribunal may by a majority vote render its decision or may defer its action for not more than 5 (five) business days [KRS 161.790(7); JCS 03.17]. Provisions of KRS 13B.005 et seq. notwithstanding, the Tribunal decision shall be a final order and may be rendered on the record [KRS 13B.010(6), 13B.110, 13B.120 and 161.790(7); JCS 03.17].

NOTE: The Board of Education shall pay each member of the Tribunal a per diem of $100 (one hundred dollars) and travel expenses [KRS 161.790(6); JCS 03.17]. No later than the convening of the hearing, the local school District shall advise the Tribunal members how to claim their per diem and travel expenses [701 KAR 5:090(4)(2); JCS 03.17].

• Step #9: Opportunity for Appeal. The Teacher (or other Certified Employee) shall have the right to make an appeal to the Circuit Court having jurisdiction in the county where the school District is located in accordance with KRS 13B.005 et seq. [KRS 13B.140 and 161.790(9); JCS 03.17]. The Board of Education may also appeal the Tribunal’s decision to the Circuit Court [JCS 03.174]. The review of the final order shall be conducted by the Circuit Court as required by KRS 13B.150 [KRS 13B.120, 13B.140 and 161.790(9); JCS 03.17].

• Step #10: Separation from Service. In the case of a Termination of Contract, upon the exhaustion of due process: 1) An exit interview may be attempted; and 2) No additional documents and/or adverse materials shall be placed in the OPF.
APPENDICES-CONT'D.
7.03: RESOURCE; FORMAL DUE PROCESS (CLASSIFIED EMPLOYEE)

Notice, hearing and appeal provisions apply for a Classified Employee facing Public Reprimand, Suspension without pay or Termination of Contract under District policy [JCS 03.27 and 03.27 AP.1]. Considerations include the following:

When the Superintendent becomes aware of allegations that, if true, are believed to warrant any of these actions against a Classified Employee, the Superintendent may seek advice of counsel as deemed appropriate and shall determine whether he or she is in a position to serve as an impartial Hearing Officer concerning the allegations [JCS 01.7 and 03.27 AP.1]. If the Superintendent determines, after consultation with counsel as is deemed necessary, that he or she may not be in a position to serve as an impartial Hearing Officer, the Superintendent may delegate authority to hear a Classified Employee disciplinary matter to an independent Hearing Officer [JCS 01.7 and 03.27 AP.1].

If the Superintendent has determined that he or she will be able to serve as an impartial Hearing Officer, Workflow A will be followed; if not, Workflow B will be followed [JCS 03.27 AP.1].

- **Step #1: Conducting the Investigation.**
  - **Workflow A.** The Superintendent shall direct an Administrator to investigate and make a written report to the Superintendent as the designated “investigator” [JCS 03.27 AP.1]. The Superintendent will not conduct the investigation or prepare the report [JCS 03.27 AP.1]. The Superintendent will not be involved in the investigation (except as may be necessary for procedural matters such as scheduling or facilities availability and the like) [JCS 03.27 AP.1]. The post-investigative report shall state whether the investigator has concluded, in his or her professional judgment, that the Classified Employee engaged in conduct in violation of one or more of the “Causes for Action” set forth in JCS 03.27 and shall describe the facts in support of any violation in detail [JCS 03.27 AP.1]. The report shall not be binding on the Superintendent [JCS 03.27 AP.1].
  - **Workflow B.** If the Superintendent determines that he or she will not serve as Hearing Officer, he or she may investigate the conduct or activities of the Classified Employee that may warrant a Public Reprimand, Suspension without pay or Termination of Contract, and may cause charge(s) to be brought against the Classified Employee setting forth the Superintendent’s intent to impose a Public Reprimand, Suspension without pay or Termination of Contract [JCS 03.27 AP.1]. The charge(s) shall describe conduct giving rise to a violation of one or more “Causes for Action” as set forth in detail in JCS 03.27 and may include a Suspension without pay pending final administrative action on the Classified Employee’s hearing request [JCS 03.27 AP.1].

  NOTE: The considerations outlined in Step #5 below should be considered by the Superintendent before beginning Step #1.

- **Step #2: Initiating Action.** Only the Superintendent may issue a Public Reprimand, Suspension without pay or Termination of Contract for a Classified Employee [JCS 03.27]. Subject to the employee’s exercise of applicable hearing rights, the action shall not be effective prior to receipt of written notice of the personnel action by the affected employee from the Superintendent [KRS 160.390(2); JCS 03.27].

- **Step #3: Statement of Charges; Notifications.**
  - **Workflow A.** Upon a determination that the report warrants initiation of hearing procedures on a potential Public Reprimand, Suspension without pay or Termination of Contract, the Superintendent shall provide written notice to the Classified Employee of:
    - The charges that may result in a Public Reprimand, Suspension without pay or Termination of Contract [JCS 03.27].
    - The opportunity for a hearing [JCS 03.27 and 03.27 AP.1].
APPENDICES-CONT'D.
7.03: RESOURCE; FORMAL DUE PROCESS (CLASSIFIED EMPLOYEE)-CONT'D.

- The sanction that the Superintendent may impose if the employee does not request a hearing within the notice period of 10 (ten) calendar days.
- A form (the signing and filing of which with the Superintendent shall constitute a demand for a hearing and a denial of the charges) [JCS 03.27 and 03.27 AP.21].
- Whether or not a Suspension without pay will be imposed pending final administrative action on the Classified Employee’s hearing request.

NOTE: The Superintendent may include a copy of the investigative report if so advised by counsel.

- **Workflow B.** See above.

**Step #4: Opportunity for Hearing.**

- **Workflow A.** The Classified Employee may request a hearing by filing the proper form with the Superintendent within 10 (ten) calendar days after receiving the notification of an opportunity for a hearing [JCS 03.27, 03.27 AP.1 and 03.27 AP.21]. If the Classified Employee fails to file the hearing request form on time, the Superintendent will review the report and if he or she concludes further action is warranted, take final personnel action based on such report, which may include, but shall not be limited to, Public Reprimand, Suspension without pay or Termination of Contract [JCS 03.27, 03.27 AP.1 and 03.27 AP.21]. Any such action shall be set forth in writing and shall be effective on the Classified Employee’s receipt of the written notice [JCS 03.27 AP.1].

- **Workflow B.** The Classified Employee may request a hearing by filing the proper form with the Superintendent within 10 (ten) calendar days after receiving notice of the charges [JCS 03.27, 03.27 AP.1 and 03.27 AP.21]. If the Classified Employee fails to request a hearing on time, the Superintendent’s action as set forth in the charges shall be final [JCS 03.27, 03.27 AP.1 and 03.27 AP.21].

**Step #5: Determination of Hearing Officer.**

- **Workflow A.** The Superintendent will be the Hearing Officer [JCS 03.27 AP.1].

- **Workflow B.** Delegation of the case may be made to a Hearing Officer appointed by the Kentucky Commissioner of Education [JCS 01.7 and 03.27 AP.1]. Such delegation shall be in writing and shall be made as soon as reasonably possible after the Superintendent’s receipt of a Classified Employee’s request for a hearing under JCS 03.27 [JCS 03.27 AP.1]. If the Superintendent chooses to utilize a Hearing Officer made available by the Kentucky Commissioner of Education, he or she shall send a written request to the Kentucky Commissioner of Education [JCS 03.27 AP.1]. The request for the appointment shall be accompanied by copies of the charges and the Classified Employee’s request for a hearing [JCS 03.27 AP.1]. All costs associated with payment for services of the Hearing Officer shall be the responsibility of the District [JCS 03.27 AP.1]. The Superintendent shall not utilize a Hearing Officer who is an employee of either the Kentucky Department of Education (KDE) or the District [JCS 03.27 AP.1].

**Step #6: Hearing Scheduling.**

- **Workflow A.** If the Classified Employee files a timely request, a hearing shall be conducted at a time and place not less than 20 (twenty) calendar days and not more than 45 (forty-five) calendar days after the Classified Employee’s receipt of the written notice of the opportunity for a hearing [JCS 03.27 AP.1].

- **Workflow B.** If the Classified Employee files a timely request, a hearing shall be conducted at a time and place not less than 20 (twenty) calendar days after the Classified Employee’s receipt of the charges [JCS 03.27 AP.1].
APPENDICES-CONT'D.
7.03: RESOURCE; FORMAL DUE PROCESS (CLASSIFIED EMPLOYEE)-CONT'D.

- **Step #7: Hearing.**
  
  o **Workflow A.** No later than 5 (five) calendar days before the hearing is scheduled to commence, the following shall be exchanged [JCS 03.27 AP.1]:
    
    - A list of witnesses expected to testify and copies of exhibits to be submitted in support of the report on behalf of the District.
    - A list of witnesses expected to testify and copies of exhibits to be submitted by the Classified Employee in defense of alleged violation(s).

  The Classified Employee may be represented by counsel at his or her own expense. The Superintendent may utilize the assistance of an attorney as hearing advisor [JCS 01.7 and 03.27 AP.1].

  Evidence and testimony shall be presented in support of the report first [JCS 03.27 AP.1]. The Classified Employee shall be given the opportunity to hear evidence on the report and the alleged violations described in such report and shall be given the opportunity to cross-examine witnesses [JCS 03.27 AP.1]. The Classified Employee shall be given the opportunity to present evidence and testimony in his/her defense and the opportunity to present rebuttal evidence may be extended [JCS 03.27 AP.1].

  **NOTE:** A continuance may be required by the Superintendent if the employee does not provide written notice of his or her intention to be represented by counsel to the Superintendent and the investigator at least 72 (seventy-two) hours before the hearing is scheduled to commence [JCS 03.27 AP.1].

  o **Workflow B.** No later than 5 (five) calendar days before the hearing is scheduled to commence, the following shall be exchanged [JCS 03.27 AP.1]:
    
    - A list of witnesses expected to testify and copies of exhibits to be submitted in support of the charges on behalf of the District.
    - A list of witnesses expected to testify and copies of exhibits to be submitted by the Classified Employee in defense of charges.

  The Classified Employee may be represented by counsel at his or her own expense.

  Evidence and testimony shall be presented in support of the charges first JCS 03.27 AP.1]. The Classified Employee shall be given the opportunity to hear evidence on the charges and to cross-examine witnesses. The Classified Employee shall be given the opportunity to present evidence and testimony in his/her defense and an opportunity to present rebuttal evidence may be extended [JCS 03.27 AP.1].

  **NOTE:** A continuance may be required by the Hearing Officer if the employee does not provide written notice of his or her intention to be represented by counsel to the Hearing Officer and the Superintendent at least 72 (seventy-two) hours before the hearing is scheduled to commence [JCS 03.27 AP.1].

- **Step #8: Decision.**
  
  o **Workflow A.** The Superintendent shall issue his or her written decision setting forth the reason(s) for the decision and describing the evidence relied upon within 5 (five) working days after the conclusion of the hearing [JCS 03.27 AP.1].

  o **Workflow B.** The Hearing Officer shall issue his or her written decision setting forth the reasons for the decision and describing the evidence relied upon after the hearing is concluded [JCS 03.27 AP.1]. Upon receipt of the Hearing Officer’s decision, the Superintendent shall take action consistent with the decision by providing written notice to the Classified Employee and such action shall be effective upon the employee’s receipt of such notice [JCS 03.27 AP.1].
APPENDICES-CONT’D.
7.03: RESOURCE; FORMAL DUE PROCESS (CLASSIFIED EMPLOYEE)-CONT’D.

- **Step #9: Opportunity for Appeal.**
  - **Workflow A.** Not applicable. The Superintendent’s decision shall be: 1) Final; 2) Effective on the employee’s receipt of written notice of the decision; and 3) Maintained in the Classified Employee’s OPF [JCS 03.27 and 03.27 AP.1].
  - **Workflow B.** See above.

- **Step #10: Separation from Service.**
  - **Workflow A.** In the case of a Termination of Contract, upon the exhaustion of due process: 1) An exit interview may be attempted; and 2) No additional documents and/or adverse materials shall be placed in the OPF.
  - **Workflow B.** See above.
APPENDICES-CONT’D.
9.01: FORM; OPF ACCESS REQUEST

Request to Access Personnel Records

PERSONNEL RECORDS MAY BE INSPECTED ONLY BY THE EMPLOYEE AND BY DISTRICT SUPERVISORY PERSONNEL HAVING A LEGITIMATE EDUCATIONAL INTEREST.

I, __________________________, WISH TO EXAMINE MY PERSONNEL FILE.

Name (please print)

_________________________________  ______________________
Employee’s Signature                Date
APPENDICES-CONT’D.
9.01: FORM; OPF ACCESS REQUEST-CONT’D.
GLOSSARY OF TERMS

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

- **Administrative Leave.** This term means an involuntary, temporary and non-disciplinary suspension action: 1) Taken when the Superintendent determines there is a justifiable need to protect the safety of students and staff or to prevent significant disruption of the workplace and/or educational process during an investigation (a “Suspension with pay”); or 2) Taken when the employee may reasonably create a statutory “hazard situation” during the notice period of a pending Termination of Contract (a “Suspension without pay”).

- **Administrative Reassignment.** This term means an involuntary, temporary and non-disciplinary transfer made by the Superintendent when an employee of the school District is charged with any offense which is classified as a felony [KRS 160.380(12); JCS 03.1311]. Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, the Superintendent may transfer the employee to a second position until such time as: 1) The employee is found not guilty; 2) The charges are dismissed; 3) The employee is terminated; or 4) The Superintendent determines that further personnel action is not required [KRS 160.380(12); JCS 03.1311].

- **Administrator.** For the purpose of KRS 161.765, this term shall mean a Certified Employee, below the rank of Superintendent, who devotes the majority of his or her employed time to service as a principal, assistant principal, supervisor, coordinator, director, assistant director, administrative assistant, finance officer, pupil personnel worker, guidance counselor, school psychologist, or school business administrator [KRS 161.720(8)]. The term shall also include any assistant superintendent, associate superintendent or deputy superintendent who does not fall within the definition of Superintendent as set forth in KRS 161.720(7) [KRS 161.720(8)].

- **Alert.** This term means an informal disciplinary conference between an administrator or supervisor and the employee. An Alert is the least severe type of informal employee discipline and is meant to alert an 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 procedure must be followed and the event must be documented.

- **Board of Education.** This term means the Jessamine County Board of Education.

- **Certified Employee.** This term shall mean any person for whom certification is required as a basis of employment in the public schools of the state, with the exception of the Superintendent [KRS 161.020 and 161.730 through 810; JCS 03.1].

- **Classified Employee.** This term means an employee of a local District who is not required to have certification for his or her position as provided in KRS 161.020 [KRS 78.615 and 161.011(1)(a); 702 KAR 1:035; JCS 03.2].

- **Continuing Service Contract.** This term shall mean a contract for the employment of a Teacher which shall remain in full force and effect until the Teacher resigns or retires, or until he or she is terminated or suspended as provided in KRS 161.790 and 161.800 [KRS 161.720(4) and 161.780]. Additionally, the Superintendent shall be eligible for Continuing Service Status when he or she meets all requirements prescribed in KRS 161.720 to 161.810 for a Continuing Service Contract for a Teacher [KRS 161.721].

- **Continuing Service Status.** This term means employment of a Teacher under a Continuing Service Contract [KRS 161.720(4)]. A Teacher eligible for Continuing Service Status in any school District shall be a Teacher who holds a standard or college certificate as defined in KRS 161.720 or meets the certification standards for vocational education Teachers established by the EPSB and is a currently employed Teacher who is re-employed by the Superintendent: 1) After teaching for 4 (four) years consecutively in the same District; or 2) After teaching 4 (four) years within a period not to exceed 6 (six) years in the same District (the year of present employment included) [KRS 161.740(1)(a) and (b); for additional qualifications, see KRS 161.740(1)(b) et seq.]. When a Teacher has attained Continuing Service Status in a District and becomes employed in another District, the Teacher shall retain that status; however, the new District may require a 1 (one) probationary period of service before granting this status [KRS 161.740(1)(c)]. The District utilizes this option [JCS 03.115].

- **Demotion.** This term shall mean a reduction in rank from one position on the school District salary schedule to a different position on that schedule for which a lower salary is paid [KRS 161.760 and
GLOSSARY OF TERMS-CONT’D.

161.765; 161.720(9); JCS 03.1313 and 03.2313]. 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 [KRS 161.720(9)].

- **District.** This term mean the Jessamine County School District.

- **Education Professional Standards Board.** This term (or “EPSB”) means the state level body that may revoke, suspend, or refuse to issue or renew; impose probationary or supervisory conditions upon; issue a written reprimand or admonishment; or any combination of those actions regarding any certificate issued under KRS 161.010 to 161.100, or any certificate or license issued under any previous law to a Superintendent, principal, Teacher, substitute Teacher, intern, supervisor, director of pupil personnel or other administrative, supervisory or instructional employees for the reasons outlined in KRS 161.120(1)(a) et seq. [KRS 161.120(1)].

- **Limited Contract.** This term shall mean a contract for the employment of a Teacher for a term of 1 (one) year only or for that portion of the school year that remains at the time of employment [KRS 161.720(3)].

- **Non-Renewal.** This term means to decline to offer: 1) A new Limited Contract or a Continuing Service Contract to a Certified Employee currently under a Limited Contract when permitted under state statute and District policy; or 2) A new Term Contract to a Classified Employee currently under a Term Contract when permitted under state statute and District policy

- **Official Custodian.** This term means the chief administrative officer or any other officer or employee of a public agency who is responsible for the maintenance, care and keeping of public records, regardless of whether such records are in his actual personal custody and control [KRS 61.870(5)].

- **Paraprofessional.** This term (or “Paraeducator” or Teacher’s Aide) means an adult school employee who works under the direction of the professional administrative and teaching staff in performing, within the limitations of training and competency, certain instructional and non-instructional functions in the school program [KRS 161.010(5); JCS 03.5].

- **Private Reprimand.** This term 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 Warning, but a less severe than a Public Reprimand. A Private Reprimand 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.

- **Probation.** This term means the deferral of disciplinary action pending the outcome of a non-disciplinary intervention.

- **Public Agency.** For the purposes of the Kentucky Open Records Act of 1992 [KRS 61.870 to 61.884], this term means: 1) Every state or local government officer; 2) Every state or local government department, division, bureau, board, commission, and authority; 3) Every state or local legislative board, commission, committee, and officer; 4) Every county and city governing body, council, school District board, special District board, and municipal corporation; 5) Every state or local court or judicial agency; 6) Every state or local government agency, including the policy-making board of an institution of education, created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act; 7) Any body created by state or local authority in any branch of government; 8) Any body which, within any fiscal year, derives at least 25% (twenty-five percent) of its funds expended by it in the Commonwealth of Kentucky from state or local authority funds (however, any funds derived from a state or local authority in compensation for goods or services that are provided by a contract obtained through a public competitive procurement process shall not be included in the determination of whether a body is a public agency under KRS 61.870(1)(h); 9) Any entity where the majority of its governing body is appointed by a Public Agency as defined in KRS 61.870(1)(a), (b), (c), (d), (e), (f), (g), (h), (j) or (k) or by a member or employee of such a Public Agency or by any combination thereof; 10) Any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council, or agency, except for a committee of a hospital medical staff, established, created, and controlled by a public agency as defined in KRS 61.870(1)(a), (b), (c), (d), (e), (f), (g), (h), (i) or (k) ; and 11) Any interagency body of 2 (two) or more public agencies where each Public Agency is defined in KRS 61.870(1)(a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) [KRS 61.870(1) and 171.410(1)].
GLOSSARY OF TERMS-CONT’D.

- **Public Record.** This term means all books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a Public Agency [KRS 61.870(1) and (2)]. The term shall not include any records owned or maintained by or for a body referred to in KRS 61.870(1)(h) that are not related to functions, activities, programs, or operations funded by state or local authority [KRS 61.870(2) and 171.410(1)].

- **Public Reprimand.** This term means a formal disciplinary action that is taken when the grounds for employee discipline and/or case circumstances involved warrant an action that is more severe than a Private Reprimand, but a less severe than a Suspension. The action requires the level of due process outlined in state statute and District policy for a Certified Employee [KRS 161.790; 701 KAR 5.090; JCS 03.17] or the level of due process outlined in District policy for a Classified Employee [JCS 03.27 and 03.27 AP.1].

- **Resignation.** This term means a voluntary separation from service initiated by an employee in the manner required under state statute and District policy.

- **Superintendent.** This term means, for the purpose of KRS 161.765, the school officer appointed by a Board of Education under the authority of KRS 160.350 or any person authorized by law to perform the duties of that officer [KRS 161.720(7)].

- **Suspension.** This term 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 an 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 [KRS 161.790; 701 KAR 5.090; JCS 03.17] or the level of due process outlined in District policy for a Classified Employee [JCS 03.27 and 03.27 AP.1].

- **Teacher.** This term means any regular or special teacher, principal, supervisor, Superintendent, assistant superintendent, librarian, director of pupil personnel, or other member of the teaching or professional staff engaged in the service of the public elementary and secondary school for whom certification is required as a condition of employment [KRS 157.320(13) and 161.720(1)].

- **Term Contract.** This term shall mean a written contract entered into between the District and a Classified Employee that shall be renewed annually except as provided in KRS 161.011(5) through (8) [KRS 161.011(5)].

- **Termination of Contract.** This term 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:** This term means an involuntary separation taken for very serious misconduct. Considerations under state statute and/or District policy include the following:

    - **Certified Employee:** The contract of a Teacher shall remain in force during good behavior by the Teacher and shall not be terminated except for any of the following Causes: 1) Insubordination (including, but not limited to, violation of the school laws of the state or administrative regulations adopted by the Kentucky Board of Education, the Education Professional Standards Board, or lawful rules and regulations established by the Board of Education for the operation of schools, or refusal to recognize or obey the authority of the Superintendent, Principal or any other supervisory personnel of the Board of Education in the performance of their duties [KRS 161.790(1)(a); JCS 03.17]; 2) Immoral character or conduct unbecoming a Teacher [KRS 161.790(1)(b); JCS 03.17]; and 3) Physical or mental disability [KRS 161.790(1)(c); JCS 03.17; proceed with caution on this basis].
GLOSSARY OF TERMS-CONT’D.

- **Classified Employee**: Causes for action include the following: 1). Dishonesty; 2). Insubordination; 3). Reporting to work under the influence of or use or possession of alcohol while on duty, or the illegal use or possession of controlled substances at any time; 4). Repeated unexcused absence, tardiness, absence without notification or abuse of sick leave; 5). Violation of or refusal to obey local policies or state regulations adopted by the Kentucky Board of Education or by the Board of Education; 6). Refusal to comply with safety directives; 7). Falsifying information supplied to the District including information on application forms, time sheets, absence reports or any other information; 8). Violation of local policy, state or federal statutes or regulations that apply to assigned duties; 9). Being convicted of or entering an “Alford” plea or please of *nolo contendere* to a felony or any crime (including misdemeanors) involving moral turpitude or illegal transactions with minors or students; 10). Immorality, misconduct or conduct unbecoming a school employee; 11). Loss of licensure or certification required for the position; 12). Failure to maintain the confidentiality of information about students or staff obtained in the course of employment, unless disclosure serves a legitimate job-related purpose or is required by law; 13). Engaging in any sexually related behavior with a student with or without consent (including, but not limited to, behavior such as sexual jokes, sexual remarks, sexual kidding or teasing, sexual innuendo, pressure for dates or sexual favors, inappropriate physical touching, kissing, or grabbing, rape, threats of physical harm and sexual assault); and 14). Physical or mental disability (consistent with applicable laws protecting employees with disabilities) [KRS 17.160 and 161.011(7); JCS 03.27 and 03.2711].

- **Dismissal for Substandard Performance**: This term means an involuntary separation taken for a failure to meet performance standards established by the Kentucky State Board of Education and/or the District. Considerations under state statute and/or District policy include the following:
  - **Certified Employee**: The contract of a Teacher shall remain in force during efficient and competent service by the Teacher and shall not be terminated except for any of the following Causes when a written statement identifying the problems or difficulties has been furnished to the Teacher involved: 1) Inefficiency; 2) Incompetency; or 3) Neglect of duty [KRS 156.557 and 161.790(1)(d); 704 KAR 3:345; JCS 03.17, 03.18, 03.18 AP.11 and 03.18 AP.12].
  - **Classified Employee**: Causes for action include the following: 1). Neglect of duty; 2). Incompetence; 3). Inefficiency; or 4). Unsatisfactory evaluation of any factor on a performance evaluation report [KRS 161.011; JCS 03.27 and 03.2711].

- **Tribunal**. This term means a 3 (three) member hearing panel consisting of 1 (one) Teacher (who may be retired), 1 (one) Administrator (who may be retired) and 1 (one) lay person, none of whom reside in the District, to conduct an administrative hearing in accordance with KRS 13B.005 et seq. [KRS 13B.010(2) and 161.790(4); JCS 03.17].

- **Volunteer**. This term means an adult who assists Teachers, administrators, or other staff in public school classrooms, schools, or school District programs, and who do not receive compensation for his or her work [KRS 161.148(1)].

- **Warning**. This term 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 Alert, but less severe than a Private Reprimand. A Warning is the most severe type of informal action and is meant to put the employee on notice for the action(s) or behavior(s) involved.

- **Year**. This term as applied to terms of service means actual service of not less than 7 (seven) school months within a school year (provided, however, that any Board of Education may grant a leave of absence for professional advancement or military leave for active duty service with full credit for service) [KRS 161.720(2)].