

-Personnel for Principals-

Effective Leadership Practices
when
Modifying Employee Misconduct

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Role of Leadership in Schools

*Leaders are not the magic solution for improving schools.
Leadership is the most important indicator of effective
schools.*

*“The quality of leadership will determine, for better or for
worse, the kind of schools we have.”*

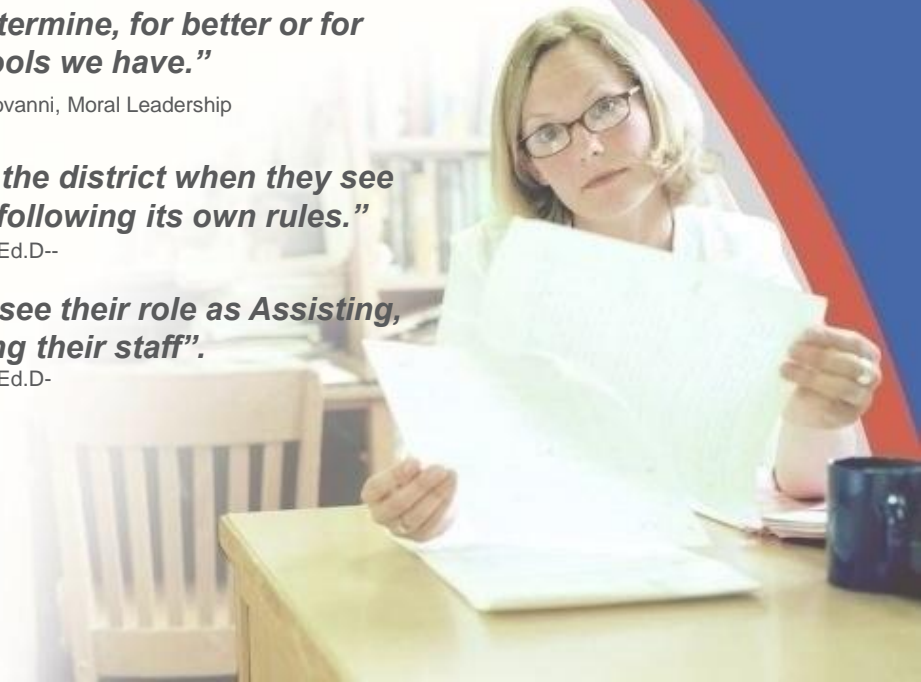
Thomas J. Sergiovanni, Moral Leadership

*“Employees will follow the rules of the district when they see
the district board and leadership following its own rules.”*

-David Braswell, Ed.D--

*“Leadership produces leaders who see their role as Assisting,
Sharing, and Supporting their staff”.*

-David Braswell, Ed.D-



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ACTIVITY 1: Research-Based Principles for Effective Employee Behavior Management

RESEARCH PILLAR 1: ETHICAL PHILOSOPHY

NOTES: _____

RESEARCH PILLAR 2: EMPLOYEE EXPECTATIONS

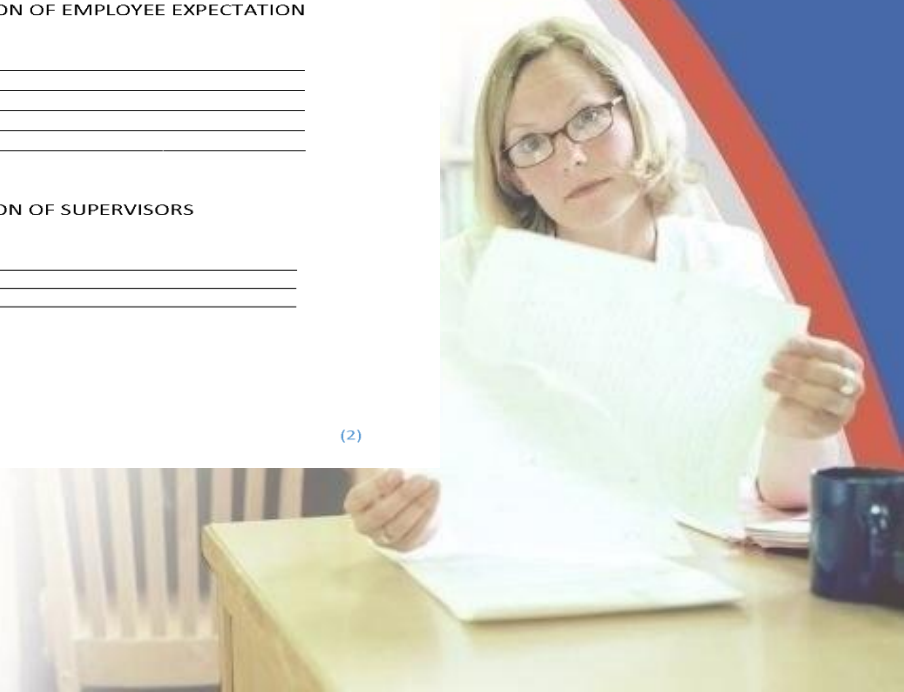
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RESEARCH PILLAR 3: SUPERINTENDENT REGULATION OF EMPLOYEE EXPECTATION POLICIES

NOTES: _____

RESEARCH PILLAR 4: SUPERINTENDENT EVALUATION OF SUPERVISORS ADHERENCE TO POLICIES

NOTES: _____



“Proving Just Cause”

Few if any school district education association agreements contain a definition of “Just Cause” when dealing with employee discipline. Nevertheless, over the years the opinions of arbitrators in innumerable discipline cases have developed a sort of “common law” definition thereof. This definition consists of a set of guidelines or criteria that are to be applied to the facts of any one case.

A “no” answer to any one of the following questions signifies that just and proper cause to justify employee disciplinary action did not exist. In other words, a “no” to anyone of the following questions means that the employer’s disciplinary decision contained one or more elements of arbitrary, capricious, unreasonable, or discriminatory action to such an extent that said decision constituted an abuse of managerial discretion warranting the arbitrator to substitute his/her judgment for that of the employer.

Proving “Just Cause” includes documentation to evidence the following seven question test.

1. Did the employer give to the employee foreknowledge and/or forewarning of the possible or probable disciplinary consequences of the employee’s conduct?
 - a. Meeting this test requires the district to distribute to all employees of the district a document of “Employee Expected Behaviors” at the time of hire and annually thereafter. The document should be signed for receipt by the employee and the document filed in the Official Personnel File.
2. Was the employer’s rule or managerial order reasonable related to (a) the orderly, efficient and safe operation of the employer’s business and, (b) the performance that the school district might properly expect of the employee?
 - a. Meeting this test requires the district to determine “Grounds” for all claims of misconduct to the goal of creating a “safe and supportive environment conducive to learning.”
3. Did the employer, before administering discipline to an employee, attempt to discover whether the employee did in fact violate or disobey a rule or order of management?
 - a. Meeting this requires the district to follow a consistently applied strict set of supervisory procedures that details what the supervisor is to do before they take a disciplinary action, as they take an action and, after they take an action.
4. Was the employer’s investigation conducted fairly and objectively?
 - a. Meeting this requirement requires the district procedures to be implemented in a fair, reasonable, thoughtful and, consistent manner for each employee incident of misconduct every time a disciplinary action is taken.
5. At the investigation, did the “supervisory official” obtain substantial evidence or proof that the employee was guilty as charged?
 - a. Meeting this requirement requires the district to detail how the supervisor is weighted the aggravating and mitigating evidence to support the type of disciplinary action taken.
6. Has the employer applied its rules, orders and penalties evenhandedly and without discrimination to all employees?
 - a. Meeting this requirement requires the district to institute an accountability rubric that ensure that the type of discipline instituted is consistently applied across the spectrum of employees throughout the district.
7. Was the degree of discipline administered by the employer in a case reasonably related to (a) the seriousness of the employee’s proven offense and, (b) the record of the employee in their service with the school district?
 - a. Meeting this requirement requires the district to design a weighted system of “progressive discipline” based on the “ethical philosophy” of the community and the elected school board representatives charged with representing the community.

UpSlope Solutions has developed a research-based leadership training course for proving “Just Cause”. This staff development is designed to educate school-district leadership on how to prove “Just Cause” fairly, reasonably, thoughtfully and, consistently. To schedule your onsite summer session contact UpSlope Solutions LLC.



FLOWCHART FOR IMPLEMENTING EMPLOYEE BEHAVIOR MODIFICATION

1. Determine “**GROUND**S” authorizing supervisor to hold employee accountable to policy violation.
 - a. Go to Superintendent Guidelines and select a violation that you believe best represents the misconduct that you believe occurred prior to completing step 2.

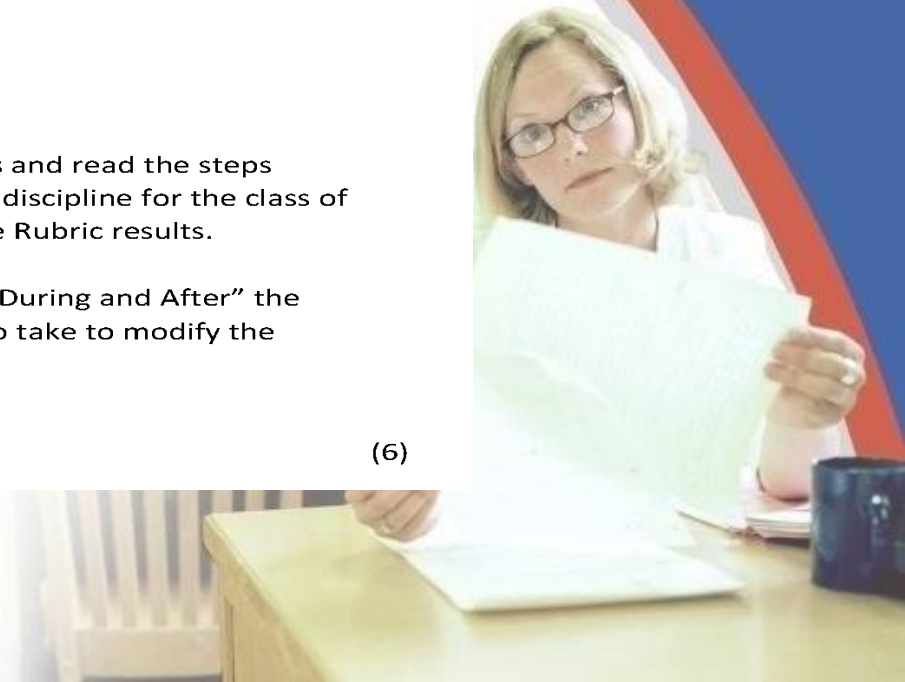
2. Substantiate the “**ALLEGATIONS**”. (Get Investigative Form)

3. Recalibrate Step 1 : “**Grounds**”

4. Complete the “**Rubric**”

5. Go to Administrative Guidelines and read the steps required for issuing the level of discipline for the class of employee recommended by the Rubric results.
 - a. Follow guidelines “**Before, During and After**” the action you are proposing to take to modify the employee behavior.

(6)



STEPS FOR DETERMINING CORRECTIVE ACTION PLAN VS. SANCTIONING THE MISCONDUCT IN WRITING

District Leadership will:

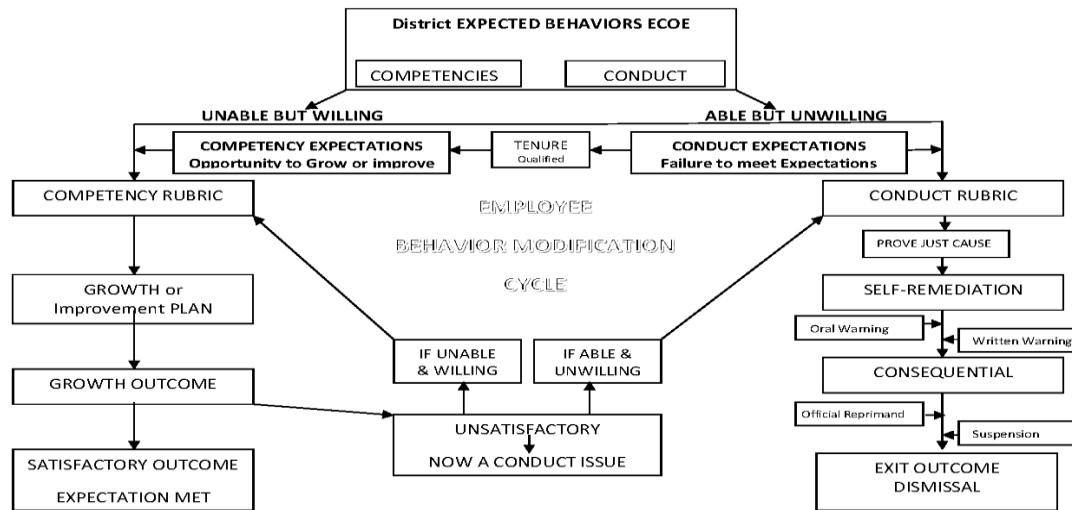
STEP 1: Determine if “grounds” exist to act regarding a competency vs. conduct issue?

Step 2: If competency-based “grounds” are derived from a teacher evaluation observation, issue a “letter of inadequacy” and start improvement plan in accordance with the KY Teacher Evaluation due-process guidelines.

STEP 3: If the “grounds” are related to professional conduct, (tardy, absenteeism, records falsification, dishonesty, inappropriate, abusive or offensive conduct and others), modify behavior using ECOE steps.

STEP 4: All teachers found to be **UNABLE BUT WILLING** to meet the “professional instructional standards” of the KY Teacher Evaluation process will be issued a “letter of inadequacy” and provided growth support. **NOTE:** Letter of Inadequacy proves “Just cause” and will be retained by supervisor for recommendations for both non-renewal and/or termination.

STEP 5: All employees found to be **ABLE BUT UNWILLING** to meet the employee expected behaviors will begin progressive discipline in accordance with a completed rubric.



Questions

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Session Presentation Evaluation



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