

ALLEGATIONS OF MISCONDUCT POLICY

The Lafayette Parish School Board is mandated by law to investigate allegations of misconduct directed at its employees. This mandate, in part, is reflected by La.R.S. 17:81.6. However, the individual employee's right to privacy and due process of law are likewise recognized. Furthermore, the Lafayette Parish School Board acknowledges the professional status of its employees and obligates itself to diligently protect their interests and rights accordingly. Therefore, in an effort to resolve those competing interests, rights and duties, the Board hereby adopts the following policy guidelines regarding the procedures for the investigation of employees accused of misconduct.

An individual Board member, principal, administrator, or staff supervisor to whom an allegation of misconduct is directed shall immediately inform the Superintendent or his designee of the charge. Any employee becoming privy to an allegation involving another employee shall report same directly to his or her principal, administrator or supervisor, who will then notify the Superintendent of the charge; however, should the principal, administrator, or staff supervisor fail to act, or should he or she be the object of an allegation of misconduct, then the employee may report directly to the Superintendent or his designee.

Upon receipt of an allegation of misconduct, the Superintendent or his designee shall promptly:

- A. Confer with the principal, administrator, or supervisor of the school, site, or department with which the employee is associated to discuss matters such as the nature of the allegation, whether the performance of the employee has been adversely affected or is likely to be adversely affected, whether others in the school (site) have mentioned this alleged incident of misconduct, the likelihood that the allegation has any veracity, and whether the mere fact that the allegation has been made impairs the abilities of the employee to discharge the duties attendant to his or her position; and,
- B. Either personally and/or through a designee (which may be the principal, administrator, or supervisor of the affected employee) attempt to resolve the matter by informal consultation with the involved party or parties.

Based upon the preliminary findings of the Superintendent or his designee, the Superintendent shall decide whether the allegation is without substance or a formal

investigation into the complaints initiated and/or the employee suspended. Should it become necessary for an employee to be suspended during the course of the investigation of the allegation(s) of misconduct, the employee will be suspended with pay until a final decision is made. It is to be noted that up to this point, the investigation should be discreet, on a confidential basis and investigatory, not accusatory in nature. Further, no notations in the personnel file of the employee in question shall be made regarding the allegation of misconduct should the Superintendent or his designee elect to discard the charges at this juncture. The investigation shall not become accusatory until the Superintendent or his designee is satisfied that there is a substantial basis for the allegation(s).

After the preliminary informal investigation, the Superintendent or his designee shall advise the affected employee of the Superintendent's preliminary findings. Further, the employee shall be afforded the opportunity to respond to the allegations and advise the Superintendent or his designee of any witness or evidence which may challenge the accuracy of the allegation. Should the Superintendent elect to proceed with punitive measures, then the employee shall be afforded all due process rights specified by law.

If there is a public announcement by the Board that the employee may be disciplined, whether or not there is an accompanying reduction in employee pay, the employee may appear before the school board in an open session, within thirty days after the conclusion of an investigation and prior to Board action, and be given a reasonable time, as determined by the Board, to comment on the investigation and any actions taken or proposed to be taken involving the employee. Nothing in this paragraph shall inhibit the Board from suspending an employee, with or without pay, under appropriate circumstances.

At all times during the investigative procedures the Superintendent or his designee shall strive to obtain the specifics of the allegations of misconduct, including date, time, location, and other details of the alleged offense. The employee against whom the allegations have been made shall be advised, within the parameters of each particular case, of the specifics surrounding the alleged misconduct. The employee may have a representative of his/her choice to appear with him/her at any level of the investigation.

Complaints of misconduct shall be handled as expeditiously as the circumstances surrounding each particular case will allow. Any hearing, formal or informal, before the Superintendent or the Board, shall be conducted with rapidity. Evidence from the employee shall be accepted and accorded due consideration.

For purposes of this policy, the term "misconduct" shall include the commission of immoral offenses involving students or others, corporal punishment, neglect of duty, incompetency, dishonesty, insubordination, violation of School Board policy, or any other conduct which may call into question the employee's ability to discharge the duties attendant to his position.

This policy is not intended to supplant any grievance procedures which may be in existence and available to any employee. Further, this policy shall not supersede the employee's right to formal hearings specified by law including, but not limited to, La.R.S. 17:443, et seq.

R.S. 17:81:6; R.S. 17:81.6 (as amended by Act 164)

Adopted 2/03/93

Lafayette Parish Public Schools, Louisiana