

“Basic Fairness and Due Process, Guidelines for Corrective Discipline”

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INTRODUCTION

The Basic Fairness and Due Process, Guidelines for Corrective Discipline (“Basic Fairness”) document is intended to describe the Denver Public Schools (“District”) corrective action process and to provide managers and employees a guide for how to administer corrective action.

The Basic Fairness guidelines, effective September 1, 2021, are a District document developed in consultation with our Employee Associations. The Basic Fairness guideline applies to all employees, except employees that are covered by the Denver Classroom Teachers Association. *In the event the language in the Basic Fairness guidelines conflicts with provision of a collective bargaining agreement or an innovation plan, the collective bargaining agreement or the innovation plan shall control.* Language in this Basic Fairness document which is conflicting with a school or department handbook shall supersede the school or department based handbook.

Neither this manual nor any other District document confers any contractual right, either express or implied, to remain in the District’s employ. Nor does it guarantee any fixed terms and conditions of your employment. The District reserves the right to amend or abolish these guidelines, in whole or in part, at any time, with or without prior notice.

EMPLOYEE EXPECTATIONS

The Board of Education of the City and County of Denver is a public employer that requires its employees to perform their duties and responsibilities in a manner that promotes the best interest of its students, further the goals of the District, and results in the highest level of public trust and confidence.

Employees are expected to follow District policies and procedures, and federal, state and local laws. Employees also are expected to perform to the standards established by their supervisor.

RESPONSIBILITIES OF SUPERVISORS

Supervisors are responsible for establishing and communicating to employees clear job expectations and for coaching employees when the need arises. Expectations should be communicated verbally or in writing to the employees, and cannot conflict with law, Board policy, or the terms of a collective bargaining agreement.

When corrective action is appropriate, supervisors are expected to consult with their Human Resources Partner.

STEPS PRIOR TO CORRECTIVE ACTION

COMPLAINTS

Matters of concern regarding an employee may be expressed verbally or in writing to a supervisor. A supervisor may also determine matters of concern exist with an employee based upon their observations of and/or contact with the employee.

The employee should in most cases be promptly notified of the nature of the complaint and be given an opportunity to respond to the complaint.

If appropriate, the supervisor shall arrange and attend a meeting with the complainant and the employee in an attempt to resolve the situation.

If any record of the complaint, or its formal or informal resolution, is placed in the employee's files, the employee shall have the right to file a written response.

CHILD ABUSE OR ASSAULT

Any school official or district employee who has reasonable cause to know or suspect that any child is subjected to abuse or to conditions that might result in abuse or neglect must immediately upon receiving such information report such fact to the statewide child abuse reporting hotline system (if the suspected perpetrator is a parent, guardian or legal custodian) or local law enforcement agency (if the suspected perpetrator is not a parent, guardian or legal custodian). *The Colorado Child Abuse and Neglect Hotline is 1-844-CO-4-kids or 1-844-264-5437.*¹

The school official or employee reporting suspected abuse/neglect to human services or law enforcement officials must inform the school principal as soon as possible orally or with a written memo. Investigations of such behavior by external agencies does not relieve the District of its duty to investigate.

ADMINISTRATIVE LEAVE

An employee may be placed on administrative leave to protect the interests of students, the employee, or other staff, to conduct an appropriate investigation, or any other conduct that warrants removing the employee from the worksite. Administrative leave is not a punitive or corrective action, and is not an indicator that a matter has been prejudged.

Supervisors who believe there may be a need for administrative leave should speak with their Human Resources Partner. The Human Resources Partner can help evaluate the situation, determine the best course of action, and obtain the necessary approval, as needed.

If administrative leave is determined to be necessary, the supervisor or designee must:

1. Meet with the employee to give specific allegation(s) and the basic reason why the administrative leave is necessary, when possible.
2. Provide the employee a copy of the [administrative leave checklist](#) and review it with the employee.
3. At the employee's request, allow the employee the opportunity to respond to the allegations that caused the employee to be put on leave at a meeting set by the District within three work days of being placed on administrative leave. The employee may be represented by a representative of their Collective Bargaining Unit at that meeting.
4. If the administrative leave extends beyond seven (7) calendar days extended, the employee and the employee's collective bargaining representative will be notified by phone from the

¹ For additional information, see [Board of Education Policy JLF and DPS Regulation JLF-R](#)

Department of Human Resources or designee the reasons for the extension and the expected date of completion of the leave.

INVESTIGATIONS

The District will investigate the matter of concern to gather information. Generally, the investigation will be conducted by the employee's supervisor, but may be conducted by a District designee.² The investigation shall be concluded as expeditiously as possible.

Employees shall cooperate with investigations in good faith, and under no circumstances engage in unlawful or prohibited retaliation against an individual who raised a concern about or participated in an investigation.

Following the completion of the investigation, the supervisor will meet with the employee to share the results of the investigation and to give the employee an opportunity to respond. The employee may have a collective bargaining representative at this meeting. If no correction action is deemed necessary, the supervisor will provide such notice and information to the employee and employee's collective bargaining representative as necessary to close out the investigation.

TYPES OF CORRECTIVE ACTION

Corrective action may include one or a combination of the following:

1. Letter of Warning
2. Letter of Reprimand
3. Suspension without Pay

The Basic Fairness document does not cover coaching/counseling/verbal warnings, which can be given at any time without any formal procedures, or recommendations to the superintendent that an employee be dismissed under Board of Education policy GDQD-R or any other manner provided under Colorado law.

Neither the Collective Bargaining Agreements nor these guidelines determine what level of discipline should be imposed, or that any particular progression of discipline be followed.

CORRECTIVE ACTION GUIDELINES

Corrective action is a process designed to assist employees to correct job-related performance or conduct that does not meet expectations. Corrective action may be appropriate when an employee has engaged in misconduct or violated work rules, Board/school/department expectations, or where other good and just cause exists.

Level of discipline will be determined by the Human Resources Department representative and the supervisor or their designee based upon the specific circumstances of the situation, and must meet a "just cause."

² If the matter of concern involves a possible violation of law or Board policy, the complaint must be immediately reported to Human Resources and any investigation must proceed with Human Resources' oversight and consultation.

NOTICE OF PRELIMINARY INTENT

The supervisor will inform the employee of the preliminary intent to consider imposition of corrective action and schedule a meeting where the employee may be accompanied by a collective bargaining representative.

At this meeting, to the extent it has not already occurred, the employee will be informed of the investigation results and be given an opportunity to respond to the allegations. Upon consideration of any additional information provided by the employee at the meeting, the supervisor will determine if corrective action is appropriate. The supervisor may issue corrective action at the conclusion of the meeting or schedule a separate meeting for the specific purpose of rendering a decision to the employee. At any subsequent meeting, the employee may opt to be accompanied by a collective bargaining representative.

If the employee fails to appear at the designated date, time and location, such failure will not limit the District's right to implement corrective action.

LETTER OF WARNING

A Letter of Warning constitutes written notice to the employee that certain types of behavior are prohibited and future misconduct may result in further corrective action or other discipline up to and including dismissal.

A copy of this letter may be placed in the employee's personnel file.

LETTER OF REPRIMAND

A Letter of Reprimand is usually reserved for serious or repeated infractions. A Letter of Reprimand constitutes written notice to the employee that certain types of behavior are prohibited and future misconduct may result in further corrective action or other discipline up to and including dismissal.

A copy of a Letter of Reprimand will be placed in the employee's personnel file.

SUSPENSION WITHOUT PAY

A suspension is a removal of the employee from the workplace without pay. A Suspension without Pay is usually reserved for repeated infractions or when the infraction is so serious that a Letter of Warning or Letter of Reprimand is not appropriate.

The duration of the suspension will be determined at the discretion of the District based upon the severity of the particular situation. The Human Resources Department must approve all suspensions.

PERSONNEL FILE

If corrective action is placed in the employee's file, the employee will have an opportunity to review it and sign the copy of the letter as an acknowledgement of receipt. If the employee refuses or fails to sign the corrective action letter, the letter may still be placed in the employee's personnel file with an indication the employee refused to sign it. If corrective action is placed in the employee personnel file, the employee shall have the right to file a written response.

Appendix

1. [Administrative Leave with Pay Checklist \(copy\)](#)
2. [Preliminary Intent Notice](#)
3. [Corrective Action Form \(copy\)](#)

ADMINISTRATIVE LEAVE WITH PAY CHECKLIST

Name of Employee:

Date:

You are being placed on administrative leave with pay for the purpose of investigation of a matter of which your supervisor has appraised you. Administrative leave is not punitive action by your supervisor. The following information is intended to outline your rights and responsibilities while on leave.

During your administrative leave:

	You must leave all keys and work devices (e.g., computers, tablets, DPS-issued phones) with your supervisor today.
	District personnel assigned to conduct the investigation will gather all necessary information to make findings.
	Should a district investigator contact you, you are directed to cooperate in the investigation and comply with any investigation-related directives from the investigator.
	You are required to make yourself available during regular school/office hours for interviews, investigation findings meetings, return-to-work meetings, or other necessary appointments scheduled by District personnel.
	You may not engage in communications with any student, parent or staff concerning any matters pertaining to this investigation.
	Within three (3) school days of being placed on administrative leave, you may request a meeting to respond to the decision to place you on administrative leave. Upon advance request, you may have a collective bargaining representative at the meeting.
	You may, but are not required to, remove personal effects from the school premises by calling the supervisor's office to make an appointment. Such removal will be under the supervision of the supervisor or the supervisor's designee.
	You will be informed of the results of the investigation at an investigation findings meeting which will be scheduled by District personnel. Upon advance request, you may have a collective bargaining representative at the meeting.

For security purposes, access to the following will be temporarily suspended during the administrative leave period:

	All District servers
	E-mail
	Voicemail

Please sign and date this form below to indicate your receipt of it.

Employee:
Supervisor:

Date:
Date:

PRELIMINARY INTENT NOTICE

Date

Name

Job Title

Dear _____:

I have scheduled a meeting to discuss (insert description of issues).

I have scheduled the meeting for DATE, TIME AND LOCATION.

Please be advised that you may have a union representative at the meeting. If you choose to do so, you must contact your union representative to secure their attendance.

The meeting may result in corrective action as part of our performance improvement process.

If there are any questions, please contact me at (Phone # and Email)

Sincerely,

[Supervisor]

CORRECTIVE ACTION FORM

Employee Name:		Date:	
Supervisory Name:		Job Title:	
School/Department:			

Level of Corrective Action (select one)
<input type="checkbox"/> Letter of Warning
<input checked="" type="checkbox"/> Letter of Reprimand
<input checked="" type="checkbox"/> Letter of Reprimand with Suspension without Pay

Dear _____:

Facts of the situation and investigatory conclusion:

Describe in detail the employee's performance or conduct issue(s) and investigatory conclusions. Include facts, such as date(s), time(s) and location(s) of the event as well as dates of prior discussion(s)/communication(s) about this issue.

Relevant District policy violated:

Describe the applicable district policy, procedure, department directive, or rule infraction/violation.

Actions to be taken:

Describe recommendation action to correct behavior or performance as well as any assistance that will be provided to support needed changes, if any. Include the desired outcome and expectations. You may want to cite a portion of the job description or a policy. Does the employee have any suggestions on how to improve their performance?

Period of time, if appropriate, to correct behavior:

(Provide date by which behavior must comply with the work rule, etc)

Consequences for failure to correct the conduct/performance:

With this letter, I am giving you an opportunity to correct your behavior and perform your duties and responsibilities in an acceptable manner. Failure to comply with this letter may result in further corrective action or possible dismissal recommendation.

Statement advising the employee of the right to attach a written explanation.

You have the right to review this corrective action. If the corrective action form is placed in your personnel file, you may attach a written response. Any written response must be submitted to your Human Resources Partner within five (5) work days from the date of this letter.

By signing below, I acknowledge receipt of this letter. Your signature does not indicate agreement with the letter, but that the meeting and issuing of the letter occurred. If you refuse or fail to sign the letter, the letter will still be placed in your personnel file with an indication that you refused or failed to sign this letter.

Employee's Signature:		Date:	
Supervisor's Signature:		Date:	
Filed in Personnel File ³ :	<input type="checkbox"/> Yes <input type="checkbox"/> No		

cc. Personnel file

³ Letters of Reprimand and/or Suspensions without Pay must be included in Personnel File