

LODI UNIFIED SCHOOL DISTRICT

Rule 4317.4

Personnel

Discipline of Permanent Employees

1. Pre-disciplinary Safeguards

Prior to imposition of disciplinary action the District shall give written notice to the employee. The written notice of disciplinary action shall be deemed sufficient if personally delivered or sent to the employee by certified mail, return receipt requested, at least 5 calendar days prior to the date when the disciplinary action is proposed to be effected.

2. Contents of Written Notice

The contents of the written notice shall include, but need not be limited to, the following:

- a. A statement, in ordinary and concise language, of the specific acts and omissions upon which the disciplinary action is based;
- b. A statement of the cause, or causes, for the action taken;
- c. If it is claimed that the employee has violated a rule or regulation of the District, a statement of the rule or regulation;
- d. A statement of the discipline proposed, including beginning and ending date(s) if appropriate;
- e. A statement that the employee may file a request for hearing before the Board of Education directly with the Superintendent or his/her designee within 10 working days after service of the written notice;
- f. A statement that if the employee does not respond pursuant to (e) above, the District will impose the discipline as noticed.

3. Hearing Before the Board of Education

- a. If the employee served with a recommendation for disciplinary action files a timely request for hearing, the Board of Education may conduct such hearing itself or may appoint a designee to conduct such a hearing.

- (1) Such designee may include, but is not limited to, a hearing officer (e.g. an Administrative Law Judge obtained through the Office of Administrative Hearings).
 - (2) Any decisions rendered by such a designee shall be advisory to the Board.
- b. If an employee requests a hearing and subsequently fails to appear at such hearing, the employee shall be deemed to have waived any right to participate or be represented at the hearing and action may be taken without further notice to the employee, based upon the recommendation for disciplinary action prepared by the Superintendent or his/her designee, and previously served upon the employee.
 - c. The hearing shall be conducted in closed session unless the employee requests a public hearing. The Board or its designee may deliberate in the absence of the employee and the District administration.
 - d. At such hearing, the employee shall be entitled to appear personally, to be represented by a person of his/her choice, to introduce relevant evidence on his/her behalf, to cross examine witnesses and to challenge evidence presented by the District.
 - e. The Board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.

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