

HUMAN RESOURCES

Employment Actions and/or Records

Dismissal—Definition of Just Cause

This regulation supersedes Regulation 4293.4.

I. PURPOSE

To establish that the School Board may dismiss an employee for just cause.

II. GUIDELINES

Just cause is interpreted to include, but is not limited to, the following:

A. Incompetency.

1. If a classroom teacher, failure to: exercise sufficient control over children; create a classroom environment conducive to effective instruction; or present information in a satisfactory manner.
2. Failure to make reports, follow instructions, or perform duties.
3. Failure to work well with other people and to be a constructive team member.
4. Failure to plan or organize effectively.
5. Failure to administer programs, plans, or policies.
6. Failure to meet and serve the public in a satisfactory manner.
7. Failure to devote necessary time and attention to responsibilities.
8. Failure to receive satisfactory evaluation rating.

B. Dishonesty.

C. Theft.

D. Possession of a weapon on School Board property.

E. Falsification of records, including application for employment.

- F. Failure to fulfill contractual obligations.
- G. Improper or immoral conduct that adversely affects the employee's responsibilities or the school system's mission.
- H. Engaging in behavior such as fighting, violence, or threatening violence against others.
- I. Willful destruction of public property.
- J. Manufacturing, distributing, dispensing, possessing, consuming, using, or selling alcohol or illegal drugs, or unlawfully using prescription drugs on School Board property, while performing School Board business or during duty hours.
- K. Manufacturing, distributing, dispensing, possessing, consuming, using, or selling illegal drugs at any time and in any place.
- L. Presence of alcohol, illegal drugs, unlawful prescription drugs, or drug metabolites in the body while on duty.
- M. Refusal to submit to blood, urine, breathalyzer, or equivalent test to determine the presence of alcohol, drugs, or other intoxicants while on duty.
- N. Conviction of a crime.
- O. Evident unfitness for work.
 - 1. Physical or mental conditions that cause the employee to be unable to perform the essential functions of his or her job with or without reasonable accommodation; failure to pass the annual physical examination required for certain positions.
 - 2. Unprofessional behavior.
- P. Action that brings the school system into disrepute.
- Q. Insubordination to duly constituted authority.
- R. Advocating violent overthrow of the government.
- S. Engaging in political campaigns or other nonschool-system business while on duty.
- T. Neglect or abandonment of position.
- U. Failure to comply with tardiness or attendance standards.

V. Noncompliance with the regulations and policies of the School Board, the state Board of Education, or the Code of Virginia.

W. Elimination of employee's position due to insufficient funds or other good cause.

This regulation permits termination of the employees without cause if that is consistent with the terms of their initial employment, their individual employment contracts, or their individual positions. For example, substitute, temporary, adult education, and similar classifications may be terminated at will or at the end of a specified period.

III. EMPLOYEE RIGHTS

An employee who has been recommended for dismissal has rights in accordance with School Board policies and regulations and with the Code of Virginia.

Legal reference: Code of Virginia, Section 22.1-307.