

# Proposed Amendment to District Policy 1450

## Discipline and Termination, and Non-renewal of Contract

### 3.6.5. Suspension without Pay and Notice of Intent to Dismiss.

3.6.5.1. Suspension with or without pay and notice of intent to dismiss may be administered only by the Superintendent and may occur in those instances in which:

- The misconduct is sufficiently serious as determined by the Superintendent to warrant the initiation of disciplinary action at this level, without prior disciplinary action; or,
- In those cases where previous warnings were given and found to be ineffective to cause correction of the offensive conduct; or,
- Remediation efforts have failed in those cases where such efforts were attempted; or,
- The nature of the offensive conduct is such that dismissal appears to be the only solution to the problem.

### 3.6.5.2. A copy of the notice of intent to dismiss shall:

3.6.5.2.1. Be placed in the employee's personnel file.

3.6.5.2.2. Be personally delivered to the employee and, if ~~the requested by the employee is a member of a qualified employee association of the District,~~ a copy shall also be delivered to the president of ~~said the employee's designated~~ association.

3.6.5.2.3. Be signed by the employee for the sole purpose of showing that he or she received and reviewed it.

3.6.5.2.4. State the reason or reasons for the proposed dismissal.

3.6.5.2.5. State the date of the proposed dismissal, which shall be not less than thirty days after the notice is delivered.

3.6.5.2.6. Give the employee the right to a hearing before a Hearing Officer as described in paragraph 3.6.5.5. ~~a panel of hearing examiners to be appointed by the Board of Education. Said panel shall consist of not fewer than three persons, one of whom must be a member of the Board of Education and one of whom the employee must approve.~~

3.6.5.3. State the date (not less than 15 days after notice) by which the employee must request the hearing in writing to the Superintendent. If the hearing is not timely requested, the employee shall be deemed to have waived it, and the Superintendent shall proceed with the proposed action.

### 3.6.5.4. State that the employee is entitled at the hearing to:

3.6.5.4.1. Be represented by counsel and/or by any other person or persons selected by the employee.

3.6.5.4.2. Hear the testimony and evidence against him or her.

3.6.5.4.3. Present witnesses in his or her behalf.

3.6.5.4.4. Cross-examine witnesses.

3.6.5.4.5. Examine documentary evidence. ~~Final Action. The decision of the hearing panel, or the Superintendent if a hearing is not requested, shall be in writing and shall state the specific findings and conclusions of the hearing panel or the Superintendent. A copy of the written decision shall be delivered to the employee and a copy shall be placed in the employee's personnel file.~~

3.6.5.5. Appeal to an Objective Hearing Officer\*

\*Paragraph 3.6.5.5, was negotiated by agreement with the Washington County Education Association on \_\_\_\_\_.

3.6.5.5.1. Cadre of Hearing Officers:

- The District and the Recognized Certified Teachers Association (Association) shall select Hearing Officers through a Board-issued request for proposal (RFP) process on an as needed basis in order to maintain a list of 3-5 Hearing Officers.
- The RFP will be developed jointly by agreement between the Association and District Administration. It should outline criteria that selected Hearing Officers must meet, the criteria for billable hours that Hearing Officers agree to upon selection, and general administrative hearing procedures with which Hearing Officer applicants must be familiar.
- A joint committee consisting of two employee representatives selected by Association, the HR Director, the Superintendent, and a Member of the Washington County School District Board of Education, shall review submitted proposals, interview applicants, and select the final cadre of Hearing Officers (Cadre).
- Once the Cadre is established, Hearing Officers will be selected for assignment on a rotation basis subject to availability.

3.6.5.5.2. Due Process before a Hearing Officer:

- For the purpose of this paragraph "days" shall mean consecutive days excluding weekends and District designated Christmas, fall, and spring breaks or holidays.
- A Hearing Officer will be assigned to recommend findings and conclusions under the terms of the following agreement.
- Each party will share the Hearing Officer expenses equally. The District may require the posting of a bond or letter of credit or the deposit of sufficient cash by the employee to assure payment of the expenses by the employee or the employee's association or representative.
- Each party shall be responsible to schedule their own witnesses. The District will allow the reasonable scheduling of essential employees, if needed, as witnesses for either party.
- Parties shall exchange documentary evidence at least four (4) days before the scheduled hearing.

- The Board's designee will appoint a Hearing Officer from the Cadre within 5 days of receipt of the request for a hearing.
- The Hearing Officer will set the hearing for no more than 20 days following his/her appointment and shall have full responsibility for notifying the parties, providing an outline of hearing procedures to the parties and conducting the hearing. The Hearing Officer shall set reasonable parameters for the length and breadth of the hearing.
- The Hearing Officer shall provide a written response and recommendation to the Washington County School District Board of Education, including findings and conclusions, no more than 10 days following the hearing.

Reference: Utah Administrative Code R277-514

Utah Code 53A-8a-501 et. seq.