

## Board Hearings on Employment Actions

Policy Code:

7951

### Recommended for repeal to be replaced with new policy 2500 Hearings Before the Board

#### **~~I. FULL DUE PROCESS HEARINGS FOR EMPLOYEES WITH VESTED RIGHTS~~**

~~Full Due Process Hearings before the Board will be conducted in the following circumstances:~~

~~A. A contract employee who has a contract is recommended for dismissal, demotion, or suspension without pay during the term of the contract~~

~~B. A career status teacher is recommended for dismissal, demotion, or suspension without pay. All Full Due Process Hearings will be conducted in a manner consistent with North Carolina law.~~

#### **~~II. OTHER EMPLOYMENT HEARINGS~~**

~~The Board will follow the procedures in Part III of this policy when the occasion for a hearing arises due to one of the circumstances outlined below.~~

##### **~~A. Contract Non-Renewal of School Administrators~~**

~~A school administrator may request a hearing before the Board on the Superintendent's recommendation not to renew his/her contract. If the school administrator files with the Superintendent a written request for a hearing before the Board within 10 days of receipt of notice of the non-renewal, the Board will grant a hearing regarding the Superintendent's recommendation. The Executive Director of Human Resources will promptly set a time and date for the hearing and notify the school administrator.~~

##### **~~B. Contract Non-Renewal of Other Contract Employees~~**

~~A contract employee who is not a school administrator may petition the Board for a hearing on the Superintendent's recommendation not to renew his/her contract. The employee who seeks Board review may file a petition with the Board no later than 10 days after receipt of notice of the Superintendent's recommendation for non-renewal. The written petition must be directed to the Executive Director of Human Resources and must include the basis for the hearing request and any supplemental information that the employee intends to offer in support of the employee's position that the contract should be renewed. The employee is not automatically entitled to a hearing.~~

~~When a petition for a hearing has been received, a panel of the Board of Education will be convened to consider whether to grant the petition. The panel will consider whether the petition sets forth grounds that the Administration acted in a manner that is arbitrary, capricious, discriminatory, or for personal or political reasons. The panel of the Board will decide whether to grant the petition based solely on the written materials submitted by the employee and the Superintendent.~~

If the Board panel decides to grant the petition, the Executive Director of Human Resources will schedule the hearing and notify the employee. If the Board panel decides not to grant the petition, the Executive Director of Human Resources will promptly notify the employee and the full Board.

### **C. Dismissal, Demotion, or Suspension of a Non-Contract Employee**

An employee may appeal the Superintendent's decision to the Board by notifying the Executive Director of Human Resources in writing no less than 10 days after receipt of the Superintendent's final decision letter. The Executive Director of Human Resources will promptly set a time and date for the hearing and notify the employee.

### **D. Other Employment Actions**

A contract or non-contract employee of any type may appeal a decision of the Administration that (1) is not otherwise specifically covered in Policies GAE (Grievances) or GAC (Personnel Files) and (2) affects the terms or conditions of his/her employment or employment status. In such cases, the employee may petition the Superintendent or designee for a review of the action. The Superintendent or designee will conduct a full investigation, reviewing the employee's personnel file and consulting with the employee's supervisor. The Superintendent will issue a final decision letter to the employee notifying the employee of his/her final decision. The Superintendent's letter will set forth the findings of the investigation and the reasons justifying his/her decision.

An employee may appeal the Superintendent's decision to the Board by notifying the Executive Director of Human Resources in writing no less than 10 days after receipt of the Superintendent's final decision letter. The Executive Director of Human Resources will promptly set a time and date for the hearing and notify the employee.

## **III. HEARINGS FOR EMPLOYMENT ACTIONS WHERE NO VESTED RIGHT**

These hearing procedures will apply in the circumstances outlined in Part II of this policy and according to any additional requirements outlined in Part II of this policy.

### **A. Exchange of Materials**

No less than five (5) days prior to the hearing, the Superintendent or designee will submit to the Board and the employee a position statement describing the reasons justifying the employment action and any supporting documentation. No less than three (3) days prior to the hearing, the employee may submit to the Board and the Superintendent or designee a statement describing his/her position regarding the employment action and any supplemental documentation, including written statements from other individuals.

### **B. Paper Hearing**

The hearing will be conducted in closed session. The Board will review the materials submitted by the Superintendent and the employee. The Board may also consider the employee's personnel file. Neither party will be permitted to make a presentation at the hearing. A record of the hearing will be made and maintained.

**C. The Board's Decision**

~~The Board will make a decision based on the materials before it, including but not limited to the following: (1) approve the employment action, (2) reject the employment action, or (3) take such other appropriate action as the Board may deem proper.~~

~~The Board will notify the employee in writing of its final decision and the reasons for its decision promptly, in accordance with dates prescribed by law.~~

Legal References:

Cross References:

Adopted: March 24, 2016

Revised: May 10, 2022 (recoded from GCP)