

GROUNDS FOR DISMISSAL:

Any Administrator may be dismissed for good cause before the completion of the term fixed in the contract. The following list of actions may result in dismissal:

1. Deficiencies pointed out as part of the appraisal or evaluation process or any other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of required or assigned duties.
4. Insubordination or failure to comply with official directives.
5. Neglect of duties.
6. Conducting personal business during school hours.
7. Drunkenness or excessive use of alcoholic beverages; illegal use of drugs, hallucinogens, or other controlled substances.
8. The possession, use, or being under the influence of alcohol, alcoholic beverages, or controlled substances while on school property, working in the scope of the employee's duties, or attending any school sponsored activity.
9. Disability, not otherwise protected by law, that impairs performance of required duties.
10. Immorality, which is conduct the Board determines, is not in conformity with the accepted moral standards of the community encompassed by the District.
11. Reasons specified in individual employment contracts reflecting special conditions of employment.
12. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.
13. Assault on a District employee or student.
14. Falsification of records or other documents related to the District's activities.
15. Misrepresentation of facts to a supervisor or other District official in the conduct of District business.
16. Failure to fulfill or maintain requirements for certification.
17. Any other reason justifying termination of employment for cause.

Utah Code Ann. § 53A-8-104 (1)

NOTICE:

Before any Administrator is dismissed, the Administrator shall be given reasonable notice in writing of the proposed action and the grounds, set out in sufficient detail to fairly enable the Administrator to show any error that may exist. This is to occur no less than 15 days prior to the proposed date of termination. The Administrator shall be advised of the names of adverse witnesses and the nature of their testimony.

Utah Code Ann. § 53A-8-104(5)

HEARING:

If the Administrator desires a hearing, the Administrator shall notify the Board in writing within 10 days of receiving the notice of anticipated termination or non-renewal. Upon such request, the Board or its designee shall within 10 days hold a hearing at which the Administrator shall be given a fair opportunity to refute the reasons given for the anticipated termination or non-renewal. The Board or its designee may, but is not required to, modify its decision with respect to the status of the employee's contract.

Siebert v. University of Oklahoma Health Sciences Center, 867 F.2d 591 (10th Cir. 1898)
Cleveland Board of Education v. Loudermill, 480 U.S. 532 (1985) Utah Code Ann. § 53A-8-104(8)

The Board may conduct the hearing in open session or in closed session unless the Administrator requests a public hearing, in which case the hearing shall be open to the public.

At the hearing before the Board, the Administrator may employ counsel. The Administrator also has the right to hear the evidence, upon which the charges are based, to cross-examine all adverse witnesses, and to present evidence of innocence or extenuating circumstances. Prior to dismissal, the Board shall determine the existence of good cause for termination. Such determination shall be based solely on the evidence presented in the hearing. The board shall notify the Administrator of its decision in writing within 10 days after the hearing.

Utah Code Ann. § 53A-8-105(2)

SUSPENSION:

The Administrator may be suspended with or without pay pending the outcome of the dismissal hearing.

PROBATIONARY STATUS:

The Board may decide not to renew the contract of any Administrator serving a probationary period.

REGULAR STATUS:

The Board, after receiving the recommendation of the Superintendent, may choose not to renew the employment of any Principal, supervisor, classroom teacher, counselor, or other full-time professional employee, except paraprofessional personnel, who is required to hold a valid certificate or teaching permit and who is employed under a term contract. Such action shall be effective at the end of the contract period.

REASONS FOR NON-RENEWAL:

The reasons for non-renewal may include, but are not limited to, the reasons set forth in this section.

In the event the employment of a regular status Administrator is in question, the Administrator shall be notified in writing one month prior to being issued a termination notice that continued employment is in question and the reasons therefore and given an opportunity to improve.

Utah Code Ann. § 53A-8-104(2)

NOTICE:

The Superintendent shall, upon receipt of a recommendation for non-renewal, after consideration of the reasons for the recommendation, in the Superintendent's sole discretion, either reject the recommendation or give the Administrator written notice of the proposed non-renewal two months prior to the end of the employment term fixed in the contract. The notice of proposed non-renewal shall contain a statement of all the reasons for such proposed action.

Utah Code Ann. § 53A-8-104(2)

In the event of failure to give notice of proposed non-renewal within the specified time, the Administrator shall be considered employed in the same professional capacity for the succeeding school year except that termination for cause may be initiated for improper conduct occurring at any time during the contract period.

Utah Code Ann. § 53A-8-104(4)

HEARING:

If the Administrator desires a hearing after receiving notice of the proposed non-renewal, the employee shall notify the Board in writing within 10 days after receiving the notice of non-renewal. The Board shall provide for a hearing to be held within 15 days after receiving written notice from the employee requesting a hearing. Such hearing shall be closed unless an open hearing is requested by the employee and shall be conducted in accordance with rules promulgated by the District.

Utah Code Ann. § 53A-8-104(8)

BOARD DECISION:

If the Administrator requests a hearing, the Board shall take such action as it deems lawful and appropriate and shall notify the employee in writing of that action within 15 days following the conclusion of the hearing.

Utah Code Ann. § 53A-8-104(5)

PROVISIONAL EMPLOYEES:

Persons employed by the district less than three consecutive years are provisional employees without expectation of continued employment beyond the end of the current contract term. A provisional employee is not employed for a succeeding contract term unless otherwise notified in writing by the Board of Education or its authorized agent. Not having an expectation of continued employment in a subsequent contract term, a provisional employee does not have a right to a hearing before the Board to complain of the failure of the Board to offer a subsequent contract.

