Superintendent Dismissal, Relief of Duties, and Suspension

Termination-

The Superintendent may be terminated during the term of his or her appointment upon a vote of two-thirds of the Board.

No adverse actions based on unlawful grounds-

The Board's decision to terminate, dismiss, or take any other adverse employment action against the Superintendent shall not be based on the Superintendent's exercise of rights guaranteed by the Constitution, or based unlawfully on race, color, religion, sex, national origin, handicap, or age.

Enumerated causes-

Causes for the termination of the Superintendent may include but are not limited to:

1. Deficiencies pointed out in evaluations, supplemental memoranda, or other communications;

2. Neglect of duties or responsibilities, or the conduct of personal business during school hours;

3. Incompetence or inefficiency in the performance of required or assigned duties;

4. Insubordination or failure to comply with Board directives, policies or administrative regulations;

5. Drunkenness or excessive use of alcoholic beverages; illegal use of drugs, hallucinogens, or other controlled substances, or the possession, use, or being under the influence of alcohol, alcoholic beverages, drugs or controlled substances while on school property, acting within the scope of the Superintendent's duties, or attending any school- or District-sponsored activity;

6. Conviction of a felony or any crime involving moral turpitude;

7. Failure to meet the District's standards of professional conduct;

8. Disability, not otherwise protected by law, that impairs performance of required duties;

9. Immorality, which is conduct the Board determines is not in conformity with the accepted moral standards of the community encompassed by the District;

10. Any activity, school-connected or otherwise, that, because of publicity given it or knowledge of it among students, faculty, or community, impairs or diminishes the Superintendent's effectiveness in the District;

11. Reasons specified in the individual employment contract reflecting special conditions of employment, or failure to maintain a valid supervisory certificate;

12. Failure to maintain an effective working relationship, or maintain good rapport with parents, the community, staff, or the Board;

13. Assault on an employee or student;

14. Falsification of records or other documents related to the District's activities;

15. Misrepresentation of facts to the Board or other District officials in the conduct of District business;

16. Mismanagement of District property;

17. Mismanagement of District financial resources; or

18. Failure to adequately provide for the safety of students.

Leave with pay or relief of duties-

The Board may, by majority vote, for any cause enumerated or for no cause, place the Superintendent on leave with pay or place him or her in another position with equivalent pay and employment-related benefits and such action shall not constitute termination. However, if these actions are taken for cause, the Superintendent is entitled to the notice set out in the following section and may request a hearing to contest the action as provided in the hearing section below.

Notice-

Before the Superintendent is terminated or other employment action is taken based on cause, the Superintendent shall be given reasonable notice of the proposed action and the grounds set out in sufficient detail to fairly enable him or her to show any error that may exist. The Superintendent shall be advised of the names of adverse witnesses and the nature of their testimony.

Hearing-

If, upon written notification, the Superintendent desires to be heard and contest the proposed action of the Board, the Superintendent shall make a written request for a hearing before the Board within 15 days of receiving the notification. The hearing shall be set on a date that affords the Superintendent reasonable time to prepare an adequate defense but not more than 30 days from the Board's receipt of the written request, unless postponed by mutual consent.

The Board may conduct the hearing in open session or in closed session if the meeting is properly closed under Policy BEC, unless the Superintendent requests a public hearing, in which case the hearing shall be open to the public.

At the hearing before the Board, the Superintendent may employ counsel. The Superintendent 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 termination or adverse action for cause, the Board shall determine the existence of good cause for the termination or action. Such determination shall be based solely on the evidence presented in the hearing. Termination may only be by a vote of two-thirds of the Board.

The Board shall notify the Superintendent of its decision within 15 days after the hearing.

Suspension-

At the discretion of the Board by majority vote, the Superintendent may be placed on leave with pay pending the outcome of the termination hearing.

Notice to the State Board of Education-

The President of the Board shall notify the Utah Professional Practices Advisory Commission ("UPPAC") whenever the Board becomes aware that the Superintendent has been determined, in any judicial or administrative proceeding, to have violated any of the Utah Educator Standards. The President of the Board shall also notify UPPAC within 30 days of the Board receiving an allegation from a parent that the Superintendent has violated any of the Utah Educator Standards. If possible, the notification shall be made using the form provided by the UPPAC Executive Secretary. The Board shall also notify UPPAC of any criminal charges filed by a prosecuting agency. For each matter about which notice is given, the Board shall also notify UPPAC of the related Board investigation or proceeding, any disciplinary action taken, or that no action was taken, the evidence supporting that decision, and any evidence that may be relevant if UPPAC chooses to investigate the matter. In submitting the notification to UPPAC, the Board may make a recommendation to the UPPAC Executive Secretary regarding whether UPPAC investigation would be appropriate under the circumstances, taking into consideration any employment action taken by the Board.

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