

REGULATION

GCQFD-R DISCIPLINE, SUSPENSION, AND DISMISSAL OF PROFESSIONAL STAFF MEMBERS (Hearing Procedures for Dismissals or Suspensions without Pay Exceeding Ten Days)

Pre-Hearing Procedures

Prior to the commencement of any hearing for dismissal or suspension without pay of more than ten (10) days, a written statement of the charges shall be adopted against the teacher or other professional employee by the Governing Board. Written notice shall be provided to the employee of any Executive Session at which such discipline is to be considered or discussed by the Board. Notice shall be provided as is appropriate, but shall not be given less than twenty-four (24) hours for the employee to determine whether the discussion or consideration should occur at a public meeting. Notice and shall be delivered to the employee, as provided in District policy.

Hearing Procedures

If, after the Governing Board gives notice to the employee of its intention to dismiss or suspend the teacher without pay, the teacher has requested a hearing within thirty (30) calendar days from the date of the service of the notice, as provided by law, the Governing Board, in the case of a dismissal, or a person designated by the Governing Board to act on its behalf in the case of a suspension without pay of more than ten (10) days, shall hold a hearing (if timely requested by the teacher) not less than ten (10) nor more than twenty-five (25) days after the request is filed. The employee shall be given notice of the time and place of the hearing not less than three (3) days before the date of the hearing.

Public or private hearing. The employee may request that the hearing be public or private. If the employee declines to make a request for a public hearing, the hearing will be private.

The Governing Board or its designee(s) may, prior to and during the hearing, through the President or any designated member of the Governing Board or the chairperson of the designee(s) or any of its designated members:

- Issue subpoenas.
- Compel attendance of witnesses and production of documentary evidence.
- Administer oaths to witnesses.

- Cause depositions to be taken.

Failure of witness to appear. If a witness fails to appear at the time and place designated in the subpoena or to answer questions or produce a document as ordered, the Governing Board may apply to the Pima County Superior Court for an order from the court imposing sanctions and for other appropriate relief.

Continuance of hearing. The Governing Board and/or its designee(s) may grant a continuance of a hearing from time to time for good cause, upon motion of either side or upon its own motion. In granting a continuance, consideration shall be given to:

- The length of the requested delay.
- The possible prejudice to the moving party if the delay is denied.
- The importance of the testimony that may be presented if the delay is granted.

Conduct of Hearings

Hearings shall be conducted in the following manner:

- The administration shall present its case first in a hearing. Both sides may present opening statements, if desired. The person(s) conducting the hearing may ask questions during or after the questioning of witnesses. Both sides may cross-examine witnesses. A party who objects to a question asked may make an objection to avoid a waiver of the objectionable evidence; however, technical rules of evidence do not apply, and all evidence may be offered that is not irrelevant, provided, further, that the person(s) conducting the hearing may limit cumulative testimony. The parties may offer rebuttal evidence. Each party may present closing arguments.
- At the hearing, the employee may appear in person and by legal counsel or another representative of the employee's choosing, if desired, and may present any testimony, evidence, or statements, either oral or in writing, in the employee's behalf. The burden for proving the existence of just cause for the disciplinary action shall be upon the Superintendent or designee.
- If the suspension hearing is being conducted by a person or persons other than a quorum of the Governing Board, then said person(s) shall, at the termination of the hearing, submit a summary of the evidence, written findings of fact, and a recommendation to the Governing Board.
- Within ten (10) working days following the close of the hearing, the Governing Board shall determine whether just cause existed for the dismissal or suspension and shall render its decision accordingly, either affirming or withdrawing the

disciplinary action. The failure of the Governing Board to approve the disciplinary action by a majority vote shall be deemed a withdrawal of the disciplinary action.

- No witness shall be permitted to testify at the hearing except upon oath or affirmation. No testimony shall be given or evidence introduced relating to teaching adequacy that occurred more than four (4) years prior to the date of the service of the notice. Evidence or records regularly kept by the Governing Board concerning the teacher may be introduced, but no decision relating to the suspension without pay or dismissal of any teacher shall be based on charges or evidence relating to teacher adequacy occurring more than four (4) years prior to service of the notice. The four (4)-year time limit shall not apply to the introduction of evidence in any area except that relating to adequacy of classroom performance.
- The Governing Board shall prepare or cause to be prepared an official record of the hearing, including all testimony recorded manually or by mechanical device, and exhibits, but the Governing Board shall not be required to transcribe or cause to be transcribed the record unless requested by the teacher, who shall be furnished with a complete transcript upon the payment of the actual cost. The Governing Board may require a deposit from the teacher in an amount equal to the estimated cost of transcription prior to the commencement of said transcription. Within ten (10) working days following the hearing the Governing Board shall determine whether there existed just cause for the notice of dismissal or suspension and shall render its written decision accordingly, either affirming or withdrawing the notice of dismissal or suspension. Just cause does not include religious or political beliefs or affiliations unless they are in violation of the oath or affirmation of the teacher.
- The Governing Board shall pay all expenses of the hearing. The teacher and the Governing Board shall pay their own attorney and witness fees, except if the Governing Board does not suspend the teacher without pay or dismiss the teacher, the Governing Board shall pay all reasonable attorney and witness fees incurred by the teacher.
- A certificated teacher who has been placed on administrative leave of absence pending the hearing shall be reinstated within five (5) days after the Governing Board renders a written decision not to dismiss or suspend the teacher without pay unless the teacher is a certificated teacher who has not been employed by the District for more than the major portion of three (3) consecutive school years, and whose contract has expired without renewal.
 - There shall be no rehearing.

**Appeal from Governing Board Decision
Regarding Suspension without
Pay or Dismissal**

The decision of the Governing Board or its designee regarding a dismissal or suspension is final unless, within thirty (30) days after the date of the Governing Board's final decision the teacher files an appeal with the Pima County Superior Court.

**Appeal from Decision Relating
to Disciplinary Action Other
than Suspension or Dismissal**

There shall be no right of appeal from a final decision of the Superintendent or the Superintendent's designee with respect to a decision on disciplinary action other than suspension without pay or dismissal.

Stigmatizing Hearing

Any teacher whose personnel file contains charges, allegations, or assertions that would be detrimental to the teacher in further employment efforts, whether or not the teacher's contract has been renewed, if the teacher is not entitled to any other hearing pursuant to the policies and regulations, shall be entitled to a hearing and appeal similar to that provided to teachers who have been subjected to disciplinary action other than suspension or dismissal, provided, however, that the only relief that may be granted pursuant to said hearing and appeal shall be the right to have the records amended to modify or delete the stigmatizing information. The hearing shall be conducted by a person appointed by the Superintendent.