

Culver School District 4J

Code: **BDE**
Adopted: 05/06/03
Revised: 04/18/06

Public Hearings

It is the policy of the Board that parties to a hearing before the Board or hearings officer are entitled to an opportunity to be heard, to an opportunity to present and rebut evidence, and to a tribunal that is impartial in the matter (i.e., having had no pre-hearing or contact concerning the question at issue, and to record made and adequate findings executed).

Due Process Procedures

Due Process Hearings may be required in the following instances:

1. Classified employees who file a request for a hearing within 15 days of dismissal or demotion under ORS 342.663.
2. Employee grievance procedures (where the grievance procedure is so required).

Informal meetings with the Board may be requested by the employee in the following instances:

1. Probationary teachers who are being dismissed during the contract period.
2. Probationary teachers who are not renewed at the end of the contract period and who meet anyone or more of the following:
If the teacher has a clearly implied promise of continued employment:
 - a. If the teacher has an expectancy of re-employment;
 - b. If the teacher is denied renewal for a reason that would damage his/her standing or association within the community;
 - c. If the action of the school administration imposes a stigma or other disability foreclosing the teacher's freedom to take advantage of other teacher opportunities.
3. Probationary teacher or administrators not otherwise entitled to a hearing but who request a meeting.
4. Meetings to commend or recognize an employee's outstanding performance or service to the district or community.

Administrative procedures for activities prior to hearings to discipline, demote, non-renew, or dismiss an employee shall include, whenever reasonable:

1. Notice – An early notice from the supervisor providing an opportunity for the employee to be aware of specific deficiencies.
2. Explanation – A statement of the reason(s) for the action by the supervisor.
3. Assistance – Information from the supervisor as to how he/she will assist the employee to improve.
4. Time for the employee to make a change in behavior.
5. The Board shall remain unbiased and will not become involved in administrative decisions as to discipline, demotion, non-renewal or dismissal or an employee prior to a recommendation from the Superintendent.

6. The Superintendent and the district's legal counsel shall be responsible for carrying out all Board policies and administrative processes relating to discipline, demotion, non-renewal or dismissal of employees prior to any Board hearing or other final Board actions.

Hearing Procedures

An employee requesting a hearing shall have an opportunity to have a fair hearing before an impartial body prior to any final action resulting in discipline, demotion, non-renewal or dismissal.

1. The employee shall receive reasonable notice of the time, date and place of hearing.
2. The employee shall receive a statement of the reasons for the proposed action (discipline, demotion, non-renewal or dismissal).
3. The employee shall have an opportunity to be present, to be represented by counsel, and to present witnesses and documents.
4. The employee shall have the right of confrontation and cross-examination, without good cause shown for non-confrontation.
5. The burden of proof and going forward with the evidence rests with the employee.
6. The Board shall provide a written statement as to the evidence relied upon and the reasons for the final action taken.
7. The Board may, at the Board's option, assign a neutral, detached person as hearings officer to preside over and conduct any hearing.
8. The hearings officer, if assigned to conduct a hearing, shall make a written report to the parties stating his/her findings of fact and conclusions of law.
9. The report of the hearings officer is advisory and is not binding upon the Board.

END OF POLICY

Legal Reference(s):

[ORS 192.610 – 192.690](#)