

NON-TENURED TEACHERS DISMISSAL POLICY

I. PURPOSE

To establish procedures for dismissing non-tenured teachers, unless otherwise covered by a Memorandum of Understanding (MOU).

II. SCOPE

This policy applies to all non-tenured teachers, unless otherwise covered by a Memorandum of Understanding (MOU).

III. POLICY STATEMENT

The Superintendent may dismiss any non-tenured licensed employee under his jurisdiction for incompetence, inefficiency, insubordination, improper conduct or neglect of duty, after giving the employee, in writing, due notice of the charge or charges and providing a hearing.

Prior to dismissal, non-tenured, licensed employees under the Superintendent's jurisdiction shall receive in writing:

- a) Notice of the charge or charges;
- b) An opportunity for a hearing before an impartial hearing officer selected by the Board;
- c) An opportunity to be represented by counsel;
- d) An opportunity to call and subpoena witnesses;
- e) An opportunity to examine all witnesses; and
- f) The right to require that all testimony be given under oath.

(i) Factual findings and decisions in all dismissal cases involving non-tenured, licensed employees shall be reduced to written form and delivered to the employee within ten (10) working days following the close of the hearing;

(ii) Any non-tenured, licensed employee desiring to appeal from a decision rendered in favor of the school system shall first exhaust the administrative remedy of appealing the decision to the Board of Education within ten (10) working days of the hearing officer rendering written findings of fact and conclusions to the employee;

(iii) Upon written notice of such appeal being given to the Superintendent, the Superintendent shall prepare a copy of the proceedings, transcript, documentary and other evidence presented, and transmit the copy of the proceedings, transcript, documentary and other evidence presented within twenty (20) working days of receipt of notice of appeal to the Board;

(iv) The Board shall hear the appeal on the record and no new evidence shall be introduced. The employee may appear in person or by counsel and argue why the decision should be modified or reversed. The Board may sustain the decision, send the record back if additional evidence is necessary, revise the penalty or reverse the decision. Before any such charges shall be sustained or punishment inflicted, a majority of the membership of the Board shall concur in sustaining the charges. The members of the Board shall render the decision on the appeal within ten (10) working days after the conclusion of the hearing; and

(v) The Superintendent shall also have the right to appeal any adverse ruling by the hearing officer to the Board under the same conditions required for a non-tenured, licensed employees' appeal.

IV. RESPONSIBILITY

- A. The office responsible for labor and employee relations is responsible for ensuring compliance with the provisions of this policy.
- B. Any questions concerning this policy should be addressed by the office responsible for labor and employee relations.
- C. The Superintendent is responsible for determining if this policy is followed.

Legal References:

- 1. **T.C.A. § 49-2-301**

Cross References: