

Business Administrator: *Dismissal, Relief of Duties, and Suspension*

Termination—

The Business Administrator 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 Business Administrator shall not be based on his or her 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 Business Administrator 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 Business Administrator'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 student, faculty, or community, impairs or diminishes the Business Administrator'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 Business Administrator 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 Business Administrator 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 Business Administrator is terminated or other employment action is taken based on cause, the Business Administrator 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 Business Administrator shall be advised of the names of adverse witnesses and the nature of their testimony.

Hearing—

If, upon written notification, the Business Administrator desires to be heard and contest the proposed action of the Board, the Business Administrator 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 Business Administrator 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 Business Administrator requests a public hearing, in which case the hearing shall be open to the public.

At the hearing before the Board, the Business Administrator may employ counsel. The Business 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 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 Business Administrator of its decision within 15 days after the hearing.

Suspension—

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

Notice to the State Board of Education—

The Superintendent shall notify the Utah State Board of Education whenever the Board terminates or takes other employment action against the Business Administrator and the termination or action is due to a final judicial or administrative determination or determination by the Board of immorality, or of unprofessional conduct, or professional incompetence which results in termination or suspension for more than one week, or which otherwise warrants review by the State Board of Education.

Utah Admin. Rule R277-514-5(B) (2004)