



## **Provo City School District**

### **Policy Series 5000: Personnel**

**Policy No. 5280**

### **Disciplinary Action, Non-renewal, Termination and Suspension**

On behalf of the Board, a supervisor/administrator may take disciplinary action against an employee for unsatisfactory performance, or for cause and may choose not to renew a provisional employee's position or contract at the end of the term of employment. Any such action shall be based on data, observations, and/or evaluations. In its actions, the supervisor/administrator or designee(s) will comply with the procedures and due process rights as outlined in Utah Code and procedures accompanying this policy.

#### **Unsatisfactory Performance**

The supervisor/administrator may take disciplinary action against an employee for unsatisfactory performance when said performance reflects a deficiency in performing work tasks which may be due to insufficient or undeveloped skills, lack of knowledge or aptitude, poor attitude, or insufficient effort; and remediated through training, study, mentoring, practice, or greater effort. Disciplinary action for unsatisfactory performance may include, but is not limited to, verbal warning, written warning, letter of probation, administrative leave, demotion, suspension with or without pay, or termination. The supervisor/administrator shall provide a written document that clearly identifies specific, measurable and actionable deficiencies, the available resources for improvement, and a recommended course of action that will improve the employee's performance. The District shall provide the employee with a mentor and develop a plan of assistance to improve his/her performance. An employee is responsible for improving his/her performance by using the resources identified by the District and demonstrating acceptable levels of improvement in the designated areas of deficiencies. An employee whose performance is unsatisfactory may not be transferred to another school unless the Superintendent specifically approves the transfer of the employee. Notice of termination as a result of disciplinary action must be given a minimum of thirty (30) calendar days prior to the actual date of termination.

#### **Non-renewal**

The supervisor/administrator may choose to not renew a provisional employee's position or contract at the end of the term of employment. The supervisor/administrator is not required to provide a cause for non-renewal of the contract or position, but must notify the provisional employee sixty (60) calendar days before the end of the current term of employment. In the absence of applicable notice of non-renewal, an employee is considered employed for the next term of employment with a salary based on the applicable salary schedule.

#### **Termination for Cause**

The supervisor/administrator may terminate an employee for cause for an action that is considered to be grave misconduct based on: (1) a violation of work rules; (2) a violation of local School Board policies, Utah State Board of Education rules, or law; (3) a violation of standards of ethical, moral, or professional conduct; or (4) insubordination.

An employee may be suspended or placed on administrative leave pending a hearing if it appears that the continued employment of the individual may be harmful to students or to the District.

The employee will receive written notice of suspension or administrative leave. The employee will be suspended without pay if an authorized representative of the District determines, after providing the employee with an opportunity for an informal conference to discuss the allegations, that it is more likely than not that the allegations against the employee are true. If termination is not subsequently ordered, the employee shall receive back pay for the period of suspension. Notice of termination as a result of disciplinary action must be given a minimum of thirty (30) calendar days prior to the actual date of termination.

#### Appeal

An employee has the right to appeal the termination in accordance with the District Policy and Procedures No. 5285 Grievances. Failure to appeal according to specified deadlines constitutes a waiver of the right to appeal and the District may proceed with disciplinary action, including termination, without further notice unless all parties in interest agree to an extension of time.

#### Legal References        Synopsis

53G-11-501	Definitions
53G-11-512	Local School Board to Establish Dismissal Procedures
53G-11-513	Dismissal Procedures
53G-11-514	Non-renewal or Termination of a Career Employee's Contract for Unsatisfactory Performance

Approved by Board of Education:    May 14, 2013  
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