

BELLE CHASSE ACADEMY
EMPLOYEE DISMISSAL POLICY

Applicability.

All Academy personnel are “at-will” employees, whose employment may be terminated at any time without cause, except any employee who is then serving under a duly executed employment contract with the Academy.

The grounds and procedures for dismissal set forth below will be observed in the event an administrator: (A) has substantial reason to believe that a term-contract employee (“contract employee”) should be dismissed before the term of that employee’s contract has been completed; and, (B) the termination should be for reasons that are personal to the employee.

Grounds for Dismissal.

A contract employee may be dismissed only for cause. “Cause” includes negligent performance of duties, incompetency, insubordination, violation of Academy policies, rules, and administrative directives, immorality, dishonesty, excessive un-excused absence and tardiness, or any other serious offense warranting dismissal.

Administrative Procedures.

1. The contract employee’s immediate supervisor (Principal, Director, or other administrator considering a recommendation for dismissal) will first discuss the reasons for a recommended dismissal with the contract employee, whenever practicable.

2. If the above discussion does not resolve the matter, the contract employee’s immediate supervisor or other recommending administrator will submit a written recommendation to the School Leader/CEO (or designee), citing the specific reason(s) for the recommendation, including the date and place of any alleged offense or offenses, and providing any documents supporting that recommendation. The contract employee will be provided with a copy of that recommendation and copies of any supporting documents that may be used at any hearing on the recommended termination. The contract employee also will be provided at that time with a copy of this Policy.

3. The School Leader (or designee) thereafter will conduct a hearing on the dismissal recommendation of which the contract employee will be given reasonable notice and at which the contract employee may be represented by an attorney. The immediate supervisor or other recommending administrator will substantiate the reasons for the dismissal recommendation. The contract employee may then rebut those reasons and explain his/her position as to the reasons and the proposed action. The contract employee’s personnel file will be available to all hearing participants during the hearing. The School Leader/designee may recess the hearing on a finding that additional information is needed before rendering a decision.

4. If, after considering all the information presented during the hearing, the School Leader/designee determines that dismissal is appropriate, the contract employee will be advised of the administrative decision and be given an opportunity to resign then.

5. If the contract employee does not so resign, the School Leader will submit a written recommendation for dismissal to the Chairman of the Board of Directors. This recommendation will state the reasons and the findings of fact resulting from the information presented at the hearing and will be accompanied by all documents used or considered at the hearing. Copies of the recommendation and accompanying documents will be submitted to the contract employee at the time of submitting same to the Chairman.

6. Following receipt of the School Leader's recommendation for dismissal, the Board Chairman shall convene a meeting of the Board of Directors to consider and to act on that recommendation. The School Leader shall submit to the contract employee notice of the time, date, and location of the Board meeting.

7. Pending Board action on the Principal's dismissal recommendation, the Principal may suspend the contract employee with or without pay when it is in the best interests of the Academy to do so.

Board Procedures.

1. At any time prior to the Board's convening its meeting at which the School Leader's dismissal recommendation is to be considered, the contract employee will deliver to the Board's Secretary any written opposition the employee may have to the dismissal recommendation and copies of any additional documents that were refused consideration at the hearing before the School Leader/designee.

2. The Board's consideration of the contract employee's opposition to the dismissal recommendation may be held confidentially in an executive session during the meeting, unless the affected employee declares his/her desire for consideration of the recommendation and the opposition to be conducted in an open session.

3. The contract employee may have a representative or attorney of the employee's choosing to present to the Board any opposition to the dismissal recommendation.

4. The Board's consideration of the School Leader's dismissal recommendation may be limited to those reasons and findings of fact stated in the School Leader's dismissal recommendation, the documents used or considered at the School Leader's hearing along with any opposition the contract employee may have presented.

5. The conduct of the Board's consideration of any dismissal recommendation that the contract employee has opposed will consist of the following steps:

A. Before the School Leader addresses the reasons and findings for the recommended dismissal, the contract employee or representative will raise any procedural objections the employee may have to the procedures being conducted before the Board. The Board will then allow the School Leader to respond, following which the Board will dispose of those objections.

B. Unless the Board finds a procedural basis for not proceeding at that time, the School Leader will justify and explain to the Board Members why the reasons and findings stated in the dismissal recommendation support Board's dismissing the contract employee, as recommended.

C. At the conclusion of the School Leader's presentation in support of the dismissal recommendation, the contract employee may present his/her opposition to the recommendation and may be limited to that which the employee has set forth in the opposition that was delivered to the Secretary before the Board meeting convened to consider the recommendation.

D. The School Leader thereafter may offer rebuttal to the opposition.

E. The Chairperson of the Board meeting will allow Board Members to question the presenters during and after their presentations, as deemed appropriate by the Chair.

F. The Board may recess from considering the dismissal recommendation and opposition on the Chair's finding that additional information is needed before a decision is rendered.

G. At the conclusion of the above presentations and questioning, the Board Members may retire to an executive session to deliberate over the recommendation and the opposition and then will return to open session. Upon so returning, the Board will take such action it finds appropriate under the facts presented. In the event the Board determines not to take any adverse employment action against any contract employee who has been suspended without pay pending Board action, the Board will reinstate that employee with back pay.

H. The Board's decision will be final.

(Approved by the Board - October 2, 2006)
(Revised by the Board - January 11, 2010)
(Revised by the Board - November 3, 2014)