DISCIPLINE, SUSPENSION AND DISMISSAL OF PROFESSIONAL STAFF

Code **GCQF-R** *Revised* **11/25**

Evident unfitness for teaching is manifested by conduct such as, but not limited to, the following:

- Incompetence
- Persistent neglect of duty
- Willful violation of rules and regulations of the state board of education and/or Board of Trustees of Spartanburg District Four
- Unprofessional conduct
- Drunkenness
- Crime against the laws of this state or the United States
- Immorality
- Any conduct involving moral turpitude
- Dishonesty
- Illegal use, sale or possession of drugs or narcotics
- Obtaining or attempting to obtain an educator's certificate through fraudulent means or through misrepresentation of material facts
- Failure to comply with the provisions of a contract without the written consent of the board
- Test security violation
- Failure to comply with a court order such as for child support, etc.
- Failure to complete successfully a formal evaluation process.

Whenever a principal or other administrator charged with the supervision of a teacher finds it necessary to reprimand a teacher for a reason that he/she believes may lead to dismissal or cause the teacher not to be re-employed, he/she will take the following steps in consultation with the superintendent or his/her designee.

Performance Concerns

If the issue involves a performance problem, the principal or designated school administrator will discuss the concern(s) with the teacher and provide the teacher with an opportunity to respond to the concern(s). The administrator should, where appropriate, follow up such a conference in writing.

If an informal discussion does not resolve the matter, the principal or designated school administrator will bring the concerns, in writing, to the attention of the teacher involved and make a reasonable effort to assist the teacher in correcting whatever appears to be the cause of potential dismissal or failure to be re-employed. Such efforts may include formally evaluating the teacher, placing the teacher on an improvement plan, and/or some other acceptable means of notice and assistance. Except in those cases warranting immediate suspension and recommendation for termination, the administration should allow reasonable time for improvement.

Misconduct Concerns

If the issue involves misconduct, the principal or designated school administrator will immediately confer with the superintendent or his/her designee. The superintendent or his/her designee will advise the principal regarding appropriate actions to take. The superintendent or his/her designee is authorized to place an employee on administrative leave, with pay, while an investigation is conducted.

Disciplinary action may be taken against any certified employee who is determined to have engaged in unprofessional or inappropriate conduct towards students, parents/legal guardians, or staff members. Actions may include suspension without pay for a specified time or suspension with pay pending possible recommendation for termination.

Such conduct may include, but is not limited to, any of the following:

- Violating district policies or procedures
- Engaging in criminal conduct
- Engaging in inappropriate conduct of a sexual nature towards other employees or students
- Harassment, intimidation, or bullying
- Making inappropriate comments to students

This includes any action or conduct communicated or performed in person, in writing, or electronically through such means as a telephone, cell phone, computer, or other telecommunication device, and includes text messaging and instant messaging. Disciplinary action, including a recommendation of termination, may also be taken against any employee whose conduct the administration has determined has impaired the employee's ability to be an effective teacher.

Dismissal Process

Written Notice of Dismissal

Any teacher whom the superintendent recommends to the board for dismissal or non-renewal is entitled to written notice from the superintendent of that recommendation that includes, at minimum, the following:

- The cause of dismissal
- The teacher's right to an evidentiary hearing if he/she requests one in writing to the superintendent or the chairman of the board within 15 days of his/her receipt of the notice of dismissal

If the teacher fails to make a hearing request, the board will take action on the superintendent's recommendation as it deems lawful and appropriate.

Hearing rights

Should a teacher request a hearing within 15 days of his/her receipt of the notice of dismissal, the hearing will be held within 45 days after the request is served. The teacher will be provided with notice of the time and place of the hearing not less than five days before the date of the hearing. The hearing will be public unless the teacher requests in writing that it be held privately.

At the hearing, the teacher may do the following:

- Be present with counsel at the hearing
- Cross-examine witnesses
- Offer evidence and witness
- Present defenses to the charges

The board will issue subpoenas to require the attendance of witnesses at the hearing at the teacher's request; however, it may limit the number of witnesses to no more than 10. A member of the board will administer oaths to witnesses.

The board will hire a stenographer to create a formal record of the hearing. The fees for this stenographer's attendance and services will be paid by the board if the decision is favorable to the teacher; the teacher will pay one half of the costs if the decision is unfavorable. Should the teacher desire, he/she may pay for a copy of the transcript.

The board will issue a written decision on whether the evidence presented at the hearing shows good and just cause for dismissal, including finding of facts and conclusions of law, within 30 days after the hearing.

Appeals
The decision of the board is final unless within 30 days after it is issued, the decision is appealed to the court of common pleas of any court in which the major portion of the district lies. Notice of the appeal and the grounds for appeal must be filed with the board.

Reporting Expectations
The board directs the superintendent to report to the SBE the name and certificate number of any certified educator who is dismissed, resigns, or is otherwise separated from employment with the district based on allegations of misconduct listed in SBE Regulation 43-58.

Adopted 6/6/98; Issued 3/4/13, 11/7/16, 10/2/17, Revised 11/10/25