

Hearing Procedure for Dismissal or Demotion of Classified Employees

1. The employee shall be notified, in writing, of the dismissal or demotion including the reasons for such action and shall have fifteen (15) days from the date of the notice to make written request for a hearing before the Board. Upon written request from the employee, the Board will provide the employee a written copy of the reasons for the dismissal or demotion which shall provide the basis for the hearing.
2. The superintendent shall set a time and place for the hearing before the Board. The hearing shall not be less than ten (10) days nor more than thirty (30) days after written request for the hearing is received by the superintendent from the employee.
3. The chairman of the school board or, in his or her absence, the vice chairman shall conduct the hearing.
4. At the time and place of the hearing, the following order of procedure shall be followed:
 - a. The superintendent and/or his or her representative shall present the basis for their recommendation for dismissal or demotion and may call witnesses and introduce documentary and other evidentiary material.
 - b. The employee may present testimony and witnesses and introduce documentary and other evidentiary material as a defense.
 - c. The superintendent and/or his or her representative may submit testimony or other evidence in rebuttal to matters submitted by the employee.
5. Witnesses:
 - a. Witnesses need not be sworn.
 - b. Witnesses must submit to cross-examination.
 - c. For good cause shown, testimony of a witness who is unavailable for attendance at the hearing may be submitted and received in the form of an affidavit.
6. Documentary Evidence:
 - a. Documentary evidence must be original or a certified true copy thereof.
 - b. For good cause, original documents may be replaced in the record of the hearing by photocopies.
7. Hearing Transcript:
 - a. All testimony of the hearing shall be electronically recorded.

b. A written transcript shall be prepared from the electronic record upon request and at the expense of the party requesting the transcript.

8. Representation:

Both sides may be represented by an attorney or other representative of his/her choice.

9. Executive Session:

All hearings before the Board will be in executive session unless a public hearing is requested in writing by the employee. Request for a public hearing shall constitute a waiver of confidentiality of all matters in the employee's personnel file.

10. Final Decision:

Following the hearing and arguments, the Board shall take final action, in public session, and the Board's decision in said matter shall be final.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)