

**CLASSIFIED PERSONNEL:  
SUSPENSION AND DISMISSAL**

*Policy Code:* **7940**

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1 Classified positions are critical to the effective operation of the school system. The Transylvania  
2 County Board of Education (the “board”) encourages open communication between classified  
3 employees and their supervisors. When performance problems arise, supervisors are encouraged  
4 to communicate clearly in oral or written form the nature of the deficiencies and to provide a  
5 reasonable opportunity to improve. Any written notices or reprimands will be included in the  
6 employee’s central office personnel file. All employees are expected to meet job requirements  
7 and to seek clarification and guidance when needed to fulfill these requirements.  
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9 **A. SUSPENSION**

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11 The superintendent or designee may suspend an employee without pay as a disciplinary  
12 sanction. The superintendent shall provide written notice of the suspension without pay  
13 to the employee. This notice will be placed in the personnel file. The suspension without  
14 pay may begin immediately. An employee has 10 calendar days from the date of  
15 receiving written notice of the superintendent’s decision to take the following actions: (1)  
16 request written notice of the reason(s) for the superintendent’s decision and (2) request an  
17 appeal before the board of education regarding the decision to suspend without pay. If  
18 notice of the reason(s) for the suspension is requested, such notice must be provided prior  
19 to any board hearing on the decision. If an appeal is not made within this time, an appeal  
20 is deemed to be waived. An employee may appeal a suspension on the grounds that there  
21 was no rational basis for the suspension; the suspension was discriminatory or was used  
22 for harassment; or board policies were not followed.  
23

24 Upon receiving a request for an appeal, the chairperson may designate a panel of three  
25 board members to review the decision. The chairperson of the board or the panel may  
26 establish rules for an orderly and efficient hearing. The employee will be notified in  
27 writing of the decision of the board to uphold, reverse, or modify the superintendent’s  
28 decision. An employee will receive back pay for any period of suspension without pay  
29 that is not upheld by the board.  
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31 **B. TERMINATION**

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33 As “at will” employees, employees in classified positions may be terminated on any  
34 nondiscriminatory basis, including inadequate performance, misconduct, failure to follow  
35 board policies, or a reduction in staff. All terminations to reduce staff will be in  
36 accordance with policy 7921, Classified Personnel Reduction. All other terminations will  
37 be made pursuant to this policy. The superintendent has the authority to terminate at-will  
38 employees. The superintendent should provide written notice to the employee and the  
39 board of the decision to terminate. An employee has 15 calendar days from the date of  
40 receiving notice of the superintendent’s decision to take the following actions: (1) request  
41 written notice of the reason(s) for the superintendent’s decision and (2) request an appeal  
42 of the decision to the board of education. If notice of the reason(s) for the termination is

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43 requested, such notice must be provided prior to any board hearing on the termination.  
44 The termination is effective during the period of appeal.  
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46 Upon receiving a request to appeal the superintendent's decision to terminate, the  
47 chairperson may appoint a panel of three board members to review the decision. The  
48 employee has the burden of establishing that the termination was based on an illegal  
49 discrimination. The superintendent may offer evidence to substantiate that the dismissal  
50 was for a nondiscriminatory reason, such as prior warnings or remedial efforts.  
51

52 The hearing procedures established in policy 2500, Hearings Before the Board, will be  
53 followed. The chairperson will provide written notice of the decision to the employee  
54 and the superintendent as soon as practicable after reaching a decision. The board may  
55 uphold the superintendent's decision or reinstate the employee for any reason it deems  
56 proper, so long as the board's reason is not discriminatory.  
57

58 Any employee who has been dismissed for cause will be ineligible for reemployment.  
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60 **Upon inquiry from a North Carolina local board of education, charter school, or regional**  
61 **school as to the reason for an employee's dismissal, the superintendent or designee shall**  
62 **indicate if the employee's criminal history was relevant to the dismissal.**  
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64 This policy is not intended to create any property rights or an implied or express contract  
65 between the board and the employee other than what is provided by law.  
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67 Legal References: 29 U.S.C. 621 *et seq.*; 29 U.S.C. 794 *et seq.*; 42 U.S.C. 1981; 42 U.S.C.  
68 12101; G.S. 115C-45(c), -47, -332  
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70 Cross References: Hearings Before the Board (policy 2500), Classified Personnel Reduction  
71 (policy 7921), Annual Independent Audit (policy 8310)  
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73 Adopted: April 18, 2016  
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75 **Revised: [DATE]**