



Administrative Regulation 4119.3 Short Term Suspension (Licensed Employee)

Responsible Office: Office of Human Resources

REGULATION

1. Pursuant to NRS 391.314(8), the Superintendent may discipline any licensed employee (teacher, principal or administrator) by suspending the employee for up to a maximum of twenty (20) days during one (1) contract year with loss of pay.
 - a. The employee may be suspended more than once during the employee's contract year.
 - b. Unless circumstances require otherwise, the suspensions must be progressively longer.
 - c. The licensed employee may be suspended for any of the grounds set forth in NRS 391.312 (exempt employees cannot be suspended for less than a week per NLRB standards).
2. Before the Superintendent may act to discipline a licensed employee by a short-term suspension, the employee is entitled to a due process hearing. Due process includes the right of the employee to notice of the reason or reasons for the suspension prior to the hearing and the right to be heard and be present at the hearing.
3. See also the appropriate provision of the negotiated agreement with the Washoe Education Association.
4. It should be understood that a short-term suspension is a disciplinary measure given to the Superintendent to use in his/her discretion when circumstances so warrant. The rationale for its use is to give the Superintendent an effective remedy under circumstances wherein demotion, dismissal or non-reemployment would be inappropriate and yet at the same time protect the rights of the individual.
5. Notification Procedure
 - a. The supervising administrator shall recommend to the Superintendent that a licensed employee be suspended or the Superintendent may, on his/her own knowledge, act directly to suspend.

- b. The notice of suspension to the licensed employee shall give the employee the reason or reasons for suspension, including the names of any persons who will testify concerning the matter, the substance of their testimony and notice of a right to a hearing before the Superintendent or his/her appointee. Unless the employee requests a hearing, in writing, within three (3) days after receipt of the notice of intent to suspend, the employee shall be deemed to have waived the right to a hearing and the suspension shall be imposed.
 - c. If a hearing is requested, a hearing date shall be set within five (5) days thereafter.
 - d. Notwithstanding the time requirements, the parties may mutually agree to extend time whenever such extension appears justified under the circumstances.
6. Hearing (Not Statutory) Procedure
- a. The hearing shall be set at a time and place designated by the Superintendent and the employee shall be notified in writing of the hearing date at least three (3) school days prior to the date set for the hearing.
 - b. The employee, following notification of a hearing date and prior to the time set for hearing, shall, at a mutually agreeable time, submit to the Superintendent a written list of any witnesses s/he wishes to present in his/her behalf, coupled with a brief statement of his/her anticipated defense; and the school district shall simultaneously provide the same information to the employee.
 - c. The Superintendent shall determine the time limits for any hearing and shall advise the employee prior to the start of the hearing of the time allowed. In most cases, a hearing should not take longer than three (3) hours; therefore, an employee should prepare his/her case accordingly. The Superintendent shall have the right to extend the time of any hearing when deemed necessary at the request of either party and to adjourn and reconvene a hearing at the interest and convenience of the parties may require.
 - d. The employee's failure to appear at a scheduled hearing without an acceptable excuse shall be considered a waiver of any right to a hearing

and the Superintendent may render his/her decision as provided in Paragraph 5 herein.

- e. The Superintendent shall notify the licensed employee of his/her decision in writing within three (3) school days after any hearing or the date set for a hearing, where appropriate, unless in his/her judgment, additional time is required. The decision shall include the reason or reasons for the Superintendent's determination and indicate the evidence upon which s/he has relied. The decision of the Superintendent or his/her designee shall be final.

7. Rules (Not Statutory) Of Procedure For Hearings Procedure

- a. Hearings shall be conducted by the Superintendent, or his/her designee, in an informal manner. The parties, or their representatives, shall present their respective positions. Both parties shall have the right to presence and participation of legal counsel.
- b. The parties may present evidence and witnesses in their behalf. Either party shall have the right to ask questions of any witness presented.
- c. Technical rules of evidence shall not apply, but witnesses shall give testimony under oath. Evidence may be admitted and given probative effect only if it is the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs. The Superintendent or his/her designee shall have the right to limit evidence determined to be cumulative or introduced for the purpose of delay.
- d. Unless otherwise requested by the licensed employee, a hearing shall be considered confidential and shall be closed except for those necessary to attend.
- e. Following consultation with the employee, such additional rules as the Superintendent, or his/her designee, may think necessary or convenient to the conduct of any hearing, and which are not inconsistent with the above rules of procedure, shall be allowed.

IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS

1. This Policy reflects the goals of the District's Strategic Plan, Envision WCSD 2015 – Investing in Our Future
 - a. Goal 2, Recruit and Support Highly Effective Personnel
2. This Administrative Regulation complies with Board Policy 4119, Separation of Service.
3. The following Administrative Regulations and Administrative Procedures outline the process(s) the District will follow related to Dismissal:
 - a. Administrative Regulation 4119, Separation: Licensed Employees
 - b. Administrative Regulation 4119.4, Grounds for Dismissal: Possession of a Weapon on School District Property
 - c. Administrative Regulation 4111.4, Ethical Standards
4. This policy aligns with the Collective Bargaining Agreements of the employee associations:
 - a. Washoe Education Association (WEA);
 - b. Association of Professional and Technical Administrators (APTA);
 - c. Washoe School Principals' Association (WSPA); and,
5. This policy complies with Nevada Revised Statutes (NRS) Chapter 391, Personnel, and specifically:
 - a. NRS 391.314: Suspension of licensed employee; dismissal proceedings; reinstatement; salary during suspension or dismissal proceedings; forfeiture of right of employment for certain offenses; period of suspension
 - b. NRS 391.330: Grounds for suspension or revocation of license.

REGULATION HISTORY

Date	Revision	Modification
2/25/1974	1.0	Adopted
3/11/1986	2.0	Revised
10/27/1992	3.0	Revised
7/14/1998	4.0	Revised