



## **EMPLOYEE SUSPENSION AND DISMISSAL POLICY**

*This was approved by the Governing Council on November 30, 2016.*

### **Purpose**

The purpose of this policy is to clearly represent the conditions under which a Mountain Phoenix employee may be suspended or dismissed.

### **At-will Employment**

Mountain Phoenix shall hire all employees on an at-will basis, unless otherwise approved by the Governing Council. The Mountain Phoenix Governing Council shall have the authority, at its discretion, to place on administrative leave, suspend, or dismiss an employee from regular duties due to conduct or performance issues. Such leave, suspensions, or dismissal shall be with or without pay at the determination of the Mountain Phoenix Governing Council considering the circumstances of the leave, suspension, or dismissal. Provided, however, that no administrative leave, suspension, or dismissal shall be for constitutionally impermissible reasons.

### **Grounds for Suspension and Dismissal**

A School Director may suspend or place on administrative leave an employee under their supervision with or without pay, should circumstances warrant in the Director's reasonable determination, but only after written or verbal approval of the President and the Vice President or one other Governing Council Member, except in the case of an emergency situation creating danger of imminent harm to persons or property, in which case such approval is not required; but the Director shall as soon as reasonably possible notify the President of such action.

A Director may terminate an employee under their supervision, for cause or no cause, but in accordance with applicable laws (including but not limited to article 3 of title 28, C.R.S.) However, the Director must first obtain the approval of the Governing Council. In the event of any conflict with any administrative employee policies or handbook, the terms of this policy shall supercede them, and any such policies or handbook do not under any circumstances vest employees with any procedural processes or rights to continued employment. Terms of an offer agreement or employment contract in conflict with this paragraph and the preceding one, if any, shall take precedence.

An employee will be given at least 24 hours notice if their employment status will be discussed at a Governing Council meeting, and shall be advised of their rights in accordance with CRS §24-6-402. Should the employee choose to have the discussion in open session, they shall give reasonable prior notice to the Governing Council, of the intent to do so. The employee may address the Governing Council during the public comment period if s/he chooses, or as otherwise provided by applicable law.

### **Complaint against Employee**

Any complaint by a parent, student, or employee against an employee should follow the grievance process, if applicable. Such complaints do not include negative comments in a performance evaluation. Any investigation, discussion, or examination of witnesses shall comply with all applicable privacy and other laws pertaining to any employee or student involved. A Director shall notify the Governing Council of any such matter and provide relevant details, at regular meetings, or via phone and email if the facts or timing of circumstances warrant. Any discussion of such matters or investigations pertaining to the same by the Governing Council shall be executive session matters and put on the agenda as such..

### **Dispute Procedure**

If an employee wishes to dispute a suspension or dismissal, he or she may submit a written complaint to the Governing Council in accordance with the grievance process.

## **Exit Interview**

All employees will be requested to complete an exit interview with an school Director or Governing Council Representative upon receipt of their resignation notice or their termination. The employee may elect to complete an electronic form rather than participate an interview in-person.

## **Non-discrimination**

Mountain Phoenix shall not discriminate against any employee on the basis of actual or perceived sex, sexual orientation, ethnic group identification, race, ancestry, national origin, religion, age, gender, color or physical or mental disability, or any other basis prohibited by law. Any employee who has been the subject of discrimination or harassment may bring questions, concerns, and/or complaints to either the School Director or the Mountain Phoenix Governing Council.

## **HISTORY**

### **LEGAL REF**

22-32-110(1)(h), C.R.S. Local board powers-Terminate employment of personnel (*automatic state waiver*)

22-63-301, C.R.S. Teacher Employment Act- Grounds for dismissal (*automatic state waiver*)

22-63-302, C.R.S. Teacher Employment Act-Procedures for dismissal of teachers (*automatic state waiver*)

22-63-202 C.R.S. Teacher employment contract in writing-duration-damage provision (*automatic state waiver*)

Jeffco Policy: Discipline, Suspension, and Dismissal (*GCQF - automatic*)

Original: approved by the Governing Council on November 16, 2016.