

## **R 8-24-2 Due Process Rights of School Personnel**

All employees who have been charged with misconduct leading to a suspension or dismissal action by the Board are guaranteed due process rights under the Fourteenth Amendment of the United States Constitution and §18A-2-8 of the West Virginia Code. Those rights include the following:

- ❖ Fair and reasonable notice of the charges in writing within two days of the charges being presented to the Board;
- ❖ Within five days of receiving the notice, the employee may request a hearing before the Board or he/she may request a Level IV grievance hearing;
- ❖ Fair opportunity to prepare for a hearing;
- ❖ Prompt and fair hearing;
- ❖ Impartial tribunal (Board is presumed impartial unless the defendant can prove otherwise);
- ❖ Legal Counsel;
- ❖ Cross examination of all witnesses;
- ❖ Call witnesses;
- ❖ Access to evidence;
- ❖ Right to an official record of proceedings (for appeals);
- ❖ The right of appeal.

**(14<sup>th</sup> Amendment and WVC §18A-2-8)**