

## **Professional Personnel**

### **Suspension**

#### Suspension Without Pay

The School Board may suspend without pay: (1) a professional employee pending a dismissal hearing, or (2) a teacher as a disciplinary measure for misconduct or disobedience that is detrimental to the School District. Administrative staff members may not be suspended without pay as a disciplinary measure.

Disobedience shall include any refusal or failure to follow an order, direction, regulation or policy, whether oral or written, of the Board of Education or of any person who has supervisory responsibility.

#### Misconduct includes:

1. Any act or failure to act which causes, or may reasonably lead the Board of Education or the administration to forecast substantial disruption or material interference with the educational process or the rights or others.
2. Any act or failure to act occurring during the course of an employee's duties which jeopardizes the health, safety, and welfare of any person, student, parent or school employee.
3. Any act or failure to act which constitutes immoral conduct.
4. Any act or failure to act which constitutes a violation or an attempt to violate any federal or state law or regulation or municipal ordinance and which relates to the employee's duties.

Discipline may be imposed by the Board of Education, Superintendent, or other administrators designated by the Board of Education.

The Superintendent or designee is authorized to issue a pre-suspension notification to a professional employee. This notification shall include the length and reason for the suspension as well as the deadline for the employee to exercise his or her right to appeal the suspension to the Board or Board-appointed hearing examiner before it is imposed.

#### Pre-suspension Notification

If, in the opinion of the Superintendent, or designee the employee does not pose an immediate threat to himself/herself, or others or an ongoing threat of disruption to the educational process, the Superintendent or designee shall meet with the employee prior to the suspension to advise the employee of the evidence which supports the reasons for the suspension and afford the employee an opportunity to respond. If the employee poses an immediate threat to himself/herself, to others, or an ongoing threat of disruption to the educational process requiring immediate removal from the premises, a suspension meeting shall be held as soon after removal as is reasonable. The decision to rescind or reaffirm the decision shall be promptly communicated in writing.

At the request of the professional employee made within five calendar days of receipt of a pre-suspension notification, the Board or Board-appointed hearing examiner will conduct a pre-suspension hearing. The Board or its designee shall notify the professional employee of the date and time of the hearing. At the pre-suspension hearing, the professional employee or his/her representative may present evidence. If the employee does not appeal the pre-suspension notification, the Superintendent or designee shall report the action to the Board at its next regularly scheduled meeting.

### Suspension With Pay

The Board or Superintendent or designee may suspend a professional employee with pay: (1) during an investigation into allegations of disobedience or misconduct whenever the employee's continued presence in his or her position would not be in the School District's best interests, (2) as a disciplinary measure for misconduct that is detrimental to the School District as defined above, or (3) pending a Board hearing to suspend a teacher without pay.

The Superintendent or designee shall meet with the employee to present the allegations and give the employee an opportunity to refute the charges. The employee will be told the dates and times the suspension will begin and end.

### Pre-suspension Meeting

The Superintendent or designee shall meet with the employee prior to the suspension to advise the employee of the evidence in support of the reasons for the suspension and afford the employee an opportunity to respond. If the Superintendent or his designee cannot, for reasonable reasons, meet with the employee prior to the suspension, he or she shall attempt to meet with the employee after the commencement of the suspension. The decision to rescind or reaffirm the decision shall be promptly communicated in writing.

### Employees Under Investigation by Illinois Dept. of Children and Family Services (DCFS)

Upon receipt of a DCFS recommendation that the District remove an employee from his or her position when he or she is the subject of a pending DCFS investigation that relates to his or her employment with the District, the Board or Superintendent or designee, in consultation with the Board Attorney, will determine whether to:

1. Let the employee remain in his or her position pending the outcome of the investigation; or
2. Remove the employee as recommended by DCFS, proceeding with:
  - a. A suspension with pay; or
  - b. A suspension without pay.

### Repayment of Compensation and Benefits

If a professional employee is suspended with pay, either voluntarily or involuntarily, pending the outcome of a criminal investigation or prosecution, and the employee is later dismissed as a result of his or her criminal conviction, the employee must repay to the District all compensation and the value of all benefits received by him or her during the suspension. The Superintendent or designee will notify the employee of this requirement when the employee is suspended.

### Other Discipline

The Superintendent or designee may impose other discipline not involving loss of salary, such as written or oral reprimands or other appropriate discipline.

LEGAL REF.: 5 ILCS 430/5-60(b).  
105 ILCS 5/24-12.  
325 ILCS 5/7.4(c-10).  
Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985).  
Barszcz v. Community College District No. 504, 400 F.Supp. 675 (N.D. Ill., 1975).  
Massie v. East St. Louis Sch. District No.189, 203 Ill.App.3d 965 (5th Dist. 1990).

CROSS REF.: 5:290 (Educational Support Personnel - Employment Termination and Suspensions)

ADOPTED: December 18, 2018