

Personnel

Professional Personnel - Suspension

Suspension

The Superintendent, or designee, is authorized to suspend, with or without pay, any employee for serious misconduct subject to the following conditions:

- A. Before any suspension the employee must be:
 - 1. notified of the possibility of suspension as a disciplinary measure and the reasons for the possible suspension.
 - 2. given an opportunity for a hearing before the Superintendent to respond to the possible suspension and the reasons therefore.

However, in emergency situations, an employee may be suspended first, followed as soon as reasonably possible by the notice and opportunity for a hearing as provided above.

- B. The suspension may not be longer than ten working days.
- C. Any decision by the Superintendent to suspend may be appealed to the Board of Education. The request for an appeal must be submitted in writing to the Board of Education through the Superintendent within three business days after the employee receives notice of the Superintendent's decision to suspend. The Board will conduct an appeal hearing in closed session at which the Superintendent will explain the reasons for the suspension and the employee will be given an opportunity to respond.
- D. Serious misconduct includes incompetency, cruelty, negligence, immorality or other conduct which adversely impacts the best interests of the School District. Examples of other conduct include, but are not limited to, insubordination, performance of duties while impaired due to the use of intoxicants, unauthorized absences, failure to perform assigned duties, failure to comply with School District policies and rules, and criminal activity related to the performance of employment duties.
- E. Employees may be assisted by a representative in connection with suspension proceedings, provided the representative is available on a timely basis.

In addition to suspensions by the Superintendent, the Board of Education may suspend any employee, with or without pay, for up to thirty working days (inclusive of any suspension without pay by the Superintendent) for serious misconduct or may suspend any employee, with or without pay, in connection with the dismissal of the employee. The employee must be given notice of the reasons for the suspension and an opportunity to respond to the Board before final action. Nothing in this policy limits the authority of the Board to suspend a tenured employee without pay as part of the tenured teacher dismissal process under the Illinois School Code.

The Superintendent may temporarily reassign any employee with pay pending investigation of any potential disciplinary matter. Such a reassignment is not a suspension under this policy.

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. At the request of the professional employee made within 5 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.

LEGAL REF.: 5 ILCS 430 et seq.
105 ILCS 5/24-12.
Cleveland Board of Education v. Loudermill, 105 S.Ct.
Barszcz v. Community College District No. 504, 400 F.Supp. 675 (N.D. Ill. 1975).
Massie v. East St. Louis School District No. 189, 561 N.E.2d 246 (5th Dist. 1990).

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

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