
Professional Personnel - Suspension

Suspension Without Pay

The Board may suspend a professional employee without pay: (1) pending a dismissal hearing, or (2) as a disciplinary measure for up to 30 employment days for misconduct that is detrimental to the District. A *professional employee* means a non-administrator employee who holds a professional educator license. Administrative staff members may not be suspended without pay as a disciplinary measure.

Misconduct that is detrimental to the District includes:

- Insubordination, including any failure to follow an oral or written directive from a supervisor;
- Violation of a Board Policy or Administrative Procedure;
- Conduct that disrupts or may disrupt the educational program or process;
- Conduct that violates any State or federal law that relates to the employee's duties; and
- Other sufficient causes.

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 their 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 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 the employee's 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 the position would not be in the District's best interests, (2) as a disciplinary measure for misconduct that is detrimental to the District as defined above, or (3) pending a Board hearing to suspend a professional employee 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.

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 the employee's position when the employee is the subject of a pending DCFS investigation that relates to the employee's 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 the employee's 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 a criminal conviction, then the employee must repay to the District all compensation and the value of all benefits received by the employee during the suspension. The Superintendent or designee will notify the employee of this requirement when the employee is suspended.

LEGAL REF.: 105 ILCS 5/24-12.
5 ILCS 430/5-60(b), State Officials and Employees Ethics Act.
325 ILCS 5/7.4(c-10), Abused and Neglected Child Reporting Act.
Cleveland Board of Education 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 School District No. 189, 203 Ill. App. 3d 965 (Ill.App.5, 1990).

CROSS REF.: 5.290 (Employment Termination and Suspensions)

ADMIN. PROC.: 5.240-AP1 (Suspensions)