

## **Professional Personnel**

### **Administrative Procedure - Suspensions**

#### Suspension Without Pay

<b>Actor</b>	<b>Action</b>
School Board or designee	<p>Provides the professional employee with a written pre-suspension notification that includes:</p> <ol style="list-style-type: none"> <li>1. The reason(s) for the proposed suspension;</li> <li>18. The date(s) and duration of the proposed suspension;</li> <li>19. How the employee may request a hearing; and</li> <li>20. The employee's rights to be represented, present witnesses on his/her behalf, and cross-examine any witness who testifies against him/her.</li> </ol> <p>Contacts the Board Attorney for advice and assistance.</p>
Professional Employee	<p>If a hearing is desired, requests a hearing within five (5) calendar days of receipt of the pre-suspension notification. <b>26</b></p>
School Board or designee	<p>If a hearing is requested:</p> <ol style="list-style-type: none"> <li>1. Promptly schedules a hearing and gives the employee written notification of its date, time, and place at least five (5) calendar days before the hearing. This notification shall set forth the procedure to be followed at the hearing as stated below.               <ol style="list-style-type: none"> <li>a. The hearing shall be in closed session.</li> <li>b. The professional employee may be represented by a person of the employee's choice.</li> <li>c. The school officials and the employee may make short opening statements.</li> <li>d. The school officials shall present their evidence in oral or written form.</li> <li>e. After the school officials conclude their evidentiary presentation, the employee may present evidence to refute the charges orally or in writing.</li> <li>f. Each party shall be afforded an opportunity to cross-examine all witnesses who testify and to examine all written evidence presented.</li> <li>g. The Board may receive all relevant oral and written evidence without regard to the legal rules of evidence, but shall consider the weight of the evidence in making a determination.</li> <li>h. The school officials and the employee may make closing</li> </ol> </li> </ol>

**26** See footnotes in sample policy 5:240, *Suspension*, for a list of cases holding that a district must provide due process, including a hearing, before suspending an employee especially if the suspension is without pay. The timelines are not specified in statute and may be modified as long as the employee is given ample opportunity to exercise his or her rights.

	<p>statements at the conclusion of the hearing.</p> <p>i. The hearing may be recorded stenographically, electronically, or by tape at the direction of either party at its own expense. If either party makes a recording, the other party shall be offered an opportunity to purchase a copy of the transcript or to reproduce the electronic/tape recording.</p> <p>21. Appoints a hearing officer, if desired.</p>
School Board or Hearing Officer	<p>Conducts the hearing.</p> <p>The hearing officer, if one was used, shall prepare a written summary of the evidence for the Board and, if requested, a written recommendation.</p>
School Board	<p>Decides whether to suspend the professional employee as authorized by 105 ILCS 5/24-12(d)(1). If the Board used a hearing officer and requested a written recommendation, the Board may uphold, modify, or reverse the hearing officer's recommendation. If the teacher is not suspended, his or her personnel record shall be expunged of any notices or material relating to the suspension.</p> <p>If the Board's suspension is not sustained following review by a trial court: (1) ensures that the professional employee does not suffer the loss of any salary or benefits by reason of the suspension, and (2) assigns the professional employee to a position substantially similar to the one that the employee held prior to the suspension. 105 ILCS 5/24-12(d)(10).</p>

#### Suspension With Pay

<b>Actor</b>	<b>Action</b>
Superintendent or designee	<p>1. Informs the professional employee of a proposed suspension with pay by written or oral notice, which shall specify the reasons for the suspension. If the notice is oral, gives written notice as soon as reasonable.</p> <p>22. Meets with the employee before the proposed suspension to discuss the reasons for the suspension. If the Superintendent or designee cannot, for reasonable cause, meet with the employee before the suspension, the Superintendent or designee shall attempt such a meeting after the suspension begins.</p> <p>23. Gives the professional employee written confirmation of the suspension as soon as reasonably possible.</p> <p>Contacts the Board Attorney for advice and assistance.</p>