

5:240 Suspension

Suspension Without Pay

- The **Superintendent or designee is authorized to suspend a professional employee without pay for up to 15 employment days pending a dismissal hearing or as a disciplinary measure for misconduct that is detrimental to the District, which includes the following offenses:** Insubordination, including any failure to follow an oral or written directive from a supervisor;
- Violation of 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 professional employee shall receive written notice from the Superintendent or designee of the alleged misconduct charges at least one work day before meeting with the employee. The employee shall have the right to explain or rebut the charges in a pre-disciplinary meeting with the Superintendent or designee. After the pre-disciplinary meeting, the Superintendent or designee shall advise the employee in writing of the administrative findings and basis for any disciplinary suspension without pay.

Within five work days after receipt of suspension without pay notice, the employee may submit a written request with the Superintendent for a hearing before the Board of Education. At the suspension appeal hearing, the employee may be represented by an Association representative or an attorney and shall be allowed an opportunity to present facts and evidence in response to the allegations of misconduct. The Board shall issue a written decision to the employee regarding the disciplinary suspension appeal. If the Board determines that the suspension without pay was not properly imposed, any references to the employee's suspension shall be expunged from the employee's personnel records, and the employee shall be paid for the period of the suspension without pay.

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.

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.

LEGAL REF.:

[5 ILCS 430/5-60\(b\)](#)

[105 ILCS 5/24-12.](#)

[Cleveland Board of Education v. Loudermill](#), 105 S.Ct. 1487 (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, 561 N.E.2d 246 (Ill.App.5, 1990).

CROSS REF.: [5:290](#) (Educational Support Personnel - Employment Termination and Suspensions) ADOPTED: March 19, 2013