

## Suspension

### 5:240-AP Administrative Procedure - Suspensions

#### Suspension Without Pay

Actor	Action
School Board or designee	<p>Provide 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>2. The date(s) and duration of the proposed suspension;</li><li>3. How the employee may request a hearing; and</li><li>4. 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>Contact the Board Attorney for advice and assistance.</p>
Professional Employee	<p>If a hearing is desired, request a hearing within five (5) calendar days of receipt of the pre-suspension notification.</p>
School Board or designee	<p>If a hearing is requested:</p> <ol style="list-style-type: none"><li>1. Promptly schedule a hearing and give 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 statements at the conclusion of the hearing.</li><li>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.</li></ol></li><li>2. Appoint a hearing officer, if desired.</li></ol>

School Board or Hearing Officer	<p>Conduct 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>Decide whether to suspend the professional employee as authorized by <a href="#">105 ILCS 5/24-12(d)(1)</a>. 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) ensure that the professional employee does not suffer the loss of any salary or benefits by reason of the suspension, and (2) assign the professional employee to a position substantially similar to the one that the employee held prior to the suspension. <a href="#">105 ILCS 5/24-12(d)(10)</a>.</p>

#### Suspension With Pay

Actor	Action
Superintendent or designee	<ol style="list-style-type: none"> <li>1. Inform 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, give written notice as soon as reasonable.</li> <li>2. Meet 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.</li> <li>3. Give the professional employee written confirmation of the suspension as soon as reasonably possible.</li> </ol> <p>Contact the Board Attorney for advice and assistance.</p>

APPROVED: September 27, 2021

**Harlem School District 122**