Professional Personnel

Suspension

Suspension Without Pay

The School Board or Superintendent or designee may suspend without pay.~~: (1)~~ a professional employee pending a dismissal hearing~~, or (2) a teacher as a disciplinary measure for up to 30 employment days~~ for misconduct that is detrimental to the School District. ~~Administrative staff members may not be suspended without pay as a disciplinary measure.~~

Misconduct that is detrimental to the School District includes:

- 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; and
- Other sufficient causes.

Prior to suspending a professional employee with or 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.

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 post-suspension hearing. The Board or its designee shall notify the professional employee ~~of the alleged charges and~~ the date and time of the hearing. At the post-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.

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, or (2) pending action by the School Board on a recommendation for dismissal or (3) as a disciplinary measure for misconduct that is detrimental to the School District as defined above.

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 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 (Employment Termination and Suspensions)