

PersonnelGeneral Personnel - Discipline of EmployeesA. Definitions

1. Disobedience shall include any refusal or failure to follow an order, direction, regulation or policy, whether oral or written, of the Board of Education or of any person who has supervisory responsibility.
2. Misconduct includes:
 - a. Any act or failure to act which causes, or may reasonably lead the Board of Education or the administration to forecast substantial disruption or material interference with the educational process or the rights of others.
 - b. Any act or failure to act occurring during the course of an employee's duties which jeopardizes the health, safety and welfare of any person, student, parent or school employee.
 - c. Any act or failure to act which constitutes immoral conduct.
 - d. Any act or failure to act which constitutes a violation or an attempt to violate any federal or state law or regulation or municipal ordinance and which relates to the employee's duties.
3. Employees: All job categories found in the District schools, including but not limited to: Teachers, Teacher Aides and Assistants, Dean's Assistants, Secretaries and Clerical Assistants, Custodial/Maintenance Personnel, Administrators, etc.

B. Suspensions With Pay

1. Grounds:

Employees may be suspended with pay from their duties or for any portion of such duties during any investigation of conduct constituting disobedience or misconduct or as might otherwise be appropriate or in the best interests of the school.

2. Procedures:

- a. Notification . . . The Superintendent may suspend an employee upon written or oral notice which shall specify:
 - (1) the reasons for the suspension;
 - (2) the date(s) and duration of the suspension.
 - (3) If the employee is suspended upon oral notice, written confirmation of such oral notice shall be given to the employee as soon as reasonable, stating the reasons and intended duration of the suspension.

- b. Pre-Suspension Meeting . . . The Superintendent shall meet with the employee prior to the suspension to advise the employee of the evidence in support of the reasons for the suspension and afford the employee an opportunity to respond. If the Superintendent cannot meet with the employee prior to the suspension, he or she shall attempt to meet with the employee after the commencement of the suspension. The decision to rescind or reaffirm the decision shall be promptly communicated in writing.

3. Length:

A suspension with pay shall not exceed the duration of any investigation concerning an employee's conduct.

- C. Suspensions Without Pay

1. Grounds:

Employees may be suspended without pay from their duties or for any portion of such duties for conduct constituting disobedience or misconduct.

2. Procedures:

- a. Notification . . . The Superintendent may suspend an employee without pay upon oral or written notice which shall specify:

- (1) the reasons for the suspension;
- (2) the date(s) and duration of the suspension;
- (3) the employee's right to request a hearing to review the suspension before the Board of Education with representation.

- b. Pre-Suspension Meeting. . . If, in the opinion of the Superintendent, the employee does not pose an immediate threat to himself/herself or others or an ongoing threat of disruption to the education process, the Superintendent shall meet with the employee prior to the suspension to advise the employee of the evidence which supports the reasons for the suspension and afford the employee an opportunity to respond. If the employee imposes an immediate threat to himself/herself, to others or an ongoing threat of disruption to the education process requiring immediate removal from the premises, a suspension meeting shall be held as soon after removal as is reasonable. The decision to rescind or reaffirm the decision shall be promptly communicated in writing.

- c. Review Hearing:

- (1) The employee shall be granted a hearing before the Board of Education or a committee thereof to review the suspension if an employee makes a written request for such hearing to the Superintendent within five days of receipt of the written notice of suspension. He/she shall have the right to be represented at the hearing by legal counsel or other representative, present witnesses on his/her behalf and cross-examine any witness

who testifies against him/her.

- (2) Upon receipt of a request for a review hearing, a hearing date shall be promptly scheduled. The employee shall be given written notification of the time and place of the hearing at least seven (7) days prior to the review, as determined by the date of the notification letter. The notification shall set forth the procedure to be followed at the review hearing, as stated below.

D. Review Hearing Procedures:

- (1) The hearing shall be conducted in closed session.
- (2) The employee may be represented by a person of the employee's choice.
- (3) The school officials and then the employee shall make a short opening statement as to their position on the dispute.
- (4) The school officials shall first present their evidence in oral or written form.
- (5) After the school officials conclude their evidentiary presentation, the employee may present evidence to refute the charges orally or in writing.
- (6) Each party shall be afforded an opportunity to cross examine all witnesses who testify and to examine all written evidence presented.
- (7) All relevant evidence shall be received by the Board or Committee without regard to the rules of evidence in such a manner as is appropriate in the circumstances.
- (8) The school officials and then the employee may make closing statements at the conclusion of the hearing.
- (9) The hearing may be recorded stenographically or by tape at the direction of either party at its own expense. If either party makes a recordation, the other party shall be offered an opportunity to purchase a copy of the transcript or to a reproduced tape.
- (10) The Board of Education, based upon the preponderance of the evidence, may uphold, modify or reverse the suspension. If the Board reverses the suspension, any lost salary and benefits shall be refunded and the record expunged of any notices or material relating to the suspension.

3. Length:

Any suspension without pay shall not exceed five (5) employment days for the first offense and shall not exceed ten (10) employment days for any subsequent offense for the same or similar infraction.

4. Other Discipline

The Superintendent or other administrators designated by the Superintendent may impose other discipline not involving loss of salary, such as written or oral reprimands or other appropriate discipline.

D. General

Nothing herein is intended to limit the authority of the Board to discharge any employee as provided for by School Code Sections 10-22.4, 24-11, 24-12, or as otherwise provided for and authorized by law, without resorting to the intermediate forms of discipline listed above.

In connection with any action taken under this policy, the Board will provide such due process as is necessary and appropriate under applicable Constitutional standards.

This policy will be interpreted in accordance with the terms and conditions of any applicable collective bargaining agreement(s).

LEGAL REF: Illinois School Code, Sec. 10-22.4, 24-11, and 24-12 (105 ILCS 5/10-22.4, 5/24-11, and 5/24-12); Cleveland Board of Education v. Loudermill, 105 S. Ct. 1487, (1985), on remand 763F. 2d202; Jones v. Board of Education of Township High School District No. 211, 651 F.Supp. 760 (N.D.M. 1986); Barszcz v. Board of Trustees Community College District No. 504, Cook County, 400 F.Supp 675 (N.D. Ill. 1975); Spinelli v. Immanuel Lutheran Evangelical Congregation, Inc., 515 N.E. 2e 1222 (1987); Massie v. East St. Louis School District No.189, 561 N.E. 2d 246 (5th Dist. 1990); and Kearns v. Board of Education of North Palos Elementary School District No. 177, 392 N.E. 2d 148 (1st Dist.1979).

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