

Professional Personnel

5:240 Suspension

Suspension Without Pay

The Superintendent is authorized to suspend without pay, for a period not to exceed fifteen (15) workdays, any certificated employee, for any one or more of the following reasons. Misconduct that is detrimental to the School District includes:

- Incompetence
- Cruelty
- Negligence
- Immorality
- 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.

Prior to any suspension under this policy, the affected employee shall be notified of the charges by the Superintendent or designee and shall have the right to explain or rebut the charges. The employee shall have the right to be accompanied by a representative of the Rondout Education Association or another representative of his/her choice.

The Superintendent or designee shall then verbally advise the employee of his/her decision regarding the suspension, and the employee shall be required to immediately comply. As soon as practicable thereafter, the Superintendent shall provide the employee with written confirmation of the decision.

Within five (5) school days of the verbal notification of the decision to impose the suspension, the employee may file a written request with the Superintendent for a hearing before the Board of Education. If a suspended employee fails to request a review of the decision, he or she shall be deemed to have accepted the decision of the Superintendent and no review by the Board shall take place.

If the Superintendent is of the opinion that the best interests of the School District require a longer suspension than the fifteen (15) paid work days provided for above, the Superintendent shall notify the Board of Education concerning this recommendation, and the matter shall be presented to the Board as soon as practicable. Written notice of the hearing shall be provided to the employee.

The hearing regarding review of an administrative suspension and/or the recommendation for a suspension for longer than fifteen (15) days shall take place

before the Board of Education. At the hearing the employee shall have the right to be accompanied by a representative of the Rondout Education Association or, at the employee's expense, by counsel of his/her choice. The employee shall have the right to present witnesses and proof relative to the charges. If the Board determines that the suspension was not properly invoked, the suspension references shall be deleted from the employee's personnel record and the lost pay promptly paid to the employee. If the Board believes the employee's conduct warrants a longer suspension, it may extend the suspension without pay for a longer period of time as deemed appropriate under the circumstances.

Nothing in this policy shall be interpreted to impair the Board's right to suspend an employee pending a dismissal hearing or to dismiss employees.

Suspension With Pay

The Board of Education 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 shall meet with the professional employee to present the allegations and give the professional employee an opportunity to refute the charges. The professional employee will be told the dates and times the suspension will begin and end.

Employees Under Investigation by Illinois Dept. of Children and Family Services (DCFS)

Upon receipt of a DCFS recommendation that the District remove an employee from his or her position when he or she is the subject of a pending DCFS investigation that relates to his or her employment with the District, the Board or Superintendent or designee, in consultation with the Board Attorney, will determine whether to:

1. Let the employee remain in his or her position pending the outcome of the investigation; or
2. Remove the employee as recommended by DCFS, proceeding with:
 - a. A suspension with pay; or
 - b. A suspension without pay.

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.:

105 ILCS 5/24-12.

5 ILCS 430/5-60(b), State Officials and Employee Ethics Act.

325 ILCS 5/7.4(c-10), Abused and Neglected Child Reporting Act.

Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985).

Barszcz v. Cmty College Dist. No. 504, 400 F.Supp. 675 (N.D. Ill. 1975).

Massie v. East St. Louis Sch. Dist. No.189, 203 Ill.App.3d 965 (5th Dist. 1990).

CROSS REF.: 5:290 (Employment Termination and Suspensions)

Adopted: August 23, 2022

Rondout SD 72