

## Professional Personnel

### **5:240 Suspension**

Please refer to the following current agreement:

#### **Agreement Between Carrollton Education Association Illinois Federation of Teachers Local 3997 and the Board of Education Carrollton Community Unit School District No. 1.**

##### Purpose

The Board of Education has a duty and responsibility to manage the School, including enactment of personnel policies pursuant to the provisions of the Illinois School Code. In accordance with this duty, the Board hereby enacts this policy to govern suspensions, both with and without pay, of its certified and non-certified employees. This policy is supplemental to all other powers of the Board of Education to discipline its employees. By enactment of this policy, the Board does not limit its authority to dismiss, transfer, or otherwise discipline its employees.

##### Definitions

- A. Disobedience shall include, but is not limited to, any refusal or failure by an employee to follow a direction, regulation or policy, whether oral or written, of the Board of Education or any person who has supervisory responsibility.
- B. Misconduct includes but is not limited to:
  - 1. Any act or failure to act which causes, or may reasonably lead to the Board of Education or the administration to predict substantial disruption or material interference with the educational process or the rights of other.
  - 2. 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.
  - 3. Any act or failure to act that constitutes immoral conduct.
  - 4. 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 an employee's duties.
- C. Discipline may be imposed by the Board of Education, Superintendent or other administrator as designated by the Superintendent.

##### Suspension With Pay

###### A. Grounds

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

###### B. Notification

- 1. The Superintendent or designee may suspend an employee upon written or oral notice that shall specify:
  - a. The reasons for the suspension;
  - b. The date(s) and duration of the suspension.

### C. Length

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

- ### D. 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 reason(s) and intended duration of the suspension.

## Suspension Without Pay

### A. Grounds

1. Employees may be suspended without pay from their duties or for any portion of such duties for conduct constituting disobedience or misconduct or as might otherwise be appropriate or in the best interests of the school.

### B. Notification

1. The Superintendent or designee may suspend an employee without pay upon oral or written notice which shall specify:
  - a. The reason(s) for the suspension;
  - b. The date(s) and duration of the suspension;
  - c. The employee's right to request a hearing to review the suspension before the Board of Education and the right to have representation.

- ### C. If the employee is suspended upon oral notice, written confirmation of such notice shall be given to the employee as soon as reasonable by a letter stating the reasons, duration and right to request a review hearing and have representation at that hearing.

### D. Pre-Suspension meeting

If, in the opinion of the Superintendent (or designee), the employee does not pose an immediate threat to himself/herself or others or an ongoing threat of disruption to the educational process, the Superintendent may 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 (as stated above), requiring immediate removal from school property, a suspension meeting shall be held as soon after removal as is reasonable.

### E. Review hearing

1. Employees shall be granted a hearing before the Board of Education or a Board committee to review the suspension if an employee makes a written request for a hearing to the Superintendent (or designee) within five (5) days of receipt of the written notice of suspension. The employee shall have the right to be represented at the hearing, and present witnesses on his/her behalf.
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. The notification letter shall state the procedure to be followed at the hearing.

### F. Review hearing procedures

1. The hearing shall be conducted in closed session.
2. A person of the employee's choice may represent the employee.
3. The administration and then the employee shall make a short opening statement as to their position in the dispute.
4. The administration shall first present their evidence in oral or written form.
5. After the administration concludes its presentation of evidence, the employee may present evidence to refute the charges orally or in written form.
6. Each party shall be afforded an opportunity to examine all written evidence presented.
7. The administration and then the employee may make closing statements at the conclusion of the hearing.
8. The Board of Education based upon 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.

#### G. Length of Suspension

1. Any suspension without pay shall not exceed ten (10) days unless the conduct giving rise to the suspension is subject to a criminal investigation by law enforcement authorities and/or a District investigation which may lead to a dismissal proceeding. If the suspension is for more than thirty (30) days for the reasons stated above, the suspension shall continue until the culmination of the criminal matter or until the District has made a final determination with regard to a possible dismissal action.

#### 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.

#### 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.

LEGAL REF.:

105 ILCS 5/24-12.

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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: July 18, 2022

### **Carrollton CUSD 1**

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