

July 28, 2004

RESCIND BOARD REPORTS 80-231-19 ISSUANCE OF WARNING RESOLUTION POLICY,

**95-1025-PO2 PERSONNEL DISCIPLINE POLICY FOR EDUCATIONAL SUPPORT PERSONNEL,
95-1025-PO3 PERSONNEL POLICY FOR TYPES OF APPOINTMENTS OF EDUCATIONAL SUPPORT
PERSONNEL AND 95-1025-PO6 PERSONNEL POLICY FOR PROBATIONARY EDUCATIONAL**

If formal discipline is needed, then this section sets forth a comprehensive pre-discipline conference process. Once the supervisor recommends a suspension or greater discipline, then the employee is allowed the opportunity to appeal that discipline to the Office of Labor and Employee Relations. Depending on the length of the suspension and whether progressive discipline has been adhered to by the supervisor, an appeal written review or hearing will occur in the Office of Labor Relations. The Director of Labor Relations makes the final decision as to the level of discipline imposed upon an employee.

If the discharge of an employee is recommended, then this section sets forth the process in which the Law Department drafts dismissal charges. The dismissal charges must be approved by the Chief Executive Officer. A dismissal hearing occurs in the Office of Labor and Employee Relations. Discharges involving contract principals and tenured teachers are governed by Section 24.05 of the Illinois School

Code resulting in a hearing controlled by the Illinois State Board of Education's procedures.

Section VII Disciplinary Procedures for All Non-School Based Employees: This section identifies the disciplinary procedures for supervisors, managers, confidential employees, educational support personnel, and all other employees whose primary work location is not in a school. Generally, the due process rights of these employees are much less than school-based employees based upon the "at-will"

And
Due Process Policy

The Employee Discipline And Due Process Policy

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I. INTRODUCTION AND SCOPE OF POLICY

The Employee Discipline and Due Process Policy ("Policy") applies to all employees of the Chicago Board of Education, except where specifically noted. The

Chicago Board of Education ("Board") is a public employer that requires its employees to perform their job duties and responsibilities in a manner that promotes the best interests of the students of the Chicago Public Schools, further the goals of the

II. PROGRESSIVE DISCIPLINE

The Board embraces the concept of progressive and corrective discipline for employees. The Board encourages its managers and supervisors to use progressive

discipline when they believe that an employee is unable to correct his misconduct

III. DEFINITIONS

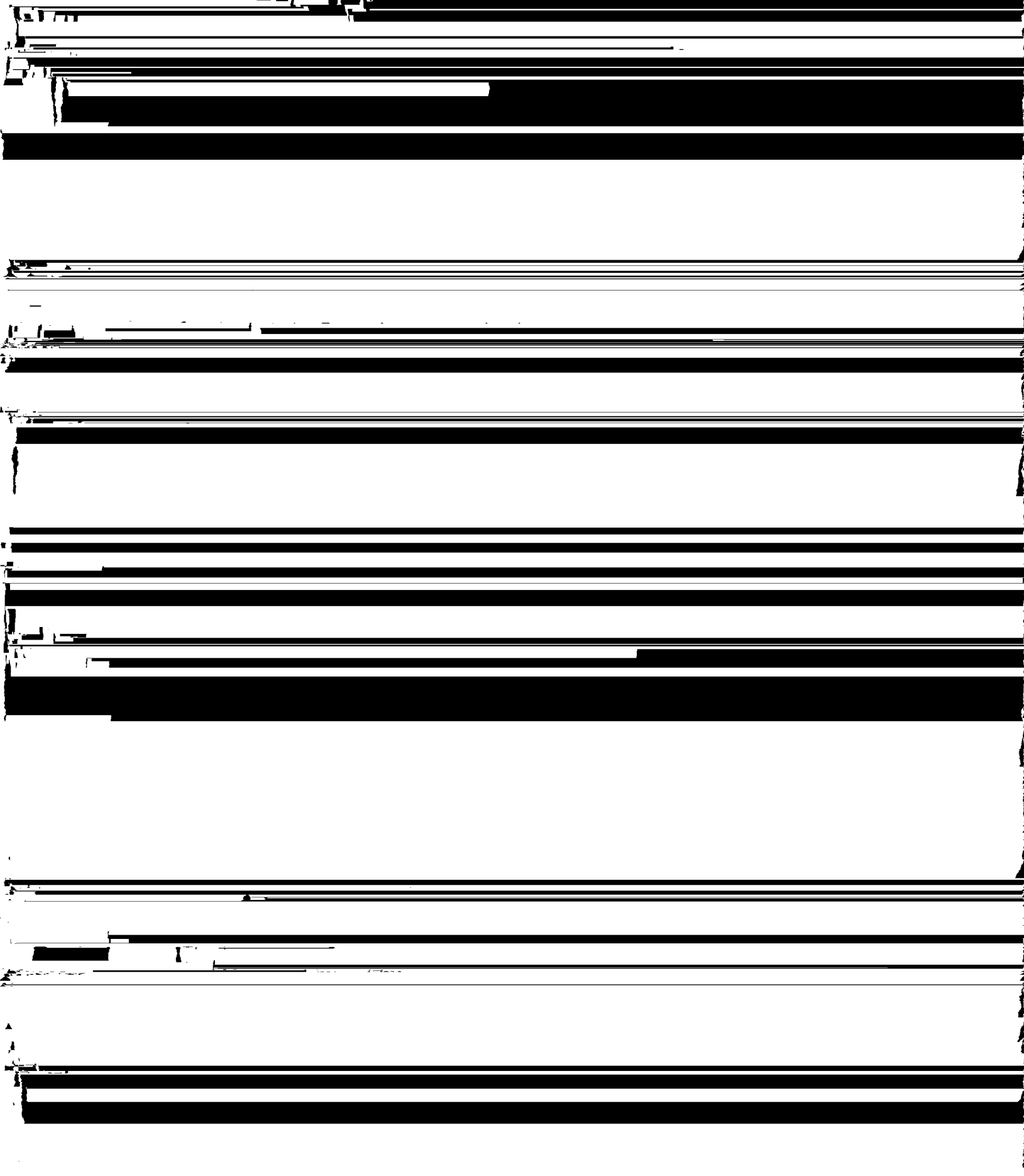
As used in this Policy, these terms are defined as follows:

Officer - the Area Instruction Officer (AIO) oversees the development

7. **Dismissal Charges** - a formal document drafted by the Law Department and approved by the Chief Executive Officer, or his designee, containing charges and specifications against a Board employee.
8. **Hearing Officer** - an individual designated by the Director of Labor Relations, or his designee, to conduct a hearing regarding the discharge of a Board employee.
9. **Non-School-Based Educational Support Personnel** – All non-teacher personnel reporting to a non-school facility.
10. **Principal** – Contract/ Interim/ Acting/ Associate - The chief executive and ~~operating officer of an attendance center. A contract principal is~~

elected by a Local School Council whose contract has been approved by the Board. An interim principal is selected by the Chief Executive Officer, or his designee, to serve out the term of a contract principal. An acting

Page 1 The date a final investigative report is copied on the Board is the



IV. ACTS OF MISCONDUCT

GROUP I ACTS OF MISCONDUCT

Group 1 Acts of Misconduct includes the following minor acts of *inappropriate* behavior:

Department Head, or Chief Administrator in a timely manner.

- 1-2 Smoking on school or Board property.
- 1-3 Failing to display proper identification after being directed to do so.
- 1-4 Failing to inform the school or assigned work location of absences or tardies in a timely manner without reasonable justification.
- 1-5 Failing to report to school or assigned work location in a timely manner without reasonable justification.
- 1-6 Failing to return to work on time after breaks, lunch, or rest periods without prior authorization to extend the time of such breaks, lunch, or rest periods.
- 1-7 Using mobile cellular and other electronic devices while supervising students

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- 2-12 Violating School rules, or Board rules, policies or procedures that result in acts of inappropriate behaviors in the school, or on the school grounds or assigned work location, or while attending school functions.

Disciplinary Options

- Written Reprimand;
- Suspension Without Pay (1 to 5 days); and/or
- Warning Resolution issued by the Board to employees subject to Section 34-85 of the Illinois School Code, 105 ILCS 5/34-85.

GROUP 3 ACTS OF MISCONDUCT

Group 3 Acts of Misconduct includes the following acts that *disrupt* the orderly educational process:

3-1 Repeated or flagrant acts of Group 2 misconduct .

3-2 Using school or Board property or services without authorization.

3-3 Using verbally abusive language to or in front of students.

3-4 Using obscene, lewd, or profane language that is directed at students or staff members.

3-16 Failing to comply with the Board's student travel policy.

3-17 Violating School rules, Board rules, policies, or procedures that result in behaviors

that disrupt the orderly educational process in the classroom, in the school, and may occur on or off the school grounds or assigned work location.

Disciplinary Options

Suspension (Without Pay) (4-15 days) and/or

GROUP 4 ACTS OF MISCONDUCT

Group 4 Acts of Misconduct includes the following acts that seriously disrupt the orderly

educational process:

- 4-1 Repeated or flagrant acts of Group 3 misconduct.
- 4-2 Using racial, cultural, ethnic, or religious epithets, or threatening language.
- 4-3 Assaulting, threatening, intimidating, or physical or verbal abuse, by any employee against any person on school grounds which results in physical contact; or provoking or inciting another person to engage in such conduct.
- 4-4 Using the office, work site, work locations, work vehicle, work tools, or work materials or supplies to conduct a secondary business, trade or occupation.
- 4-5 Unauthorized entry onto Chicago Public School Board property.

4-15 Submitting false or fraudulent residency information in violation of the Board's residency policy.

4-16 Detention against an employee or student (a) who reasonably act in good faith

has filed a complaint against an employee or student (a) who reasonably act in good faith

GROUP 5 ACTS OF MISCONDUCT

Group 5 Acts of Misconduct includes the following acts that *grossly disrupt* the orderly educational process (School-based discipline is not appropriate. Please contact the Office of Labor and Employee Relations or the Law Department).

5-1 Repeated or frequent acts of Group 4 misconduct

5-2 Absence without leave or authorization ("AWOL").

5-3 Losing one's professional or other license or failing to obtain prerequisites necessary to hold or renew professional or other license.

5-4 Falsifying employment records, or committing other fraudulent acts in attempting to secure employment.

5-5 Involvement in the illegal sale, delivery, receipt, possession, or use of any controlled substance either on or off the job site during hours of employment or non-working time.

5-6 Conviction for an enumerated crime as defined in the Illinois School Code.

5-7 Possessing, carrying, storing, or using weapons or dangerous chemicals on the job when not authorized to do so.

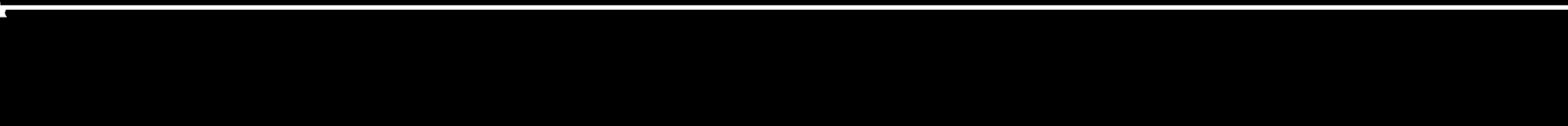
5-8 Soliciting or accepting for personal use any fee or other valuable thing that may

5-14 Drinking, using, or possessing alcoholic beverages or illegal drugs, or using legal

drugs in a manner not prescribed by a physician while at work



5-15 Excessive or unsafe conduct prohibited by Board Rules, Municipal Code of the



V. TYPES OF DISCIPLINARY ACTION

1. **Written Reprimand** - A formal disapproval of the action(s) of an employee, but which carries no loss of pay or benefits.
2. **Suspension** - The temporary removal from employment, accompanied by

VI. DISCIPLINE PROCEDURES FOR SCHOOL-BASED EMPLOYEES

A. Principals

1. Cautionary Notice

Prior to the issuance of discipline against a Contract, Interim, Acting or Associate

Principal, the Area Instruction Officer, Chief Executive Officer, or his designee, shall

6. At the conference, the employee will be informed of the allegations against him, provided with an explanation of the basis of the allegations, and afforded

7. The employee's or his representative's response to the allegations may include verbal statements, written materials, or other relevant objects. The

Board representative shall duly consider all matters submitted to him by the

8. Witnesses are generally not allowed, however, the Board representative, in his discretion, may allow a witness if he deems it necessary. Rather,

For Suspensions of Five (5) Days or Less

Where an Area Instruction Officer, Chief Executive Officer, or his

designee has issued a Cautionary Notice, if appropriate, and followed Progressive Discipline, then, the employee shall be afforded the opportunity to submit any written documents and/or arguments, including written witness statements, to a Reviewing Officer who shall be designated by the Director or Labor Relations to review the discipline imposed;

2. The employee shall be given a copy of any documentation and/or arguments submitted by the Area Instruction Officer, Chief Executive Officer, or his designee, in support of the discipline imposed. The employee shall be afforded an opportunity to respond to the documentation and/or arguments submitted by the Area Instruction Officer, Chief Executive Officer, or his designee;

The Reviewing Officer shall review all documentation and

other party. The parties shall have the right to respond to any newly submitted material within five (5) calendar days of when the new information is sent by the Reviewing Officer to the parties. Upon a review of all the materials submitted by the parties, the Reviewing Officer shall

make a recommendation to the Director of Labor Relations as to whether

the discipline imposed by the Area Instruction Officer, Chief Executive Officer, or his designee, should be upheld, increased, decreased, or overturned completely; and

5. The Director of Labor Relations, or his designee, shall review the

forth in Section 34-85 of the Illinois School Code, 105 ILCS 5/34-85, shall apply. Refer

a Contract Principal is suspended without pay, he will be afforded a pre-suspension hearing so that the specific charges may be read to him and to provide the Contract Principal with an opportunity to rebut the charges leveled against him. The discharge hearing shall be governed by the Illinois School Code, and the rules and regulations of

2. The employee shall be entitled to one continuance request of the conference or, if less notice is given, at least one (1) business day in advance of the

scheduled conference. The Board representative in charge of the conference

3. Suspension Procedures

The Principal, Chief Executive Officer, or his designee, shall have the authority and responsibility to recommend to the Area Instruction Officer that an Assistant Principal be suspended.

~~Whenever the suspension of an Assistant Principal is contemplated, the following~~

procedures shall apply to the suspension conference conduct by the Area Instruction Officer:

1. The employee or his representative shall be given a minimum of three (3)

9. Witnesses are generally not allowed, however, the Board representative is

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

questions from either party. Any information submitted by either party in response to a Reviewing Officer's request shall also be submitted to the

other party. The parties shall have the right to respond to any party's

submitted material within five (5) calendar days of when the new

The Director of Labor Relations will make the final decision as to whether an employee is entitled to a document review, set forth in paragraphs one (1) through three (3) above, or a hearing review, set forth in paragraph four (4) above.

For Suspensions Over Five (5) Days

All Assistant Principals suspended over five (5) days, that have timely filed an appeal with the Director of Labor Relations, shall be entitled to a hearing review set forth in paragraphs four (4) through six (6) above.

4. Discharge Procedures

A Principal Area Instruction Officer or the Chief Executive Officer or his

1. The Assistant Principal shall be entitled to notice of the Dismissal

Charges prior to the hearing.

2. At the hearing, the Assistant Principal may appear on his own behalf or be represented by one person of his choice. The Assistant Principal shall have the right to be present, to respond to the Dismissal charges, present oral and/or written evidence, including the direct

C. School-Based Educational Support Personnel

1. Cautionary Notice

Prior to the issuance of discipline against a School-Based Educational Support Personnel the Chief Executive Officer, Area Instruction Officer, Chief Administrator, or Principal shall issue a Cautionary Notice to the School-Based Educational Support

Personnel, unless deemed not practical such as in cases involving egregious or serious rules violations. The Cautionary Notice shall inform the School-Based Educational Support Personnel of his act of misconduct, and warn the School-Based Educational Support Personnel that formal discipline will occur if such misconduct is not corrected in the future. The Cautionary Notice shall be served on the School-based Educational Support Personnel, and he shall be given an opportunity to sign it, or to provide a statement that he refuses to sign.

2. Reprimand and Suspension Procedures

The Chief Executive Officer, Area Instruction Officer, Chief Administrator, or Principal shall issue a Reprimand and Suspension Procedures to the School-Based Educational Support

6. At the conference, the employee will be informed of the allegations against him, provided with an explanation of the basis of the allegations, and afforded an opportunity to respond to the allegations.
7. The employee's or his representative's response to the allegations may include ~~verbal statements, written materials, or other relevant objects.~~ The

Board representative shall duly consider all matters submitted to him by the employee or his representative.

~~Witnesses are generally not allowed, however, the Board representative is~~

appropriate and followed Progressive Discipline then the employee shall

be afforded the opportunity to submit any written documents and/or arguments, including written witness statements, to a Reviewing Officer who shall be designated by the Director or Labor Relations to review the discipline imposed;

2. The employee shall be given a copy of any documentation and/or arguments submitted by the Chief Executive Officer, Area Instruction Officer, Principal, or Chief Administrator, in support of the discipline

imposed. The employee shall be afforded an opportunity to respond to the documentation and/or arguments submitted by the Chief Executive Officer, Area Instruction Officer, Principal, or Chief Administrator;

make a recommendation to the Director of Labor Relations as to whether
the discipline imposed by the Chief Executive Officer, Administration

Officer - Disciplinary Chief Administrator should be held

Code, sexual misconduct, severe physical abuse, or other egregious violations. The employee shall be entitled to back pay if the employee is not discharged. If a

determination has not been made within (60) work days as to whether the employee should be discharged, then the employee will start receiving pay, and will be eligible for all benefits normally available during periods of active employment.

The Chief Executive Officer, or his designee, shall also possess the right to

entitled to back pay based upon the determination by the Director of Labor Relations, then such back pay shall be paid as quickly as practicable. The decision by the Director of Labor Relations shall be final and may not be

appealed by either party.

5. If the Director of Labor Relations, or his designee, determines that the discharge of the employee is warranted, then he shall submit his findings and conclusions to the Chief Executive Officer. The Chief Executive Officer, or his designee, may decide to decrease the severity of the recommended discipline. If the Chief Executive Officer, or his designee, agrees with the findings and conclusions of the Director of Labor Relations to discharge the employee, then the Chief Executive Officer shall report his decision to the Board.

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Human Resources shall not affect the termination. Probationary employees have no right to their position. Accordingly, the Principal or Chief Administrator has the right to discharge a probationary employee with or without cause, notice being given or not.

opportunity to be heard.

E. Tenured and Non-Tenured Teachers

1. Cautionary Notice

Prior to the issuance of discipline against a Tenured or Non-tenured Teacher, the Chief Administrator or Principal shall issue a Cautionary Notice to a Tenured or

Non-tenured Teacher, unless deemed not practical such as in cases involving serious or conscious rule violations. The Cautionary Notice should inform the Teacher

5. The conference shall occur in a place ensuring privacy.

6. At the conference, the employee will be informed of the allegations against

him, provided with an explanation of the basis of the allegations, and afforded an opportunity to respond to the allegations.

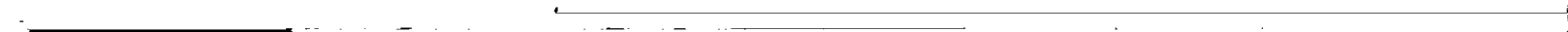
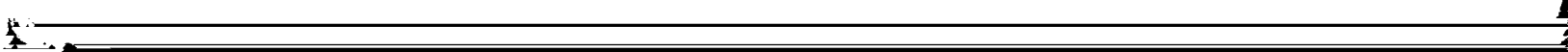
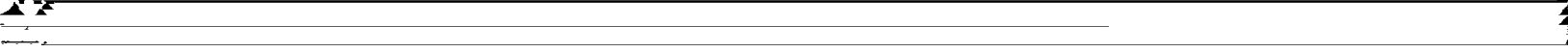
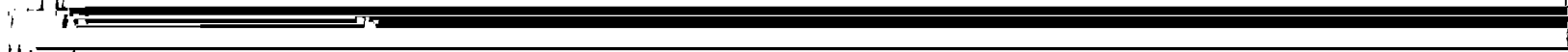
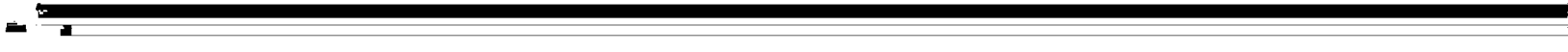
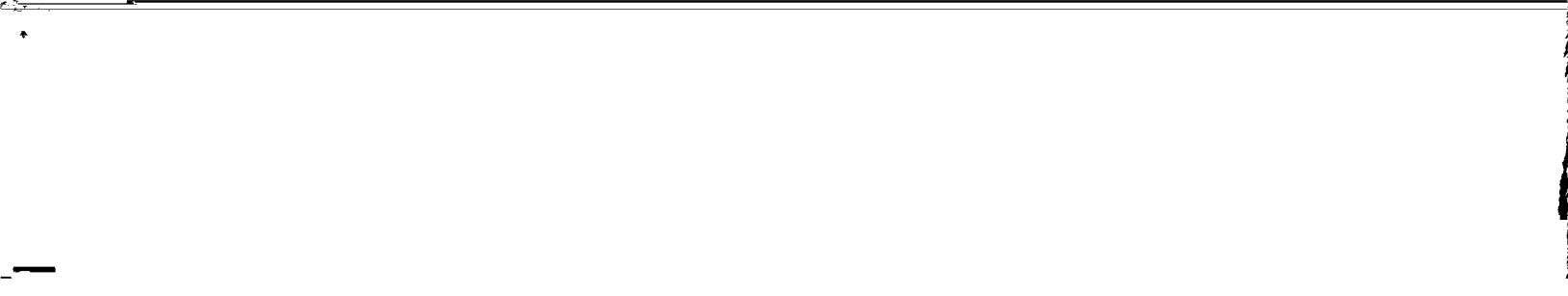
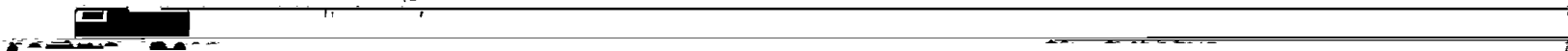
7. The employee's or his representative's response to the allegations may include verbal statements, written materials, or other relevant objects. The Board representative shall duly consider all matters submitted to him by the employee or his representative.

8. Witnesses are generally not allowed, however, the Board representative is

Officer who shall be designated by the Director and Labor Relations to

review the discipline imposed;

2. The Teacher shall be given a copy of any documentation and/or arguments submitted by the Principal or Chief Administrator in support of the discipline imposed. The Teacher shall be afforded an opportunity to



Non-tenured teachers are employees "at-will" and may be discharged at any time

for any reason and have no expectation of continued employment or of receiving any of the discharge procedures described in this Policy.

Day-to-day substitute teachers shall be entitled to an investigatory conference in the Office of Labor and Employee Relations when their discharge is being contemplated. The Director of Labor Relations will make the final decision as to whether a day-to-day substitute teacher shall be discharged. The employee shall not have the right to appeal the decision by the Director of Labor Relations.

Whenever the discharge of a Tenured Teacher is sought, the procedures set forth in Section 24-95 of the Illinois School Code, 105 ILCS 5/24-95, shall apply. Before

Tenured Teacher is suspended without pay, he will be afforded a pre-suspension

VII. DISCIPLINE PROCEDURES FOR NON-SCHOOL BASED EMPLOYEES

A. Supervisors, Managers, or Confidential Employees

Supervisors, Managers and Confidential employees are employed at-will and the

Board may discharge them from employment with or without cause and with or without notice. Nothing in this Policy is intended to or shall be construed as conferring on Supervisors, Managers or Confidential Employees a property interest in their Board employment or an expectation that their Board employment shall continue.

B. Discipline of Supervisors, Managers or Confidential

6. The employee's or his representative's response to the allegations may include verbal statements, written materials, or other relevant objects. The Board representative shall duly consider all matters submitted to him by the employee or his representative.

his discretion, may allow a witness if he deems it necessary. Rather, ~~affidavits, sworn and dated statements may be submitted and shall be duly~~

1. The Supervisor, Manager or Confidential employee shall be afforded the opportunity to submit any written documents and/or arguments, including written witness statements, to the Director or Labor Relations, or his designee, to review the discipline imposed;

2. The Supervisor, Manager or Confidential employee shall be given a copy of any documentation and/or arguments submitted by the Chief

Executive Officer, Department Head, or their designee in support of the

discipline imposed. The employee shall be afforded an opportunity to

~~As the process of discipline against Non School Based Educational Support Personnel, unless deemed not practical such as in cases involving egregious or serious rules violations. The Cautionary Notice shall inform the Non School-Based Educational Support Personnel employee of his act of misconduct, and to warn the Non School-Based Educational Support Personnel employee that formal discipline will occur if such misconduct is not corrected in the future. The Cautionary Notice shall be served on the~~

Support Personnel, the Chief Executive Officer, Department Head, or their designee, shall issue a Cautionary Notice to the Non School Based Educational Support

Personnel, unless deemed not practical such as in cases involving egregious or serious rules violations. The Cautionary Notice shall inform the Non School-Based Educational Support Personnel employee of his act of misconduct, and to warn the Non School-Based Educational Support Personnel employee that formal discipline will occur if such misconduct is not corrected in the future. The Cautionary Notice shall be served on the

7. The employee's or his representative's response to the allegations may include verbal statements, written materials, or other relevant objects. The Board representative shall duly consider all matters submitted to him by the employee or his representative.
8. Witnesses are generally not allowed, however, the Board representative, in his discretion, may allow witnesses if he deems it necessary. Rather

affidavits or signed and dated statements may be submitted and shall be duly considered by the Board representative.

~~After the conference has been completed, the Chief Executive Officer~~

Director of Labor Relations will not have jurisdiction to determine whether the discharge was for just cause.

1. The employee shall be afforded adequate notice of the review procedures, an opportunity for the employee to be present at the hearing, be represented by one person of his choice, respond to the

charges, may present evidence, witnesses, witness statements, and

argue orally. The rules of evidence do not apply.

2. It is preferred that all witnesses be present at the hearing; but, in extenuating circumstances, witnesses may testify by some other electronic means. The Chief Executive Officer, Department Head or their designee may present evidence, witnesses, witness statements, and argue orally.
3. A Hearing Officer shall review all the materials submitted by the

credit during such probationary period. Any period of absence from work in excess of ten (10) days shall extend the probationary period for a period of time equal to the absence. Probationary employees who have been determined eligible in their position

[REDACTED]

[REDACTED]

category and who continue in the service of the Board beyond their probationary period

[REDACTED]

[REDACTED]

shall obtain regular educational support personnel status. An employee's probationary

collective bargaining representative, if applicable, of the fact that the employee has been vacated out of his position. The employee, however, shall be allowed to re-apply for any vacant position that exists within the Board.

All notices identified in this section shall be sent by first class mail to the last

Any misconduct that occurred before the adoption of this Policy shall be governed by the prior Board Rules, policies, and the employee discipline code that were

Reports 80-231-19 (Dismissal Procedures for Tenured Teachers), 95-1025-PO1 (Personnel Policy, Teachers and Administrators Discipline, Section 504.3), 95-1025-