Chicago Public Schools Policy Manual

Title: **EMPLOYEE DISCIPLINE AND DUE PROCESS**
Section: **500A.1**
Board Report: 04-0728-PO1 **Date Adopted:** July 28, 2004

Policy:

THE CHIEF EXECUTIVE OFFICER RECOMMENDS THE FOLLOWING:

That the Board rescind Board Reports 80-231-19 Issuance of Warning Resolution Policy, 95-1025-PO1 Personnel Discipline Policy for Teachers and Administrators, 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 Support Personnel and adopt the attached comprehensive Employee Discipline and Due Process Policy.

PURPOSE: This comprehensive policy establishes the discipline, due process and discharge procedures for all school-based and non-school-based employees of the Chicago Public Schools. Establishing a comprehensive policy that applies to all employees will avoid confusing and contradictory practices, provide a just and equitable disciplinary process, encourage progressive discipline to regulate and improve employee conduct, and provide notice to all employees that clearly identifies expected conduct and the disciplinary consequences when misconduct occurs.

SUMMARY DESCRIPTION: Pursuant to Sections 34-8.1, 34-16, 34-17, 34-18, and 34-85 of the Illinois School Code, the Board is vested with the authority to establish terms and conditions of employment and to establish procedures to discipline its employees that engage in acts of misconduct. The following is an outline of the attached comprehensive Employee Discipline and Due Process Policy:

Sections I and II Scope and Progressive Discipline: Progressive discipline is a systematic approach to correct unwanted behavior and deter its occurrence by administering disciplinary actions based upon various factors, including but not limited to: (1) the seriousness of the offense; (2) the number of times it has occurred; (3) prior acts of misconduct; (4) the length of time between infractions (5) the attitude and cooperation of the employee; (6) the employee's work history; and (7) the totality of the circumstances.

Section III Definitions: This section sets out the definitions for terms used in this Policy

Section IV Acts of Misconduct - Five Categories: These identified and defined Acts of Misconduct place employees on notice of conduct that will result in disciplinary action if violated. The Acts of Misconduct are ranked such that the severity of the disciplinary option is increased based on the seriousness of the offense. All Group Five Acts of Misconduct are automatically dischargeable offenses.

Section V Disciplinary Action: Employees may be disciplined as follows for violating an act of misconduct: (1) written reprimand; (2) suspension without pay; (3) demotion; (4) transfer; (5) receipt of a warning resolution; or (6) discharge.

Section VI Discipline Procedures for School-Based Employees: This section identifies disciplinary procedures for principals, assistant principals, teachers, educational support personnel and all other employees whose primary work location is a school. This section introduces the "Cautionary Notice" process in which a supervisor is encouraged to engage in a non-disciplinary notice to an employee that their conduct is unacceptable and will result in discipline is not corrected.

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 34-85 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 <u>not</u> in a school. Generally, the due process rights of these employees are much less than school-based employees based upon the "at-will" employment status of many of these employees. Nonetheless, to avoid improper dismissal of employees, a limited appeal right of discipline to the Office of Labor and Employee Relations is allowed to certain employees.

Section VIII Vacate of Employment Status for Employees that Abandon Their Employment: This Policy establishes a new vacate process that allows for the quick resolution of cases where employees have abandoned their employment. Instead of dismissal charges, the absent employees are afforded an opportunity to respond to a letter advising them that their positions will be vacated unless they provide a legitimate excuse for their unexcused absence. If no legitimate excuse is forthcoming within a ten (10) day time period, the Board is allowed to vacate those employees out of their positions immediately.

Section IX Miscellaneous provisions and Section X Effective Date: This new comprehensive Employee Discipline and Due Process Policy will take effect on the date the policy is adopted by the Board. All disciplinary actions pertaining to employee conduct that occurred before the effective date of the new comprehensive policy will be governed by the applicable policy in effect at the time the misconduct occurred.

Employee Discipline
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, furthers the goals of the Chicago Public Schools, and results in the highest level of public trust and confidence.

In accordance with state law, this Policy grants the authority and responsibility to take disciplinary action against Board employees, up to and including discharge. This Policy also grants the Chief Executive Officer, principals, department heads, and others, as delegated by the Board, the authority and responsibility to discipline, up to and including discharge, certain Board employees as specifically identified herein. Any limitation on their authority to discipline Board employees is specifically set forth in this Policy and state or federal law.

This Policy is a general statement of disciplinary procedures. These disciplinary procedures are not intended to limit or restrict in any way the Board's right to discharge any employee with or without cause or notice, subject to the requirements set forth in the Illinois School Code and related laws. Moreover, this Policy should not be construed as a contract. With respect to employees not covered by a collective bargaining agreement, this Policy is not to be construed as containing binding terms and conditions of employment. With respect to employees not covered by a collective bargaining agreement, the Board reserves the right to change the content of this Policy as it deems necessary with or without notice.

If an employee is covered by a collective bargaining agreement, that agreement will govern to the extent it conflicts with this Policy or contains additional requirements.

For ease of reading, this Policy uses the masculine pronoun "he" or "him" interchangeably with the feminine pronoun "she" or "her."

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 amenable to correcting his misconduct.

Progressive discipline is a systematic approach to correct unwanted behavior and deter its occurrence by administering disciplinary actions based upon various factors, including but not limited to: (1) the seriousness of the offense; (2) the number of times it has occurred; (3) prior acts of misconduct; (4) the length of time between infractions (5) the attitude and cooperation of the employee; (6) the employee's work history; and (7) the totality of the circumstances.

While the Board encourages the use of progressive discipline, circumstances dictate that it cannot be used for every act of misconduct. Therefore, the Board uses progressive discipline at its discretion and does not solely rely on this concept in every instance when taking disciplinary action.

While it is not possible to list every act which will or might result in disciplinary action, the actions described in the Acts of Misconduct Section reflect conduct which is deemed to be inappropriate and which may result in disciplinary action. The Acts of Misconduct Section is not exhaustive, but is offered instead to generally provide notice of inappropriate conduct. The Chief Executive Officer, or his designee, may hold that conduct other than that referenced in the Acts of Misconduct Section is improper and warrants discipline. Further, the Chief Executive Officer, or his designee, has the discretion to determine what degree of discipline is appropriate after weighing all the situational factors involved in the misconduct.

III. DEFINITIONS

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

1. **Area Instruction Officer** – Under the direction of the Chief Education Officer, the Area Instruction Officer (AIO) oversees the development, coordination, implementation and maintenance of educational programs to improve student achievement levels.

2. **Assistant Principal** - Under the direction and supervision of a principal; in charge of an attendance center in the absence of the principal; assists the principal in directing and coordinating the educational, administrative, supervisory, and counseling activities at school; and performs other related duties as required.

3. **At-will employees** – At –will employees include, but are not limited to, supervisors, managers, confidential employees, probationary employees, interim, acting or associate principals, interim employees, the Chief Executive Officer, Chief Officers, heads of general departments now in existence or hereafter created, the General Counsel, and all assistant attorneys. At-will employees have no property interest in their employment or expectation of continued employment. At-will employees may be discharged from employment with or without cause and with or without prior notice.

4. **Cautionary Notice** - A non-disciplinary written statement to an employee advising him that the described misconduct is unacceptable and will lead to formal discipline if repeated. The Cautionary Notice shall be served on the employee, and the employee shall be given an opportunity to sign it, or to provide a statement that the employee refuses to sign. The issuance or the failure to issue a Cautionary Notice is not a grievable matter. An employee or representative on the employee's behalf, may submit a rebuttal to the Cautionary Notice for inclusion in the employee's disciplinary file.

5. **Chief Administrator** – The chief executive and operating officer of an academic preparatory center.

6. **Department Head** - The person in charge of an administrative department, bureau or office not located in a school. Department heads include, but are not limited to, Chief Officers, the heads of general departments now in existence or hereafter created and the General Counsel.

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 one 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 principal is also selected by the Chief Executive Officer, or his designee, to serve out the term of a contract principal, but generally is chosen to serve for a short period of time. An associate principal is selected by the Chief Executive Officer, or his designee, to assist a contract, interim, or acting principal during their term.

11. **Probationary Employee –** All employees, excluding teachers, with less than one calendar year of service with the Board.

12. **Removal** – The temporary reassignment of an employee with pay and benefits.

13. **Repeated** – As used in Sections 2-1, 3-1, and 4-1 of the Acts of Misconduct, "repeated" means conduct that is the same as or similar to conduct for which the employee has previously received discipline.

14. **Reviewing Officer** - An individual designated by the Director of Labor Relations, or his designee, to review an appeal of a suspension by a Board employee.

15. **School-Based Educational Support Personnel** – All full-time school-based non-teaching personnel.

16. **Staleness** - If the Board does not take disciplinary action against an employee within a reasonable time after it knew or should have known of an alleged rule infraction, then the Board will have waived its right to do so. An unreasonable delay shall mean a period of time that renders it difficult or impossible to ascertain the truth of the matters in controversy or as to create a presumption that the conduct at issue was condoned by the

Board. The date a final investigative report is served on the Board is the date the Board is presumed to have knowledge of the rule infraction.

17. **Supervisors, Managers, or Confidential Employees** – Employees under the direction and supervision of a Department Head who are: (1) exempt from overtime pay pursuant to the Fair Labor Standards Act or state law; AND (2) paid from Pay Table 3 (Career Service Graded Schedule), 4 (Educational Support Personnel Technical Schedule), 11 (Administrative Compensation Plan Personnel), 65 (Law Department Office Support and Paralegal Personnel) or 90 (Flat Rate Central Office Administrators); OR (3) receive grade level A, G, or T pay; OR (4) possesses job duties and responsibilities that include supervisory, managerial or policy-making functions or that involve access to confidential material. Without limiting the effect of the foregoing, all employees employed by or assigned to the Board office, the Office of the Chief Executive Officer, the Office of the Chief Education Officer, the Law Department, the Office of the Chief Financial Officer, the Office and Management and Budget, the Office of Human Resources, the Office of Labor and Employee Relations or any subdivisions of said offices and departments are confidential employees. Supervisors, Managers and Confidential employees are employed at-will and the Board may discharge those employees 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.

18. **Teacher** – All members of the teaching force, counselors, social workers, librarians, and all other educational employees employed on teaching certificates issued by the Illinois State Board of Education.

19. **Time Computation** - In computing any period of time prescribed herein, the day of the act, event, or default for which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, a holiday, or any other day in which the Board's Central Office is closed.

20. **Vacate AWOL Employees out of the System** – A termination of employment due to absence without leave status, which does not preclude rehire in accordance with Board Rules and policies.

IV. ACTS OF MISCONDUCT

GROUP 1 ACTS OF MISCONDUCT

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

1-1 Failing to submit lesson plans or other reports as directed by the Principal, 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 paging, cellular, and other electronic devices while supervising students, during instructional time, or at other inappropriate times without authorization.

1-8 Negligently failing to carry out a rule, order, or directive related to the performance of one's duty.

1-9 Treating discourteously anyone in the classroom, on school grounds or assigned work location, or while attending school functions.

1-10 Violating School rules, or Board rules, policies or procedures that result in minor acts of inappropriate behaviors in the classroom, or on school grounds or assigned work location, or while attending school functions.

Disciplinary Options

- Written Reprimand

GROUP 2 ACTS OF MISCONDUCT

Group 2 Acts of Misconduct includes the following acts of *inappropriate* behavior:

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

2-2 Leaving the classroom, duty assignment, or school without permission.

2-3 Using verbally abusive language on school or Board property, but not in front of students

2-4 Irregular or poor attendance, tardiness, or a pattern of repeated absence or tardiness at a specific time or on specific days of the week or month, or in relation to holidays.

2-5 Negligently supervising students.

2-6 Inattention to duty including, but not limited to, sleeping on duty, or loitering in the work area.

2-7 Insubordination such as the failure to carry out a rule, order, or directive related to the performance of one's duty.

2-8 Posting or distributing written materials on school or Board grounds in violation of Board rules or policies.

2-9 Failing to comply with the Chicago Public Schools' residency policy by failing to reside in the City of Chicago within six months of being hired.

2-10 Incompetently or inefficiently performing one's duties. (A teacher's unsatisfactory performance of pedagogical duties should be addressed through a remediation process).

2-11 Using corporal punishment that does not result in the physical contact with a student (e.g., humiliating a student, forcing a student to stand or kneel for an inordinate period of time, forcing a student into a physical position that causes pain, or requiring isolated time outs that violates isolated time out procedures).

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 physical restraint on a student that violates physical restraint procedures.

3-5 Making false, inaccurate, or deliberately incomplete statements in an official inquiry, investigation, or other official proceeding.

3-6 Violating confidentiality of employee personnel records, student records, or other school or Board records.

3-7 Violating or failing to perform any duty required by the Board's Code of Ethics.

3-8 Directing, authorizing, allowing or asking an employee to perform services, with or without pay, for unauthorized purposes or accepting the benefits of such performance.

3-9 Having recurrently poor attendance, tardiness, or a repeated pattern of absences or tardiness at a specific time or on specific days of the week or month, or in relation to holidays.

3-10 Using sick leave in an unauthorized manner for purposes other than allowed under Board Rules and regulations.

3-11 Negligently failing to comply with laws or rules governing health, safety or sanitary conditions of a school or Board property.

3-12 Intentionally failing to manage or supervise staff such that the health, safety, or sanitary conditions of a school are compromised.

3-13 Acting negligently so as to damage Board property.

3-14 Engaging in a profession, business, trade, investment, occupation, or other activity that conflicts with an employee's job duties and responsibilities with the Board.

3-15 Transporting any student without written consent from the school and parent or legal guardian of the student.

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 (1-15 days); and/or
- Warning Resolutions issued by the Board to employees subject to Section 34-85 of the Illinois School Code, 105 ILCS5/34-85.

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 a Chicago Public School or Board property.

4-6 Any serious violation of the Chicago Public School's Code of Ethics that may result in direct or indirect financial impropriety, among other things.

4-7 Sexually harassing an employee, student, or individual in violation of the Board's Sexual Harassment Policy.

4-8 Failing to cooperate with and truthfully answer inquiries of the Board's Title IX Officer or Sexual Harassment Officer.

4-9 Discriminating against an employee, student, or applicant because of race, color, religion, sex, disability (including, but not limited to, HIV status), national origin, age, or sexual orientation.

4-10 Discriminating in the performance of job duties against any member of the public because of race, color, religion, sex, disability (including, but not limited to, HIV status), national origin, age, or sexual orientation.

4-11 Falsifying any attendance or other employment records, including, but not limited to, signing or swiping another employee's time record.

4-12 Theft or unauthorized possession of school or Board property.

4-13 Excessively poor attendance or tardiness.

4-14 Requesting or taking a leave of absence on fraudulent grounds.

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

4-16 Retaliating against an employee or student; (a) who reasonably and in good faith has filed a grievance, charge, or complaint regarding the terms or conditions of employment; or (b) against an employee who has properly testified, assisted or participated in any manner in an investigation, proceeding or hearing regarding such grievance, charge or complaint.

4-17 Forging or falsifying official school or Board documents.

4-18 Engaging in any act with the intent of providing inappropriate assistance to a student before, during, or after a test, or engaging in any act that an employee knew or should have known would compromise the integrity of the testing process.

4-19 Soliciting funds for personal gain.

4-20 Fiscal mismanagement or waste of funds.

4-21 Misappropriating any funds of the Board or any other public or private organization.

4-22 Intentionally failing to comply with laws or rules governing health, safety or sanitary conditions of a school or Board property.

4-23 Acting intentionally to damage Board property.

4-24 Negligently supervising students where physical or psychological injury results.

4-25 Using corporal punishment that results in the deliberate use of physical force with a student (e.g., slapping, hitting, pushing, shaking, twisting, pinching, choking, swatting, head banging, or other physical contact; using any type of object or instrument that has contact with a student).

4-26 Violating School rules, Board rules, policies or procedures that result in behaviors that seriously 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 (1-30 days);
- Warning Resolutions issued by the Board to employees subject to Section 34-85 of the Illinois School Code, 105 ILCS5/34-85; and/or
- Discharge.

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 flagrant 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 be construed as a bribe. That is when such fee, gift, or other valuable thing is solicited by or given to the employee, in hope or expectation of receiving treatment better than that accorded other persons, or using one's office so as to give the appearance of such impropriety.

5-9 Any cruel, immoral, negligent, or criminal conduct or communication to a student, that causes psychological or physical harm or injury to a student.

5-10 Soliciting, commanding, urging, inciting or requesting a sexual act of a student; Or intentionally or knowingly engaging in any sexual conduct or act with a student.

5-11 Violating the Chicago Public School's drug and alcohol testing policy (e.g., testing positive or refusing to submit to testing).

5-12 Failing to submit to a medical examination requested pursuant to the Board's rules and regulations.

5-13 Reporting to work under the influence of alcohol or illegal drugs.

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 Engaging in any act or conduct prohibited by Board Rules, Municipal Code of the City of Chicago, the Illinois Compiled Statutes, applicable laws of other states, or federal statutes that may be deemed irremediable conduct.

5-16 Any communication in the presence of students that portrays person(s) as criminal, immoral, indecent, or lacking in virtue, or intended to incite hatred, violence, abuse, or hostility toward a person or group of persons by reason of or by reference to that person's religion, race, color, ethnicity, nationality, sex, age, disability, or sexual orientation.

5-17 Violating the School rules, or Board rules, policies or procedures which result in behaviors that grossly disrupt the orderly educational process in the classroom, in the school, and may occur on or off school grounds or assigned work location.

Disciplinary Options

- Dismissal; and/or
- Referral to proper authorities for criminal prosecution.

V. TYPES OF DISCIPLINARY ACTION

The types of disciplinary action that may be imposed include the following:

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 a concurrent and temporary loss of the privileges of employment, including the loss of pay and benefits. The loss of benefits shall include any benefits that would normally accrue during active employment such as vacation and sick days (e.g., health insurance coverage would remain so long as the employee makes appropriate contribution payments).

3. **Demotion** - The lowering of a position or rank of an employee in either a school or department with the requisite lowering of that employee's pay and benefits equivalent to the level of job duties and responsibilities of the new position.

4. **Discharge** - The act of dismissal from employment of the Board and the permanent loss of all privileges of employment. Discharge extinguishes any right to reinstatement.

5. **Warning Resolution ("Tenured Teachers" and "Contract Principals" Only)** - Occasionally referred to as a "notice of remedy," a formal written warning approved and adopted by the Board, pursuant to Section 34-85 of the Illinois School Code, 105 ILCS 5/34-85, that sets forth deficiencies and directives for improvement of the employee. Only tenured teachers and contract principals are subject to receiving a Warning Resolution. The Board possesses sole authority in the determination and issuance of a Warning Resolution.

6. **Transfer** – For employees not covered by a collective bargaining agreement, the removal of an employee from one school or department to another school or department such that the employee remains in the same position or rank. The transfer may occur with or without the loss of pay.

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

2. Reprimand or Suspension Procedures

The Area Instruction Officer, Chief Executive Officer, or his designee, shall have the authority and responsibility to discipline Principals. The following procedures govern written reprimands and suspensions of Principals that will be conducted by the Area Instruction Officer, Chief Executive Officer, or his designee:

1. The employee or his representative shall be given a minimum of three (3) business days written notice prior to the conference on a form entitled Notice of Pre-Discipline Hearing. This Notice shall provide a description of the alleged misconduct and what Acts of Misconduct are alleged to have been violated.

2. The employee shall be entitled to one continuance request of the conference so long as prior notice is given at least one (1) business day in advance of the scheduled conference. The Board representative in charge of the conference shall have the authority to schedule a new conference date. The Board representative has complete discretion as to whether additional continuance requests may be granted. Additionally, the employee is responsible for ensuring that his representative is present at the conference.

3. The Board representative is strongly encouraged to seek a mutually agreeable date with all parties when scheduling a conference date.

4. All documents intended for use in the conference shall be given to the employee at least three (3) business days in advance of the conference. Additional supplemental documents may be used, in unusual cases, but must be tendered to the employee at least one (1) business day in advance of the conference.

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, in his discretion, may allow a witness 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 Area Instruction Officer, Chief Executive Officer, or his designee, shall issue a decision as to the misconduct section(s) that was found to have been violated, and what level of discipline, if any, is appropriate on a Notice of Disciplinary Action form. The Area Instruction Officer, Chief Executive Officer, or his designee, shall have the discretion and authority to issue the following levels of discipline to a Principal: (1) written reprimand; or (2) suspension without pay from one (1) to thirty (30) days. The Area Instruction Officer, Chief Executive Officer, or his designee may also recommend the issuance of a Warning Resolution by the Board for a contract Principal. If the evidence presented indicates that no misconduct occurred, then the Area Instruction Officer, Chief Executive Officer, or his designee shall notify the Principal, in writing, as to this finding.

Within five (5) business days of receiving the Notice of Disciplinary Action form, the Principal or his representative must mail, send via facsimile, or hand deliver a written request of appeal to the Director of Labor Relations for suspensions of one (1) to thirty (30) days.

If a timely appeal of a suspension has been filed, then a review of the suspension will be conducted by the Director of Labor Relations, or his designee. No suspension shall be served until the completion of the Director of Labor Relations' review process. The review procedures shall include, but may not necessarily be limited to the following:

For Suspensions of Five (5) Days or Less

1. 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;

3. The Reviewing Officer shall review all documentation and submissions submitted by the parties. The Reviewing Officer has the authority to request additional documentation or responses to specific 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 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;

4. If the Area Instruction Officer, Chief Executive Officer, or his designee, has not issued a Cautionary Notice, where appropriate, and has not followed Progressive Discipline, then the employee shall be afforded a hearing before a Reviewing Officer. 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, know and respond to the charges, and present oral and/or written evidence on his behalf, including witnesses. The rules of evidence do not apply. It is preferred that all witnesses be present at the hearing; but, in extenuating circumstances, witnesses may testify by some other electronic means. The Reviewing Officer shall review the record, submitted documents and testimony. The Reviewing Officer has the authority to request additional documentation or responses to specific 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 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 Reviewing Officer's recommendation. The Director of Labor Relations, or his designee, shall have the authority to accept or reject the recommendation, or request additional information from the Reviewing Officer. The Director of Labor Relations, or his designee, shall have the authority to issue a final decision as to whether the suspension imposed by the Area Instruction Officer, Chief Executive Officer, or his designee, should be upheld, increased, decreased or overturned completely.

6. The determination by the Director of Labor Relations, or his designee, to suspend an employee, increase, decrease, or to rescind the discipline completely, shall be final and may not be appealed by either party.

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, of that employee's suspension.

For Suspensions Over Five (5) Days

All Principals suspended over five (5) days, who 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.

3. Warning Resolution

The Board may, in its sole discretion, approve and adopt a Warning Resolution regarding a contract Principal in accordance with Section 34-85 of the Illinois School Code. 105 ILCS 5/34-85. The Warning Resolution is intended to formally provide written notice of deficiencies in the Contract Principal's job performance and provide directives for improvement. The failure of a Contract Principal to follow the directives for improvement may result in further disciplinary action up to and including discharge.

4. Discharge Procedures

If the discharge of a Principal is contemplated, then the following procedures apply:

Whenever the discharge of a Contract Principal is sought, the procedures set forth in Section 34-85 of the Illinois School Code, 105 ILCS 5/34-85, shall apply. Before 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 the Illinois State Board of Education.

Interim, Acting, and Associate Principals are appointed by the Chief Executive Officer, and, thus, have no property right to their position. Accordingly, the Chief Executive Officer has the right to hire, fire, transfer or demote Interim, Acting, and Associate Principals with or without cause, notice being given, or an opportunity to be heard.

The Chief Executive Officer shall always possess the right to immediately remove, with pay and benefits, any Principal from his principalship on a temporary basis where the best interests of the Chicago Public Schools and the students are served by such a removal.

B. Assistant Principals

1. Cautionary Notice

Prior to the issuance of discipline against an Assistant Principal, the Principal, Area Instruction Officer, Chief Executive Officer, or his designee, shall issue a Cautionary Notice to the Assistant Principal, unless deemed not practical such as in cases involving egregious or serious rules violations. The Cautionary Notice shall inform the Assistant Principal of his act of misconduct, and warn the Assistant Principal that formal discipline will occur if such misconduct is not corrected in the future. The Cautionary Notice shall be served on the Assistant Principal, and the Assistant Principal shall be given an opportunity to sign it, or to provide a statement that he refuses to sign.

2. Reprimand Procedures

The Principal, Area Instruction Officer, Chief Executive Officer, or his designee, shall have the authority and responsibility to discipline Assistant Principals. The following procedures govern reprimands of Assistant Principals that will be conducted by the Principal, Area Instruction Officer, Chief Executive Officer, or his designee:

1. The employee or his representative shall be given a minimum of three (3) business days written notice prior to the conference on a form entitled Notice of Pre-Discipline Hearing. This Notice shall provide a description of the alleged misconduct and what Acts of Misconduct are alleged to have been violated.

2. The employee shall be entitled to one continuance request of the conference so long as prior notice is given at least one (1) business day in advance of the scheduled conference. The Board representative in charge of the conference shall have the authority to schedule a new conference date. The Board representative has complete discretion as to whether additional continuance requests may be granted. Additionally, the employee is responsible for ensuring that his representative is present at the conference.

3. The Board representative is strongly encouraged to seek a mutually agreeable date with all parties when scheduling a conference date.

4. All documents intended for use in the conference shall be given to the employee at least three (3) business days in advance of the conference. Additional supplemental documents may be used, in unusual cases, but must be tendered to the employee at least one (1) business day in advance of the conference.

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, in his discretion, may allow a witness 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 Principal, Area Instruction Officer, Chief Executive Officer, or his designee, shall issue a decision as to any violations of the misconduct sections that were found to have occurred, and issue an appropriate written reprimand. If the evidence presented during the conference indicates that no violation of the Misconduct section occurred, then the Principal, Area Instruction Officer, Chief Executive Officer, or his designee, shall so notify the Assistant Principal, in writing, as to this finding.

The decision to reprimand shall be final. The Assistant Principal shall not have the right to appeal the findings or level of discipline.

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.

Where 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) business days written notice prior to the conference on a form entitled Notice of Pre-Discipline Hearing. This Notice shall provide a description of the alleged misconduct and what Acts of Misconduct are alleged to have been violated.

2. The employee shall be entitled to one continuance request of the conference so long as prior notice is given at least one (1) business day in advance of the scheduled conference. The Board representative in charge of the conference shall have the authority to schedule a new conference date. The Board representative has complete discretion as to whether additional continuance requests may be granted. Additionally, the employee is responsible for ensuring that his representative is present at the conference.

3. The Board representative is strongly encouraged to seek a mutually agreeable date with all parties when scheduling a conference date.

4. All documents intended for use in the conference shall be given to the employee at least three (3) business days in advance of the conference. Additional supplemental documents may be used, in unusual cases, but must be tendered to the employee at least one (1) business day in advance of the conference.

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, in his discretion, may allow a witness 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 Area Instruction Officer, or his designee, shall issue a decision as to the Misconduct section(s) that was found to have been violated, and what level of discipline, if any, is appropriate on a Notice of Disciplinary Action form. The Area Instruction Officer, or his designee, shall have the discretion and authority to issue a suspension, without pay, from one (1) to thirty (30) days. If the evidence presented indicates that no violation of the Misconduct section occurred, then the Area Instruction Officer, or his designee, shall notify the Assistant Principal, in writing, as to this finding.

The Area Instruction Officer, or his designee, shall notify the Assistant Principal of his right to request an appeal of the suspension issued to the Director of Labor Relations, or his designee, and the procedures that will be followed in that appeal.

Within five (5) business days of receiving the Area Instruction~~al~~ Officer notice of discipline, the Assistant Principal or representative must mail, send via facsimile, or hand deliver a written request of appeal to the Director of Labor Relations for suspensions of one (1) to thirty (30) days.

If a timely appeal of a suspension has been filed, then a review of the suspension will be conducted by the Director of Labor Relations, or his designee. No suspension shall be served until the completion of the Director of Labor Relations' review process. The review procedures shall include, but may not necessarily be limited to the following:

<u>For Suspensions of Five (5) Days or Less</u>

1. Where an Area Instruction 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, 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, or his designee;

3. The Reviewing Officer shall review all documentation and submissions submitted by the parties. The Reviewing Officer has the authority to request additional documentation or responses to specific

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 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, or his designee, should be upheld, increased, decreased, or overturned completely;

4. If the Area Instruction Officer, or his designee, has not issued a Cautionary Notice, where appropriate, and has not followed Progressive Discipline, then the employee shall be afforded a hearing before a Reviewing Officer. 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, know and respond to the charges, and present oral and/or written evidence on his behalf, including witnesses. The rules of evidence do not apply. It is preferred that all witnesses be present at the hearing; but, in extenuating circumstances, witnesses may testify by some other electronic means. The Reviewing Officer shall review the record, submitted documents and testimony. The Reviewing Officer has the authority to request additional documentation or responses to specific 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 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, or his designee, should be upheld, increased, decreased, or overturned completely; and

5. The Director of Labor Relations, or his designee, shall review the Reviewing Officer's recommendation. The Director of Labor Relations, or his designee, shall have the authority to accept or reject the recommendation, or request additional information from the Reviewing Officer. The Director of Labor Relations, or his designee, shall have the authority to issue a final decision as to whether the suspension imposed by the Area Instruction Officer, or his designee, should be upheld, increased, decreased or overturned completely.

6. The determination by the Director of Labor Relations, or his designee, to suspend an employee, increase, decrease, or to rescind the discipline completely, shall be final and may not be appealed by either party.

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, of that employee's suspension.

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 designee, shall have the authority and responsibility to recommend the discharge of an Assistant Principal.

The Chief Executive Officer, or his designee, shall have the right and authority to suspend an Assistant Principal, without pay, pending the outcome of a dismissal hearing. Before an Assistant Principal is suspended without pay, he shall be afforded a pre-suspension hearing so that the allegations may be read to him, and to provide the Assistant Principal with an opportunity to rebut the allegations leveled against him. The Office of Labor and Employee Relations may suspend employees, without pay, for a maximum of sixty (60) work days, pending a discharge hearing, only in cases where the misconduct is in violation of the Board's drug/alcohol policy, any of the enumerated offenses as defined in the Illinois School 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 sixty (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 shall also possess the right to remove, with pay and benefits, an Assistant Principal from his position on a temporary basis where the best interests of the Chicago Public Schools and the students are served by such a removal.

Where the discharge of an Assistant Principal is recommended, the Board's Law Department will draft Dismissal Charges that will set forth the charges and specifications alleged against the Assistant Principal. These Dismissal Charges shall be approved by the Chief Executive Officer, or his designee.

The Assistant Principal shall be afforded the opportunity to have a dismissal hearing at the Office of Labor and Employee Relations that will be conducted by a Hearing Officer that shall be designated by the Director of Labor Relations, or his designee. The hearing procedures shall include, but may not necessarily be limited to the following:

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 examination and cross-examination of witnesses. The rules of evidence will not be applicable. The Hearing Officer has the authority to administer oaths, to limit testimony and evidence, and to rule on motions presented by the parties. The hearing will be recorded by a means determined by the Hearing Officer.

3. Once the hearing has closed, the Hearing Officer will summarize the evidence and make recommended findings of facts and conclusions of law to the Director of Labor Relations. The Director of Labor Relations, or his designee, has the authority to accept or reject the Hearing Officer's recommendations.

4. If the Director of Labor Relations, or his designee, determines that the discharge of the Assistant Principal is not warranted, then the Director of Labor Relations, or his designee, shall issue a decision that specifies the level of discipline which shall include the following options: (1) a suspension from one (1) to thirty (30) days; (2) a demotion; (3) transfer (4) a written reprimand; or (5) that no discipline shall be imposed. If the Assistant Principal is 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, or his designee, 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 Assistant Principal 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, or his designee, to discharge the Assistant Principal, then the Chief Executive Officer, or his designee, shall report his decision to the Board.

6. The Board will determine whether to accept or reject the Chief Executive Officer's recommendation to discharge the Assistant Principal. The Board may also decide to decrease the severity of the discipline as well. The determination of the Board will be final.

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, or their designee, shall have the authority and responsibility to discipline School-Based Educational Support Personnel. The following procedures govern reprimands and suspensions of School-Based Educational Support Personnel:

1. The employee and his representative shall be given a minimum of three (3) school days written notice prior to the conference on a form entitled Notice of Pre-Discipline Hearing. This Notice shall provide a description of the alleged misconduct and what Acts of Misconduct are alleged to have been violated.

2. The employee shall be entitled to one continuance request of the conference so long as prior notice is given at least one (1) school day in advance of the scheduled conference. The Board representative in charge of the conference shall have the authority to schedule a new conference date. The Board representative has complete discretion as to whether additional continuance requests may be granted. Additionally, the employee is responsible for ensuring that his representative is present at the conference.

3. The Board representative is strongly encouraged to seek a mutually agreeable date with all parties when scheduling a conference date.

4. All documents intended for use in the conference shall be given to the employee at least three (3) school days in advance of the conference. Additional supplemental documents may be used, in unusual cases, but must be tendered to the employee at least one (1) school day in advance of the conference.

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, in his discretion, may allow a witness 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, Area Instructional Officer, Chief Administrator, Principal, or their designee, shall issue a decision as to the Misconduct section(s) that was found to have been violated, and what level of discipline, if any, is appropriate on a Notice of Disciplinary Action form. The Chief Executive Officer, Area Instructional Officer, Chief Administrator, Principal, or their designee, shall have the discretion and authority to issue a reprimand, or a suspension, without pay, from one (1) to thirty (30) days. If the evidence presented indicates that no violation of the Misconduct section occurred, then the Chief Executive Officer, Area Instructional Officer, Chief Administrator, Principal, or their designee shall notify the employee, in writing, as to this finding.

The Chief Executive Officer, Area Instructional Officer, Chief Administrator, Principal, or their designee shall notify the employee of his or her right to request an appeal of the discipline to the Director of Labor Relations, or his designee, and the procedures that will be followed in that appeal.

Within five (5) business days of receiving the Chief Executive Officer's, Area Instructional Officer's, Chief Administrator's, Principal's, or their designee's Notice of Disciplinary Action form, the employee or representative must mail, send via facsimile, or hand deliver a written request of appeal to the Director of Labor Relations for suspensions of one (1) to thirty (30) days.

If a timely appeal of a suspension has been filed, then a review of the suspension will be conducted by the Director of Labor Relations, or his designee. No suspension shall be served until the completion of the Director of Labor Relations' review process. The review procedures shall include, but may not necessarily be limited to the following:

<u>For Suspensions of Five (5) Days or Less</u>

1. Where the Chief Executive Officer, Area Instruction Officer, Principal, or Chief Administrator 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 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;

3. The Reviewing Officer shall review all documentation and submissions submitted by the parties. The Reviewing Officer has the authority to request additional documentation or responses to specific 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 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 Chief Executive Officer, Area Instruction Officer, Principal, or Chief Administrator should be upheld, increased, decreased, or overturned completely;

4. If the Chief Executive Officer, Area Instruction Officer, Principal, or Chief Administrator has not issued a Cautionary Notice, where appropriate, and has not followed Progressive Discipline**,** then the employee shall be afforded a hearing before a Reviewing Officer. 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, know and respond to the charges, and present oral and/or written evidence on his behalf, including witnesses. The rules of evidence do not apply. It is preferred that all witnesses be present at the hearing; but, in extenuating circumstances, witnesses may testify by some other electronic means. The Reviewing Officer shall review the record, submitted documents and testimony. The Reviewing Officer has the authority to request additional documentation or responses to specific 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 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 Chief Executive Officer, Area Instruction Officer, Principal, or Chief Administrator should be upheld, increased, decreased, or overturned completely; and

5. The Director of Labor Relations, or his designee, shall review the Reviewing Officer's recommendation. The Director of Labor Relations, or his designee, shall have the authority to accept or reject the recommendation, or request additional information from the Reviewing Officer. The Director of Labor Relations, or his designee, shall have the authority to issue a final decision as to whether the suspension imposed by the Chief Executive Officer, Area Instruction Officer, Principal, or Chief Administrator should be upheld, increased, decreased or overturned completely.

6. The determination by the Director of Labor Relations, or his designee, to suspend an employee, increase, decrease, or to rescind the discipline completely, shall be final and may not be appealed by either party.

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, of that employee's suspension.

For Suspensions Over Five (5) Days

All School-Based Educational Support Personnel 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.

3. Discharge Procedures

A Principal, Chief Administrator, Area Instruction Officer or the Chief Executive Officer shall have the authority and responsibility to recommend the discharge of a School-Based Educational Support Personnel.

The Chief Executive Officer, or his designee, shall have the right and authority to suspend an employee, without pay, pending the outcome of a dismissal hearing. Before a School-Based Educational Support Personnel is suspended without pay, he shall be afforded a pre-suspension hearing in the Office of Labor and Employee Relations so that the employee may be informed of the allegations against him, and to provide the School-Based Educational Support Personnel with an opportunity to rebut the allegations leveled against him. The Office of Labor and Employee Relations may suspend employees, without pay, for a maximum of sixty (60) work days, pending a discharge hearing, only in cases where the misconduct is in violation of the Board's drug/alcohol policy, any of the enumerated offenses as defined in the Illinois School

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 remove, with pay and benefits, an employee from his position on a temporary basis where the best interests of the Chicago Public Schools and the students are served by such a removal.

Where the discharge of an employee is recommended, the Board's Law Department will draft Dismissal Charges that will set forth the charges and specifications alleged against the employee. These Dismissal Charges shall be approved by the Chief Executive Officer, or his designee.

The employee shall be afforded the opportunity to have a dismissal hearing at the Office of Labor and Employee Relations that will be conducted by a Hearing Officer that shall be designated by the Director of Labor Relations, or his designee. The hearing procedures shall include, but may not necessarily be limited to the following:

1. The employee shall be entitled to notice of the Dismissal Charges prior to the hearing.

2. At the hearing, the employee may appear on his own behalf or be represented by one person of his choice. The employee shall have the right to be present, to respond to the Dismissal Charges, present oral and/or written evidence, including the direct examination and cross-examination of witnesses. The rules of evidence will not be applicable. The Hearing Officer has the authority to administer oaths, to limit testimony and evidence, and to rule on motions presented by the parties. The hearing will be recorded by a means determined by the Hearing Officer.

3. Once the hearing has closed, the Hearing Officer will summarize the evidence and make recommended findings of facts and conclusions of law to the Director of Labor Relations. The Director of Labor Relations, or his designee, has the authority to accept or reject the Hearing Officer's recommendations.

4. If the Director of Labor Relations determines that the discharge of the employee is not warranted, then the Director of Labor Relations, or his designee, shall issue a decision that specifies the level of discipline which shall include the following options: (1) a suspension from one (1) to thirty (30) days; (2) a demotion; (3) transfer to another school; (4) a written reprimand; or (5) that no discipline shall be imposed. If the employee is

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.

6. The Board will determine whether to accept or reject the Chief Executive Officer's recommendation to discharge the employee. The Board may also decide to decrease the severity of the discipline as well. The determination of the Board will be final.

D. School-Based Probationary Educational Support Personnel

1. Probationary Period

Newly hired Educational Support Personnel will be regarded as probationary employees for the first twelve (12) months of employment, and will receive no seniority or continuous service 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 category and who continue in the service of the Board beyond their probationary period shall obtain regular educational support personnel status. An employee's probationary status lasts for the first twelve (12) months of employment. For probationary employees promoted or appointed to a different position, their probationary period shall be extended for sixty (60) days. Nothing provided in this Section shall be construed to confer a property interest in Board employment or an expectation of continued employment upon at-will employees. At-will employees may be discharged from Board employment for any or no cause and with or without notice.

2. Discipline of Probationers

The Principal or Chief Administrator may issue a written reprimand or suspend a probationary employee without pay for up to thirty (30) days. The employee does not have the right to request review of such action.

The Principal or Chief Administrator may discharge an employee during the probationary period and shall notify the Office of Labor and Employee Relations. Failure of the Principal or Chief Administrator to provide notification to the Office of

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 an 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 on to a Tenured or Non-tenured Teacher, unless deemed not practical such as in cases involving egregious or serious rules violations. The Cautionary Notice should inform the Teacher of his act of misconduct, and to warn the Teacher that formal discipline will occur if such misconduct is not corrected in the future. The Cautionary Notice shall be served on the Teacher, and the Teacher 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 Administrator, Principal, or their designee shall have the authority and responsibility to discipline Tenured or Non-tenured Teachers. The following procedures govern reprimands and suspensions of Tenured and Non-Tenured Teachers conducted by the Chief Administrator, Principal, or their designee:

1. The employee or his representative shall be given a minimum of three (3) school days written notice prior to the conference on a form entitled Notice of Pre-Discipline Hearing. This Notice shall provide a description of the alleged misconduct and what Acts of Misconduct are alleged to have been violated.

2. The employee shall be entitled to one continuance request of the conference so long as prior notice is given at least one (1) school day in advance of the scheduled conference. The Board representative in charge of the conference shall have the authority to schedule a new conference date. The Board representative has complete discretion as to whether additional continuance requests may be granted. Additionally, the employee is responsible for ensuring that his representative is present at the conference.

3. The Board representative is strongly encouraged to seek a mutually agreeable date with all parties when scheduling a conference date.

4. All documents intended for use in the conference shall be given to the employee at least three (3) school days in advance of the conference. Additional supplemental documents may be used, in unusual cases, but must be tendered to the employee at least one (1) school day in advance of the conference.

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, in his discretion, may allow a witness 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 Principal, Chief Administrator or their designee, shall issue a decision as to the Misconduct section(s) that was found to have been violated, and what level of discipline, if any, is appropriate on a Notice of Disciplinary Action form. The Principal, Chief Administrator, or their designee, shall have the discretion and authority to issue a reprimand, or a suspension, without pay, from one (1) to thirty (30) days. If the evidence presented indicates that no violation of the Misconduct section occurred, then the Principal or Chief Administrator shall notify the Teacher, in writing, as to this finding.

The Principal or Chief Administrator shall notify the Teacher of his right to request an appeal of the discipline to the Director of Labor Relations, or his designee, and the procedures that will be followed in that appeal.

Within five (5) business days of receiving the Principal's or Chief Administrator's Notice of Disciplinary Action form, the Teacher or representative must mail, send via facsimile, or hand deliver a written request of appeal to the Director of Labor Relations for suspensions of one (1) to thirty (30) days.

If a timely appeal of a suspension has been filed, then a review of the suspension will be conducted by the Director of Labor Relations, or his designee. No suspension shall be served until the completion of the Director of Labor Relations' review process. The review procedures shall include, but may not necessarily be limited to the following:

<u>For Suspensions of Five (5) Days or Less</u>

1. Where a Principal or Chief Administrator has issued a Cautionary Notice if appropriate, and followed Progressive Discipline, then, the Teacher 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 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 respond to the documentation and/or arguments submitted by the Principal or Chief Administrator;

3. The Reviewing Officer shall review all documentation and submissions submitted by the parties. The Reviewing Officer has the authority to request additional documentation or responses to specific 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 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 Principal should be upheld, increased, decreased, or overturned completely;

4. If the Principal or Chief Administrator has not issued a Cautionary Notice where appropriate, and has not followed Progressive Discipline, then the Teacher shall be afforded a hearing before a Reviewing Officer. The Teacher 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, know and respond to the charges, and present oral and/or written evidence on his behalf, including witnesses. The rules of evidence do not apply. It is preferred that all witnesses be present at the hearing; but, in extenuating circumstances, witnesses may testify by some other electronic means. The Reviewing Officer shall review the record, submitted documents and testimony. The Reviewing Officer has the authority to request additional documentation or responses to specific 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 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 Principal or Chief Administrator should be upheld, increased, decreased, or overturned completely; and

5. The Director of Labor Relations, or his designee, shall review the Reviewing Officer's recommendation. The Director of Labor Relations, or

his designee, shall have the authority to accept or reject the recommendation, or request additional information from the Reviewing Officer. The Director of Labor Relations, or his designee, shall have the authority to issue a final decision as to whether the suspension imposed by the Principal or Chief Administrator should be upheld, increased, decreased or overturned completely.

6. The determination by the Director of Labor Relations, or his designee, to suspend a Teacher, increase, decrease, or to rescind the discipline completely, shall be final and may not be appealed by either party.

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, of that employee's suspension.

For Suspensions Over Five (5) Days

All Teachers 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.

3. Warning Resolution

The Board may, in its sole discretion, approve and adopt a Warning Resolution regarding a tenured teacher in accordance with Section 34-85 of the Illinois School Code. 105 ILCS 5/34-85. The Warning Resolution is intended to formally provide written notice of deficiencies in the tenured teacher's job performance and provide directives for improvement. The failure of a tenured teacher to follow the directives for improvement may result in further disciplinary action up to and including discharge.

4. Discharge Procedures

The Chief Executive Officer, or his designee, shall have the right and authority to suspend an employee, without pay, pending the outcome of the allegations raised against that employee. Before a Teacher or Non-Tenured Teacher is suspended without pay, he shall be afforded a pre-suspension hearing in the Office of Labor and Employee Relations so that the employee may be informed of the allegations against him, and to provide the Teacher or Non-Tenured Teacher with an opportunity to rebut the allegations leveled against him.

The Chief Executive Officer, or his designee, shall also possess the right to remove, with pay and benefits, an employee from his position on a temporary basis where the best interests of the Chicago Public Schools and the students are served by such a removal.

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 34-85 of the Illinois School Code, 105 ILCS 5/34-85, shall apply. Before a Tenured Teacher 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 Tenured Teacher 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 the Illinois State Board of Education.

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.

Prior to the issuance of discipline against a Supervisor, Manager, or Confidential employee, the Chief Executive Officer, Department Head, or their designee, shall issue a Cautionary Notice on to a Supervisor, Manager or Confidential employee, unless deemed not practical such as in cases involving egregious or serious rules violations. The Cautionary Notice should inform the Supervisor, Manager or Confidential employee of his act of misconduct, and to warn the Supervisor, Manager or Confidential employee that formal discipline will occur if such misconduct is not corrected in the future. The Cautionary Notice shall be served on the Supervisor, Manager or Confidential employee, and he shall be given an opportunity to sign it, or to provide a statement that he refuses to sign.

The Chief Executive Officer, Department Head, or their designee, shall have the authority and responsibility to discipline Supervisor, Manager or Confidential employees. The following procedures govern disciplinary actions against Supervisors, Managers, or Confidential employees:

1. The employee or his representative shall be given a minimum of one (1) business day written notice prior to the conference on a form entitled Notice of Pre-Discipline Hearing. This Notice shall provide a description of the alleged misconduct and what Acts of Misconduct are alleged to have been violated.

2. The Board representative has complete discretion as to whether a continuance shall be granted. Additionally, the employee is responsible for ensuring that his representative is present at the conference.

3. The Board representative is strongly encouraged to seek a mutually agreeable date with all parties when scheduling a conference date.

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

5. 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.

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.

7. Witnesses are generally not allowed, however, the Board representative, in his discretion, may allow a witness 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, Department Head, or their designee, shall issue a decision as what level of discipline, if any, is appropriate on a Notice of Disciplinary Action form. The Chief Executive Officer or a Department Head, or his/her designee, shall have the discretion and authority to issue the following levels of discipline to a Supervisor, Manager or Confidential employee without further action: (1) written reprimand; (2) suspension without pay from one (1) to thirty (30) days, (3) demotion, or (4) transfer. A Department Head or designee may also recommend to the Chief Executive Officer that a Supervisor, Manager or Confidential employee be discharged from Board employment. The Chief Executive Officer may discharge a Supervisor, Manager or Confidential employee from employment upon his/her own recommendation or upon the recommendation of the Department Head or General Counsel. The Chief Executive Officer shall notify the Office of Human Resources of said decision and the Office of Labor and Employee Relations of the decision to discharge. The Office of Human Resources shall notify the supervisor, manager or confidential employee of the discharge decision and his/her right of appeal. The Chief Executive Officer's decision to discharge a Supervisor, Manager or Confidential employee shall be effective immediately.

The Supervisor, Manager, or Confidential employee shall not have the right to appeal a Notice of Disciplinary Action in which the discipline imposed is a written reprimand, suspension, demotion, or transfer. Said disciplinary decisions shall be final.

Within five (5) business days of receiving a notice of discharge, the Supervisor, Manager or Confidential employee or his representative may mail, send via facsimile, or hand deliver a written request of a post-discharge appeal to the Director of Labor Relations.

If a timely post-discharge appeal has been filed, then a review of the discharge will be conducted by the Director of Labor Relations, or his designee. The scope of the discharge review by the Director of Labor Relations is strictly limited to a determination as to whether the discharge of the employee was sought for improper reasons. The Director of Labor Relations will not have jurisdiction to determine whether the discharge was for just cause.

The review procedures shall include, but may not necessarily be limited to the following:

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 respond to the documentation and/or arguments submitted by the Chief Executive Officer, Department Head or their designee;

3. The Director of Labor Relations, or his designee, shall review all documentation and submissions submitted by the parties. The Director of Labor Relations, or his designee, has the authority to request additional documentation or responses to specific questions from either party. Each party shall be duly notified of any additional information obtained by the Director of Labor Relations, or his designee.

4. If the Director of Labor Relations, or his designee, determines that the discharge of the Supervisor, Manager or Confidential employee is for improper reasons, then the Director of Labor Relations, or his designee, shall issue a decision that specifies the level of discipline which shall include the following options: (1) a suspension from one (1) to thirty (30) days; (2) a demotion; (3) transfer (4) a written reprimand; or (5) that no discipline shall be imposed. If the Supervisor, Manager or Confidential employee is 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, or his designee, 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 Supervisor, Manager or Confidential employee is proper, then he shall submit his findings and conclusions to the employee. The decision by the Director of Labor Relations, or his designee, shall be final and may not be appealed by either party.

B. <u>Non School-Based Educational Support Personnel</u>

Non school-based educational support personnel 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 non school-based educational personnel a property interest in their Board employment or an expectation that their Board employment shall continue.

Prior to the issuance of discipline against Non School-Based Educational 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 Non School-Based Education Support Personnel, and he shall be given an opportunity to sign it, or to provide a statement that he refuses to sign.

The Chief Executive Officer, Department Head or their respective designees, shall have the authority and responsibility to discipline non school-based educational support personnel. The following procedures govern disciplinary actions of Non School-Based Educational Support Personnel who work at any location other than a school:

1. The employee or his representative shall be given a minimum of three (3) business days written notice prior to the conference on a form entitled Notice of Pre-Discipline Hearing. This Notice shall provide a description of the alleged misconduct and what Acts of Misconduct are alleged to have been violated.

2. The employee shall be entitled to one continuance request of the conference so long as prior notice is given at least one (1) business day in advance of the scheduled conference. The Board representative in charge of the conference shall have the authority to schedule a new conference date. The Board representative has complete discretion as to whether additional continuance requests may be granted. Additionally, the employee is responsible for ensuring that his representative is present at the conference.

3. The Board representative is strongly encouraged to seek a mutually agreeable date with all parties when scheduling a conference date.

4. All documents intended for use in the conference shall be given to the employee at least three (3) business days in advance of the conference. Additional supplemental documents may be used, in unusual cases, but must be tendered to the employee at least one (1) business day in advance of the conference.

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, in his discretion, may allow a witness 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, Department Head, or their designee, shall issue a decision as to and what level of discipline, if any, is appropriate on a Notice of Disciplinary Action form. The Chief Executive Officer, Department Head, or their designee, shall have the discretion and authority to: (1) issue a reprimand; (2) a suspension, without pay, from one (1) to thirty (30) days; (3) a transfer; or a (4) a demotion. A Department Head or designee may also recommend to the Chief Executive Officer that non-school based educational support personnel be discharged from Board employment. The Chief Executive Officer may discharge non school-based educational support personnel from employment upon his/her own recommendation or upon the recommendation of the Department Head or General Counsel. The Chief Executive Officer shall notify the Office of Human Resources of said decision and the Office of Labor and Employee Relations of the decision to discharge. The Office of Human Resources shall notify the Non-School-based Educational Support Personnel of the discharge decision and his/her right of appeal. The Chief Executive Officer's decision to discharge a Non-School-based Educational Support Personnel employee shall be effective immediately.

The Chief Executive Officer, Department Head, or their designee, shall also possess the right to remove, with pay and benefits, an employee from his position on a temporary basis where the best interests of the Chicago Public Schools and the students are served by such a removal.

Non school-based educational support personnel shall not have the right to appeal a Notice of Disciplinary Action in which the discipline imposed is a written reprimand, suspension, demotion or transfer. Said disciplinary decision shall be final.

Within five (5) business days of receiving the Chief Executive Officer's, Department Head's, or their designee's notice of discharge, the employee or representative may mail, send via facsimile, or hand deliver a written request of a post-discharge appeal to the Director of Labor Relations.

If a timely post-discharge appeal has been filed, then a review of the discharge will be conducted by the Director of Labor Relations, or his designee. The scope of the discharge review by the Director of Labor Relations is strictly limited to a determination as to whether the discharge of the employee was sought for improper reasons. The

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 parties, and the testimony and arguments made at the hearing. The Hearing Officer shall make a recommendation to the Director of Labor Relations as to whether the discharge of the employee shall be upheld, decreased, or overturned completely.

4. If the Director of Labor Relations, or his designee, determines that the discharge of the Supervisor, Manager or Confidential employee is for improper reasons, then the Director of Labor Relations, or his designee, shall issue a decision that specifies the level of discipline which shall include the following options: (1) a suspension from one (1) to thirty (30) days; (2) a demotion; (3) transfer (4) a written reprimand; or (5) that no discipline shall be imposed. If the Supervisor, Manager or Confidential employee is 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, or his designee, 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 proper, then he shall submit his findings and conclusions to the employee. The decision by the Director of Labor Relations, or his designee, shall be final and may not be appealed by either party.

C. Non School-Based Probationary Employees

1. Probationary Period

All non school-based employees will be regarded as probationary for the first twelve (12) months of employment, and will receive no seniority or continuous service

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 category and who continue in the service of the Board beyond their probationary period shall obtain regular educational support personnel status. An employee's probationary status lasts for the first twelve (12) months of employment. For probationary employees promoted or appointed to a different position, their probationary period shall be extended for sixty (60) days. Nothing provided in this Section shall be construed to confer a property interest in Board employment or an expectation of continued employment upon at-will employees. At-will employees may be discharged from Board employment for any or no cause and with or without notice.

2. Discipline of Probationers

Probationary employees are employed at-will and may be discharged by the Chief Executive Officer with or without cause and with or without notice and an opportunity to be heard.

The Principal or Chief Administrator may issue a written reprimand or suspend a probationary employee without pay for up to thirty (30) days. The employee does not have the right to request review of such action.

The Chief Executive Officer may discharge an employee during the probationary period upon his/her own recommendation or the recommendation of a principal, Chief Administrator or Department Head or their respective designees. The Chief Executive Officer or his designee shall notify the Office of Labor and Employee Relations and the Office of Human Resources of the discharge of probationary employees. A failure to provide notification to the Office of Labor and Employee Relations or Office of Human Resources shall not affect the termination.

VIII. VACATE ALL EMPLOYEES THAT ABANDON THEIR EMPLOYMENT

All employees, except contract principals and tenured teachers, that have been absent for ten (10) consecutive work days, without providing a legitimate excuse for such absence, and who are not on approved benefit time or other approved paid time off, shall be considered to have abandoned their position with the Chicago Public Schools. The Board shall provide notice to the employee, the principal, and collective bargaining representative, if applicable, of the employee's job-abandonment status, and determine whether the employee has a legitimate reason for being absent (e.g., obtained a leave of absence, filed for worker's compensation, or other legitimate reason).

If no legitimate reason is established for the employee's absence within ten (10) calendar days from the date of the mailing of the notice, the Board shall be entitled to vacate the employee out of system. That employee shall lose his right to the position he formerly held. The Board shall provide notice to the employee, the principal, and

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 known address that the employee provided to the Board, and to the last known address of the employee's collective bargaining representative, if applicable.

The direct supervisor or manager of an employee bears the ultimate responsibility to correctly notify the Office of Human Resources as to the absent without leave status of an employee.

IX. MISCELLANEOUS PROVISIONS

1. When an employee engages in an alleged act of misconduct, but has left the work location where the alleged act of misconduct occurred, then the Director of Labor Relations shall have the authority to institute discipline against that employee pursuant to the applicable disciplinary process.

2. The Chief Executive Officer, Chief Officers, heads of general departments now in existence or hereafter created, the General Counsel, Assistant Attorneys, the Board Secretary, and the Assistant Board Secretary are at-will employees who possess no property right to their position or expectation of continued employment. Said employees may be discharged from their employment with or without cause and with or without notice in accordance with applicable Board Rules and Statutes.

3. Written reprimands may not be appealed to the Director of Labor Relations for review. Rather, the Board agent's decision to issue a written reprimand shall be final. An employee or representative on the employee's behalf, may submit a rebuttal to a written reprimand for inclusion in the employee's disciplinary file.

4. All appeal hearings conducted by the Office of Labor and Employee Relations may be held in an Area Office, or other location as deemed appropriate by the Director of Labor Relations. Appropriate notice shall be given to all parties as to the location of the appeal hearing.

X. EFFECTIVE DATE

This Policy shall take effect on the date it is adopted by the Board. All previously adopted policies or procedures regarding disciplinary actions and discharges of Board employees are rescinded upon the effective date of this Policy.

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 in effect at the time the misconduct occurred, including policies set forth in Board Reports 80-231-19 (Dismissal Procedures for Tenured Teachers), 95-1025-PO1 (Personnel Policy, Teachers and Administrators Discipline, Section 504.3), 95-1025-PO2 (Personnel Policy, Educational Support Personnel: Discipline and Discharge, Section 505.4), 95-1025-PO295-1025-PO3 (Personnel Policy, Educational Support Personnel: Types of Appointments, Section 505.1), and, 95-1025-PO6 (Personnel Policy, Educational Support Personnel: Probationary Period, Section 505.5). Any misconduct that occurs on or after the date of adoption of this Policy shall be governed by this Policy.

Amends/Rescinds: Adopted 04-0728-PO1; Rescinds 80-231-19; 95-1025-PO1; 05-1025-PO2; 95-1025-PO3; 95-1025-PO6

Cross References:

Legal References: