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FILE: GCPD
Critical

EXPLANATION: SUSPENSION OF PROFESSIONAL STAFF MEMBERS

This policy was revised to comply with House Bill 1432 (2016), which requires public employers such as school districts to provide employees placed on paid administrative leave due to misconduct with certain rights, including written notice of why the employee was put on leave. Most employees are also entitled to a hearing if they are not removed from administrative leave within 30 days. Please note that these rights apply regardless of whether the employee in question is under an employment contract, but they do not apply to probationary teachers.

Because the new law applies only to paid leave due to misconduct, and does not apply to unpaid involuntary leave or persons put on paid leave for reasons other than misconduct, MSBA has categorized these involuntary leaves as "suspensions" and has addressed them separately from the new administrative leave requirements.

MSBA has also made some changes to this policy regarding the due process required to suspend an employee.

<i>MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.</i>				
X	Board Secretary	X	Business Office	Coaches/Sponsors
	Facility Maintenance		Food Service	Gifted
X	Human Resources		Principals	Library/Media Center
	Health Services		Counselor	Special Education
	Transportation		Public Info/Communications	Technology

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SUSPENSION OF PROFESSIONAL STAFF MEMBERS

The Board delegates to the superintendent the authority to suspend ~~any~~ staff members or put them on administrative leave for any legal reason in accordance with district policy and law. An employee will be immediately suspended or put on administrative leave in situations where the superintendent or designee determines that suspension is necessary to prevent disruption to the education environment, protect the safety of the students, appropriately investigate alleged misconduct, or in other circumstances where suspension serves the district's interests.

Definitions

Administrative Leave – Involuntary paid leave, without charge to any annual or sick leave, due to misconduct or investigation of misconduct of an employee.

Suspension – Any involuntary leave, whether paid or unpaid, that is not administrative leave as defined in this policy.

Administrative Leave

The superintendent or designee may place any professional staff member on paid administrative leave. The superintendent's decision will stand approved unless reversed by the Board.

A probationary teacher is put on administrative leave when the district notifies the teacher. In accordance with law, the following process will be followed when any other employee is put on administrative leave:

1. Within seven days of placing an employee on administrative leave, the superintendent or designee will provide the employee with written notice of the general reason or reasons for being placed on administrative leave.
2. The superintendent or designee will inform the Board within 30 days after placing an employee on administrative leave of the reason or reasons for the employee's placement on leave. The superintendent or designee will provide an update on the status of the employee at every meeting thereafter.
3. If an employee is not removed from administrative leave within 30 days of being placed on leave, the district will hold a hearing within 60 days of the date the employee was first placed on leave. The hearing and determination may be continued for good cause but may not continue more than 180 days past the date the employee was placed on administrative leave. This hearing requirement does not apply to an employee who is put on paid administrative leave due to misconduct, or an investigation of misconduct, when the district refers such

misconduct to a law enforcement agency or another state or federal agency or when the law enforcement agency or other state or federal agency has commenced its own investigation of the misconduct for which the employee was placed on administrative leave.

Superintendent

The Board of Education may place the superintendent on paid administrative leave. The Board president or the district's attorney will provide the superintendent with written notice of the action within seven days of the Board's decision and will provide an update on the status of the superintendent's employment at every Board meeting until the issue is resolved. The superintendent may be subject to a hearing as outlined above to the same extent as other professional employees, as required by law.

Suspensions

Employees without Contracts

The superintendent may suspend, with or without pay, professional staff members who are not under contract. The superintendent shall report any such suspension to the Board of Education. The superintendent's decision will stand approved unless reversed by the Board.

Employees with Contracts

Employees with contracts may be suspended with pay in accordance with law, district policy and the employment contract when applicable.

Employees with contracts may be suspended without pay only after appropriate due process unless the employee consents in writing to a suspension without pay. Prior to suspending a professional staff member without pay during the term of a contract, the district will notify the employee of the charges, give the employee an opportunity to discuss the charges and inform the employee of the opportunity to appeal the suspension to the Board of Education. The employee must request an appeal within ten days of notice of suspension without pay. If the employee appeals, the employee may also be suspended with pay pending the appeal.

In general, pay will not be withheld until the Board renders its decision; unless an appeal has been waived or the employee consents in writing to a suspension without pay.

Special Circumstances Requiring Suspension or Administrative Leave

Pursuant to state law, any employee who strip searches a student in violation of law will be immediately suspended without pay and may be terminated. Prior to suspending placing an

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~~professional staff member~~ **employee** with an employment contract **on unpaid suspension**, the district will notify the employee of the charges, give the employee an opportunity to discuss the charges and inform the employee of the opportunity to appeal the suspension to the Board of Education. If the Board reverses the suspension, the employee will be reimbursed for any pay withheld. ~~Depending on the length and nature of the suspension, the employee may receive additional due process as required by law.~~

If the district receives information that an employee has allegedly been involved in sexual misconduct with a student or any other child, the district may ~~place~~ **suspend** the employee ~~or place the employee~~ on administrative leave ~~with pay~~ pending an investigation. In accordance with law, the district will suspend or continue a suspension of an employee if the Children's Division (CD) of the Department of Social Services finds that an allegation of sexual misconduct with a student is substantiated, but the district may return the employee to his or her position if the finding is reversed by a court on appeal and becomes final. The district reserves the right to suspend, **place on administrative leave** or terminate an employee for any legal reason, including sexual misconduct, regardless of whether another agency or a court substantiates the claim. A hearing will be provided to an employee upon request when required by law.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 08/08/1994

Revised: 06/14/1999; 12/12/2005; 05/09/2011; 06/11/2012; 07/13/2015;

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
ILA, Test Integrity and Security
JFCF, ~~Hazing and Bullying~~
JFCG, Hazing
JFG, Interrogations, Interviews and Searches
JHG, Reporting and Investigating Child Abuse/Neglect

Legal Refs: §§ **105.264**, 162.068, 167.166, 168.071, .101 - .133, RSMo.
U.S. Const. amend. XIV

Camdenton R-III School District, Camdenton, Missouri