

# Document Status: Draft Update

## General Personnel

### 5:120 Employee Ethics; Conduct; and Conflict of Interest

#### Professional and Appropriate Conduct

All District employees are expected to maintain high standards in their school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional and appropriate relationships with students, parents, staff members, and others. In addition, the *Code of Ethics for Illinois Educators*, adopted by the Illinois State Board of Education, is incorporated by reference into this policy. Any employee who sexually harasses a student, willfully or negligently fails to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act ([325 ILCS 5/](#)), engages in grooming as defined in 720 ILCS 5/11-25, engages in grooming behaviors, violates boundaries for appropriate school employee-student conduct,<sup>PRESSPlus1</sup> or otherwise violates an employee conduct standard will be subject to discipline up to and including dismissal.

The Superintendent or designee shall identify appropriate employee conduct standards and provide them to all District employees.<sup>PRESSPlus2</sup> Standards related to school employee-student conduct shall, at a minimum:

1. Incorporate the prohibitions noted in paragraph 1 of this policy;
2. Define prohibited grooming behaviors<sup>PRESSPlus3</sup> to include, at a minimum, sexual misconduct. Sexual misconduct<sup>PRESSPlus4</sup> is (i) any act, including but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, (ii) by an employee with direct contact with a student, (iii) that is directed toward or with a student to establish a romantic or sexual relationship with the student. Examples include, but are not limited to:
  1. A sexual or romantic invitation
  2. Dating, or soliciting a date
  3. Engaging in sexualized or romantic dialog
  4. Making sexually suggestive comments that are directed toward or with a student
  5. Self-disclosure or physical exposure of a sexual, romantic, or erotic nature
  6. A sexual, indecent, romantic, or erotic contact with the student
3. Identify expectations for employees to maintain professional relationships with students, including expectations for employee-student boundaries based upon students' ages, grade levels, and developmental levels.<sup>PRESSPlus5</sup> Such expectations shall establish guidelines for specific areas, including but not limited to:
  1. Transporting a student
  2. Taking or possessing a photo or video of a student

3. Meeting with a student or contacting a student outside the employee's professional role
1. Reference employee reporting requirements of the Abused and Neglected Child Reporting Act (325 ILCS 5/), Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.), and the Elementary and Secondary Education Act (20 U.S.C. § 7926);
1. Outline how employees can report prohibited behaviors and/or boundary violations pursuant to Board policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Sexual Harassment Grievance Procedure*; and 5:90, *Abused and Neglected Child Reporting*; [PRESSPlus6](#) and
2. Reference required employee training related to educator ethics, child abuse, grooming behaviors, and boundary violations as required by law and policies 2:265, *Title IX Sexual Harassment Grievance Procedure*; 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*; 5:90, *Abused and Neglected Child Reporting*; and 5:100, *Staff Development Program*.

### Statement of Economic Interests

The following employees must file a *Statement of Economic Interests* as required by the Ill.[inois](#) Governmental Ethics Act:

1. Superintendent;
2. Building Principal;
3. Head of any department;
4. Any employee who, as the District's agent, is responsible for negotiating one or more contracts including collective bargaining agreement(s), in the amount of \$1,000 or greater;
5. Hearing officer;
6. Any employee having supervisory authority for 20 or more employees; and
7. Any employee in a position that requires an administrative or a chief school business official endorsement.

### Ethics and Gift Ban

Board of Education policy 2:105, *Ethics and Gift Ban*, applies to all District employees. Students shall not be used in any manner for promoting a political candidate or issue.

### Prohibited Interests; Conflict of Interest; and Limitation of Authority

In accordance with [Section 22-5](#) of the School Code, "no school officer or teacher shall be interested in the sale, proceeds, or profits of any book, apparatus, or furniture used or to be used in any school with which such officer or teacher may be connected," except when the employee is the author or developer of instructional materials listed with the Illinois State Board of Education and adopted for use by the Board. An employee having an interest in instructional materials must file an annual statement with the Board Secretary.

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the District nor shall an employee act as an agent of any business in any transaction with the District. This includes participation in the selection, award or administration of a

contract supported by a federal award or State award governed by the Grant Accountability and Transparency Act (GATA) ([30 ILCS 708/](#)) when the employee has a real or apparent conflict of interest. A conflict of interest arises when an employee or any of the following individuals has a financial or other interest in the entity selected for the contract:

1. Any person that has a close personal relationship with an employee that may compromise or impair the employee's fairness and impartiality, including a member of the employee's immediate family or household;
2. An employee's business partner; or
3. An entity that employs or is about to employ the employee or one of the individuals listed in one or two above.

Employees shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements or contracts. Situations in which the interest is not substantial or the gift is an unsolicited item of nominal value must comply with State law and Board policy 2:105, *Ethics and Gift Ban*.

#### Guidance Counselor Gift Ban [PRESSPlus7](#)

Guidance counselors are prohibited from intentionally soliciting or accepting any gift from a *prohibited source* or any gift that would be in violation of any federal or State statute or rule. For guidance counselors, a *prohibited source* is any person who is (1) employed by an institution of higher education, or (2) an agent or spouse of or an immediate family member living with a person employed by an institution of higher education. This prohibition does not apply to:

1. Opportunities, benefits, and services available on the same conditions as for the general public.
  2. Anything for which the guidance counselor pays market value.
  3. A gift from a relative.
  4. Anything provided by an individual on the basis of a personal friendship, unless the guidance counselor believes that it was provided due to the official position or employment of the guidance counselor and not due to the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the guidance counselor must consider the circumstances in which the gift was offered, including any of the following:
    - a. The history of the relationship between the individual giving the gift and the guidance counselor, including any previous exchange of gifts between those individuals.
    - b. Whether, to the actual knowledge of the guidance counselor, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.
    - c. Whether, to the actual knowledge of the guidance counselor, the individual who gave the gift also, at the same time, gave the same or a similar gift to other school district employees.
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1. Bequests, inheritances, or other transfers at death.
  2. Any item(s) during any calendar year having a cumulative total value of less than \$100.

3. Promotional materials, including, but not limited to, pens, pencils, banners, posters, and pennants.

A guidance counselor does not violate this prohibition if he or she promptly returns the gift to the prohibited source or donates the gift or an amount equal to its value to a tax exempt charity.

### Code of Conduct

An effective educational program requires the services of administrators with integrity, high ideals, and human understanding. To maintain and promote these essentials, the Board of Education expects all administrators to maintain high standards in their working relationships, and in the performance of their professional duties, to:

- A. Recognize basic dignities of all individuals with whom they interact in the performance of duties;
- B. Represent accurately their qualifications;
- C. Exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;
- D. Seek and apply the knowledge and skills appropriate to assigned responsibilities;
- E. Maintain security associated with confidential information in their possession;
- F. Ensure that their actions or those of another on their behalf are not made with specific intent of advancing private economic interests;
- G. Avoid accepting anything of value offered by another for the purpose of influencing judgement;
- H. Refrain from using his/her position or public property, or permitting another person to use an employee's position or public property for partisan political or religious purposes;
- I. Observe Federal and State laws, rules, and regulations which govern education;
- J. Observe the District's policies, procedures, rules, and regulations as adopted by the Board;
- K. Support and assist the Board in its tasks of policy making, educational planning, and goal evaluation;
- L. Provide the Board with necessary and helpful facts, free from personal bias, which will facilitate the Board's role as decision maker;
- M. Evaluate the District's goal achievement in a realistic and professional manner;
- N. Manage the District to assure freedom from pressure groups;
- O. Develop a communication system which facilitates understanding between the Board, staff, and the community;
- P. Welcome and encourage community participation in District activities;
- Q. Recognize that personal values, strengths, and goals must provide the motivation for effective School District management;
- R. Provide a leadership role model;
- S. Strive to provide the best educational opportunities for all students.

### Outside Employment

Employees shall not engage in any other employment or in any private business during regular working hours or at such other times as are necessary to fulfill appropriate assigned duties.

Incorporated  
by reference: 5:120-E (Code of Ethics for Ill.[inois](#) Educators)

LEGAL REF.:

[U.S. Constitution, First Amendment.](#)

[2 C.F.R. §200.318](#)(c)(1).

[5 ILCS 420/4A-101](#), Ill. Governmental Ethics Act.

[5 ILCS 430/](#), State Officials and Employee Ethics Act.

[30 ILCS 708/](#), Grant Accountability and Transparency Act.

[50 ILCS 135/](#), Local Governmental Employees Political Rights Act.

105 ILCS 5/10-22.39, [5/10-23.13](#), [and 5/22-5](#), and [5/22-90](#) (final citation pending).

325 ILCS 5/, Abused and Neglected Child Reporting Act.

775 ILCS 5/5A-102, Ill. Human Rights Act.

23 Ill.Admin.Code Part 22, Code of Ethics for Ill.[inois](#) Educators.

[Pickering v. Board of Township H.S. Dist. 205](#), 391 U.S. 563 (1968).

[Garcetti v. Ceballos](#), 547 U.S. 410 (2006).

CROSS REF.: 2:105 (Ethics and Gift Ban), [2:265 \(Title IX Sexual Harassment Grievance Procedure\)](#), [4:60 \(Purchases and Contracts\)](#), [4:165 \(Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors\)](#), [5:90 \(Abused and Neglected Child Reporting\)](#), [5:100 \(Staff Development Program\)](#), [5:125 \(Personal Technology and Social Media; Usage and Conduct\)](#), [7:20 \(Harassment of Students Prohibited\)](#)

## **PRESSPlus Comments**

[PRESSPlus 1.](#) *Erin's Law*, 105 ILCS 5/10-23.13, amended by P.A. 102-610. **Issue 108, November 2021**

[PRESSPlus 2.](#) Sample conduct standards are contained in administrative procedure 5:120-AP2, *Employee Conduct Standards*, available at **PRESS** Online by logging in at [www.iasb.com](#). These items are subjects of mandatory collective bargaining. Consult the board attorney for advice before establishing them. **Issue 108, November 2021**

[PRESSPlus 3.](#) 105 ILCS 5/10-23.13(b), amended by P.A. 102-610. **Issue 108, November 2021**

[PRESSPlus 4.](#) This definition of *sexual misconduct* is adapted from HB 1975,

legislation that did not pass in the first half of the 102nd Ill. General Assembly; however, it includes the results of collaboration to implement some of the recommendations of the *Make Sexual and Severe Physical Abuse Fully Extinct (Make S.A.F.E.) Taskforce* and was endorsed by Stop Educator Sexual Abuse Misconduct & Exploitation (S.E.S.A.M.E.), a national organization working to prevent sexual exploitation, abuse, and harassment of students by teachers and other school staff. See [www.sesamenet.org/](http://www.sesamenet.org/) for further information.

As of **PRESS** Issue 108's publication, HB 1975 is still pending in the 102nd General Assembly and is expected to become law. Its enactment could close significant legal loopholes related to combating grooming by broadening the definition of grooming prohibited by the Criminal Code of 2012 and authorizing the Ill. Dept. of Children and Family Services to investigate grooming allegations under the Abused and Neglected Child Reporting Act. **Issue 108, November 2021**

[PRESSPlus 5.](#) 105 ILCS 5/10-23.13(b), amended by P.A. 102-610. Sample expectations and guidelines are contained in administrative procedure 5:120-AP2, E, *Expectations and Guidelines for Employee-Student Boundaries*, available at **PRESS** Online by logging in at [www.iasb.com](http://www.iasb.com). Establishing guidelines specific to #3(a), (b), and (c) is not currently required but is a requirement in HB 1975 (See **PRESS** Plus Comment 4, above). **Issue 108, November 2021**

[PRESSPlus 6.](#) 105 ILCS 5/10-23.13(b), amended by P.A. 102-610. **Issue 108, November 2021**

[PRESSPlus 7.](#) 105 ILCS 5/22-90 (final citation pending), added by P.A. 102-327, eff. 1-1-22. *Guidance counselor* means a person employed by a school district and working in a high school to offer students advice and assistance in making career or college plans. **Issue 108, November 2021**