



# UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

**TOPIC:** First and Final Reading of Policy DH (LOCAL) Employee Standards of Conduct

**SUBMITTED BY:** Gloria S. Rendon

**OF:** Associate Superintendent for Administration

**APPROVED FOR TRANSMITTAL TO SCHOOL BOARD:** \_\_\_\_\_

**DATE ASSIGNED FOR BOARD CONSIDERATION:** July 18, 2018

**RECOMMENDATION:** It is the recommendation that the United ISD board of Trustees approve the First and Final Reading of Policy DH (LOCAL) Employee Standards of Conduct

**RATIONALE:**

**BUDGETARY INFORMATION:**

**POLICY REFERENCE & COMPLIANCE:**

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

	<p>Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See DH(EXHIBIT)]</p> <p>Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.</p> <p>An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]</p>
<b>Violations of Standards of Conduct</b>	<p>Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCD and DF series]</p>
<b>Covered Activities</b>	<p>Each District employee has the responsibility to protect District assets and is expected to be alert to the potential for theft of property, theft of services, theft of anything of value, fraud, and financial impropriety. [See CAA]</p>
<b>Inappropriate Conduct</b>	<p>Examples of activities constituting inappropriate conduct include, but are not limited to, the following:</p> <ol style="list-style-type: none"><li>1. Misappropriation of activity funds or any funds collected by the District;</li><li>2. Misappropriation of District furniture, fixtures, or equipment;</li><li>3. Misappropriation of funds through fraudulent reporting on travel records;</li><li>4. Forgery or alteration of District checks;</li><li>5. Forgery or alteration of District purchase orders; and</li><li>6. Forgery or alteration of payroll time sheets.</li></ol>
<b>Duty to Report</b>	<p>Any employee who knows or has reason to know of or suspects an occurrence of fraud, misappropriation, financial impropriety, or covered activity shall immediately notify his or her supervisor. If the employee has reason to believe that the supervisor may be involved, the employee shall immediately notify the department of human resources.</p> <p>The employee shall not discuss the matter with anyone other than his or her supervisor and/or the police department. Employees who knowingly make false allegations shall be subject to discipline up to and including dismissal.</p>

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**Investigation Duties**

During the investigation, employees should:

7. Direct all inquiries from suspected individuals, attorneys, or representatives to the department of human resources;
8. Not contact the suspected individual in an effort to determine facts or demand restitution;
9. Not discuss the case, facts, suspicions, or allegations with anyone outside the organization or those within the organization who do not have a legitimate need to know, unless specifically asked to do so by the department of human resources; and
10. Cooperate with the investigative process by answering questions, furnishing written statements, and volunteering information important to the investigation.

Throughout the course of an official District investigation or inquiry, every District employee has an affirmative duty to provide all relevant and factual information about the situation to his or her supervisor or any other District official investigating the matter.

An employee failing to volunteer such information shall receive a directive from an administrator to provide a statement. Failure to comply with the directive shall constitute insubordination, a violation that has grounds for disciplinary action up to and including termination. [See DCD and DF series]

When directed by an administrator or a District investigator, an employee shall submit a notarized affidavit about his or her knowledge of the matter under investigation. Intentional falsification, misstatement, or the concealment of a material fact in connection with the investigation shall be grounds for disciplinary action up to and including termination. Additionally, providing false or incorrect statements under oath may subject the employee to a criminal charge of perjury.

**Weapons Prohibited**

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

**Exceptions**

No violation of this policy occurs when:

11. Use or possession of a firearm by a specific employee is authorized by Board action. [See CKE]
12. A District employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not loaded and not in plain view; or

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**Electronic  
Communication**

**Use with Students**

13. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

14. Exceptions for family and social relationships;
15. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;
16. Hours of the day during which electronic communication is discouraged or prohibited; and
17. Other matters deemed appropriate by the Superintendent or designee.

In accordance with ethical standards applicable to all District employees [see DH(EXHIBIT)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

An employee shall have no expectation of privacy in electronic communications with students. Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic communication. [See CPC]

**Personal Use**

All employees shall be held to the same professional standards in their public use of electronic communication, including

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cellular phones that cannot be used for personal purposes during instructional time, as for any other public conduct. If an employee's use of electronic communication, including cellular phones takes away from instructional/work productivity or time, violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

*Cellular Phones*      ~~The following shall apply to the use of cellular phones in school buildings:~~

~~18. A teacher may use a cellular phone for business calls, including parent contacts, only during planning periods and other off-duty times during the instructional day.~~

19. ~~Personal calls may not be made or received during class periods. Cellular phones shall remain off during instructional time.~~

Reporting Improper Communication      In accordance with administrative regulations, an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.

Disclosing Personal Information      An employee shall not be required to disclose his or her personal e-mail address or personal phone number to a student. Each employee shall adhere to District safety rules and

Safety Requirements      regulations and shall report unsafe conditions or practices to the appropriate supervisor.

Harassment or Abuse      An employee shall not engage in prohibited harassment, including sexual harassment, of:

20. Other employees. [See DIA]

21. Students. [See FFH; see FFG regarding child abuse and neglect.]

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

Relationships with Students      An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]

As required by law, the District shall notify the parent of a student with whom an educator is alleged to have engaged in certain misconduct. [See FFF]

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**Tobacco and  
E-Cigarettes**

An employee shall not smoke or use tobacco products or ecigarettes on District property, in District vehicles, or at school-related activities. [See also GKA]

**Alcohol and Drugs /  
Notice of Drug-Free  
Workplace**

As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below.

An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on District property or at school-related activities during or outside of usual working hours:

22. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
23. Alcohol or any alcoholic beverage.
24. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
25. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

**Exceptions**

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

It shall not be considered a violation of this policy if the employee:

26. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;
27. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or
28. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian.

**Sanctions**

An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:

29. Referral to drug and alcohol counseling or rehabilitation programs;
30. Referral to employee assistance programs;

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31. Termination from employment with the District; and
32. Referral to appropriate law enforcement officials for prosecution.
- Notice** Employees shall receive a copy of this policy.
- Videotaping of Students** An employee shall obtain written consent of a student's parent or guardian and from the campus principal before the employee may make or authorize the videotaping of a student or record or authorize the recording of a student's voice, unless the recording is made by a student for the purpose of facilitating classroom instruction.
- Principal's Approval** The principal's written consent shall be obtained prior to videotaping or recording a student even when the law does not require the consent of a parent or guardian, such as when the videotape or recording is to be used for purposes of safety or for a purpose related to regular classroom instruction, as provided by law. [See FL]
- Exception** In the case of videotaping a deposition for an employee termination or grievance action, the only consent to be obtained in advance shall be that of the student's parent or guardian.
- Care of Nonenrolled Children** An employee shall not bring his or her own child or another person's child to school for the purpose of child care or babysitting. Personnel are employed to perform District functions while on duty and shall not bring or care for a child who is not enrolled on the campus at that time to the building to remain during working hours of the regular school day or summer school, or after school hours if the employee is still performing work-related duties. In instances where an employee has been allowed to enroll his or her child at his or her campus, the principal may allow for the student to be cared for by his or her parent after school/work hours.
- Arrests, Indictments, Convictions, and Other Adjudications** An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee.
- Criminal History Background Check** At least once annually, the District may obtain criminal history records of Webb County and the counties contiguous to Webb County. The District may obtain this information from any other county when it has reason to believe that an employee has been convicted of a crime in such county or from a police department, the Department of Public Safety, or the Texas Department of Corrections. [See DC]
- An employee under felony indictment shall be recommended for suspension without pay pending adjudication of his or her case.

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<b>Electronic Recording</b>	An employee shall not electronically record by audio, video, or other means any conversation or meeting unless each person present has been notified and consents to being electronically recorded. Persons wishing to record a meeting shall obtain consent from anyone arriving late.
Conversations and Meetings	
Telephone Conversations	An employee shall not electronically record telephone conversations unless all persons participating in the telephone conversation have consented to be electronically recorded.
Public or Other Open Meetings	These provisions are not intended to limit or restrict electronic recordings of publicly posted Board meetings, Board committee meetings, appeals and grievance hearings, or any other Board-sanctioned meeting recorded in accordance with Board policy.
Official Investigations	These provisions are not intended to limit or restrict electronic recordings involving authorized investigations conducted by the police or the department of human resources.
<b>Job Duties</b>	An employee shall not conduct private or personal activities during the workday in lieu of, or while conducting, his or her assigned job duties and responsibilities. Except as permitted by policy, an employee shall not conduct or participate in meetings or individual conferences related to a professional or employee association or organization in lieu of, or while conducting, his or her assigned job duties and responsibilities. [See also DGA and DMD]
<b>Solicitation</b>	<p>Except as approved in advance by the Superintendent or designee or permitted by District policy, commercial solicitation by an employee is prohibited on District property. "Commercial solicitation" for purposes of this policy shall mean:</p> <ol style="list-style-type: none"><li>33. Selling or attempting to sell products or services for personal profit on behalf of a commercial enterprise or for a purpose unrelated to the school or District;</li><li>34. Requesting contributions, pledges, or donations for a purpose unrelated to the school or District; or</li><li>35. Providing items or making announcements that endorse or market a personal or commercial enterprise or a product or service unrelated to the school or District either through personal contact, or by sending or causing to be sent a communication through the District's electronic, telephone, or mail system.</li></ol> <p>"Commercial solicitation" does not mean participation in an authorized District procurement process on behalf of the District or arranged on behalf of District employees.</p> <p>An employee may neither meet nor make arrangements to meet on District property with persons conducting commercial solicitation.</p>



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An employee shall not engage in the sale of services, books, equipment, or other items by misrepresenting such services or items as being endorsed or recommended by the District or its officials. Such conduct is prohibited at all times on or off District property. An employee shall obtain consent from the Superintendent or designee before engaging in the sale of services or items endorsed or recommended by the District or its officials. [See also DBD regarding outside employment and for-profit activities.]

**Distribution of  
Nonschool Literature**

Duplicated, written, or printed materials, including handbills, petitions, photographs, pictures, films, audiotapes, and other visual or auditory materials concerning private or personal issues shall not be circulated, publicly displayed, emitted, or distributed on District property at any time unless permission has been obtained in accordance with District policy and only in the locations designated by principals or department supervisors. [See GKDA]

**Identification Badges**

All District employees shall wear their District-issued identification badges in a clearly visible manner while at any District campus or facility. The badges must not be altered and must remain free of any item or material that covers any part of the front surface of the badge. A District employee that observes anyone on campus without a District-issued identification badge or visitor name badge shall inquire as to the person's reason for being at the location. A visitor without a visitor name badge shall be directed to the front office or front desk in order to obtain a visitor name badge. Any person who appears to present a security concern shall be reported immediately to law enforcement and District security.

The employee's picture on his or her identification badge shall be used as the picture on the employee's District email account.

**Building Electronic  
Access Cards**

**All personnel issued a school district building electronic access card is responsible for safeguarding the electronic access card against loss or theft. Should loss or theft occur, the employee must immediately report to his/her supervisor the incident for deactivation.**

**Employees receiving an electronic access card shall be responsible for paying a \$10.00 replacement fee after the third or subsequent incident of loss.**