

No. _____



UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

TOPIC: Second Reading of Policy DH (LOCAL): Employee Standards of Conduct

SUBMITTED BY: Mr. David Garcia **OF** Asst. Supt. for Human Resources

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____

DATE ASSIGNED FOR BOARD CONSIDERATION: October 17, 2007

RECOMMENDATION:

It is recommended that the Board of Trustees approve Second Reading of Board Policy DH (LOCAL):
Employee Standards of Conduct

RATIONALE:

BUDGETARY INFORMATION:

BOARD POLICY REFERENCE AND COMPLIANCE:

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

All District employees shall perform their duties in accordance with state and federal law, District policy, and ethical standards. [See DH(EXHIBIT)]

All District employees 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.

Employees wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

COVERED
ACTIVITIES

All District employees have the responsibility to protect District assets and are expected to be alert to the potential for theft of property, theft of services, theft of anything of value, fraud, misappropriation of financial impropriety.

ACTIONS
CONSTITUTING
INAPPROPRIATE
CONDUCT

Examples of activities constituting inappropriate conduct include but are not limited to the following:

- Misappropriation of activity funds or any funds collected by the District;
- Misappropriation of District furniture, fixtures, and equipment;
- Misappropriation of funds through fraudulent reporting on travel records;
- Forgery or alteration of District checks;
- Forgery or alteration of District purchase orders; and
- Forgery or alterations of payroll time sheets.

EMPLOYEE'S
DUTY TO REPORT

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 ~~UISD Police Department~~ **the Department of Human Resources**.

The employee shall not discuss the matter with anyone other than his or her supervisor and/or Police Department. Employees who knowingly make false allegations shall be subject to discipline up to and including dismissal.

EMPLOYEES'
DUTIES DURING
AN
INVESTIGATION

During the investigation, employees should:

1. Direct all inquires from suspected individuals, attorneys, or representatives to ~~Police Department~~ **Department of Human Resources**;
2. Not contact the suspected individual in an effort to determine facts or demand restitution;
3. Not discuss the case, facts, suspicions, 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 Human Resource Department;

4. Cooperate with the investigative process through answering questions, furnish written statements, volunteering information important to the investigation, etc.

VIOLATIONS OF STANDARDS OF CONDUCT

Employees 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 their status as District employees. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCD and DF series]

SAFETY REQUIREMENTS

All employees shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

HARASSMENT OR ABUSE

Employees shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees, as defined at DIA.
2. Students, as defined at FFH. [See FFG regarding child abuse and neglect]

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

RELATIONSHIPS WITH STUDENTS

Employees 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]

TOBACCO USE

Employees shall not use tobacco products on District premises, in District vehicles, or at school or school-related activities. [See also GKA]

ALCOHOL AND DRUGS

A copy of this policy, the purpose of which is to eliminate drug abuse from the workplace, may be provided each employee at the beginning of each year or upon employment.

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

1. 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.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.

4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.

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

EXCEPTIONS

An employee who manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities, or who uses a drug authorized by a licensed physician prescribed for the employee's personal use shall not be considered to have violated this policy.

NOTICE

Each employee shall be given a copy of the District's notice regarding drug-free schools. [See DI(EXHIBIT)]

A copy of this policy, a purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.

VIDEOTAPING OF STUDENTS

An employee shall obtain written consent of a student's parent or guardian [see FNG (LEGAL)] and from his or her principal before the employee may make or authorize a videotape 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 prior to videotaping or recording a student shall be obtained even when the law does not require the consent of a parent or guardian, such as when the videotape or recording will 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/grievance action, the only consent to be obtained in advance shall be that of the student's parent or guardian.

EMPLOYEES CARING FOR NONENROLLED CHILDREN

Employees shall not bring their own children or other persons' children 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 in the ~~school~~ **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.**

ARRESTS AND CONVICTIONS

An employee who is arrested for any felony or any offense involving moral turpitude shall report the arrest to the principal or immediate supervisor within three calendar days of the arrest. An employee who is convicted of or receives deferred adjudication for such an offense shall also report that event to the principal or immediate supervisor within three calendar days of the event.

MORAL TURPITUDE

Moral turpitude includes but is not limited to:

1. Dishonesty; fraud; deceit; theft; misrepresentation;
2. Deliberate violence;

3. Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
4. Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
5. Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or
6. Acts constituting abuse under the Texas Family Code.

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 a police department, the Department of Public Safety, or the Texas Department of Corrections. [See DC]

Employees under felony indictments shall be recommended for suspension without pay pending adjudication of their cases.

DRESS AND GROOMING

~~The dress and grooming of District employees shall be clean, neat, in a manner appropriate for their assignments, and in accordance with any additional standards established by their supervisors and approved by the Superintendent.~~

CELLULAR PHONES

The following shall apply to the use of cellular phones in school buildings:

1. Teachers may use cellular phones for business calls, including parent contacts, only during planning periods and other off-duty times during the instructional day.
2. Personal calls may not be made or received during class periods. Cellular phones shall remain "off" during instructional time.

ELECTRONIC RECORDING

CONVERSATIONS AND MEETINGS

Employees shall not electronically record by audio, video, or other means, any conversations or meetings unless each and every person present has been notified and consents to being electronically recorded. Persons wishing to record a meeting must obtain consent from anyone arriving late to any such meeting.

TELEPHONE CONVERSATIONS

Employees shall not electronically record telephone conversations unless all persons participating in the telephone conversation have consented to be electronically recorded.

OPEN MEETINGS AND OTHER PUBLIC MEETINGS

These provisions are not intended to limit or restrict electronic recording of publicly posted Board meetings, Board Committee meetings, appeals and grievance hearings, and any other Board-sanctioned meeting recorded in accordance with Board policy.

OFFICIAL INVESTIGATION

These provisions are not intended to limit or restrict electronic recordings involving authorized investigations conducted by the Police and the Human

Resources Department.

RACIAL, ETHNIC,
RELIGIOUS,
GENDER, SEXUAL
ORIENTATION
HARASSMENT
PROHIBITED

Employees shall not engage in conduct constituting racial, ethnic, religious, gender, or sexual orientation harassment of another employee, a student, any person who seeks the campus community in any capacity or who interfaces with the District (such as citizens, parents, vendors).

DEFINITION

Racial, ethnic, religious, gender, or sexual orientation harassment includes but is not limited to oral, written, psychological, physical (both climate and contact), and other demonstrative actions with regards to race, creed, ethnic origin, religious preference, gender, or sexual orientation that is harassing and/or abusive.

FACTUAL
INFORMATION
FROM EMPLOYEES

Throughout the course of an official District investigation or inquiry, every District employee has an affirmative duty to provide to his or her supervisor(s) or any other District investigating official all relevant and factual information about matters inquired. Employees failing to volunteer such information shall receive a directive from an administrator to provide a statement. The employee's failure to comply with the directive constitutes "insubordination," a violation that will be 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. Intentional falsification, misstatement, or the concealment of a material fact in connection with an administrative investigation shall be deemed as "providing untruthful statements" and be grounds for disciplinary action up to and including termination. Additionally, providing untruthful statements under oath may subject the employee to a criminal charge of perjury.

JOB DUTIES

Employees shall not conduct private or personal activities during the workday in lieu of, or while conducting, their assigned job duties and responsibilities. Except as permitted by policy, employees 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, their assigned job duties and responsibilities. [See also DGA and DMD]

SOLICITATION

Except as approved in advance by the Superintendent or designee or permitted by District policy, commercial solicitation by employees is prohibited on District property. "Commercial solicitation" for purposes of this policy shall mean:

1. 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;
2. Requesting contributions, pledges, or donations for a purpose unrelated to the school or District; or
3. Providing items or making an announcement that endorses or markets 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.

"Commercial solicitation" does not mean participation in an authorized District procurement process on behalf of the District or arranged on behalf of District employees.

Employees may neither meet nor make arrangements to meet on District property with persons conducting commercial solicitation.

Employees 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. Employees 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 DBF 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 policy GKDA and only in the locations designated by principals or department supervisors.

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]