

General Personnel

Employee Ethics: Conduct: and Conflict of Interest

All District employees are expected to maintain high standards in their job performance, school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional and appropriate relationships with students, parents/guardians, 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, or otherwise violates an employee conduct standard will be subject to discipline up to and including dismissal.~~

The Superintendent or designee shall provide this policy to all District employees and students and/or parents/guardians in their respective handbooks, and ensure its posting on the District's website, if any.

Professional and Appropriate Conduct

Professional and appropriate employee conduct are important Board goals that impact the quality of a safe learning environment and the school community, increasing students' ability to learn and the District's ability to educate. To protect students from sexual misconduct by employees, and employees from the appearance of impropriety, State law also recognizes the importance for District employees to constantly maintain professional and appropriate relationships with students by following established expectations and guidelines for employee-student boundaries. Many breaches of employee-student boundaries do not rise to the level of criminal behavior but do pose a potential risk to student safety and impact the quality of a safe learning environment. Repeated violations of employee-student boundaries may indicate the grooming of a student for sexual abuse. As bystanders, employees may know of concerning behaviors that no one else is aware of, so their training on: (1) preventing, recognizing, reporting, and responding to child sexual abuse and grooming behavior; (2) this policy; and (3) federal and state reporting requirements is essential to maintaining the Board's goal of professional and appropriate conduct.

The Superintendent or designee shall identify appropriate employee conduct standards ~~and that provide them to all District employees. Standards related to school employee student conduct shall~~ define appropriate employee-student boundaries, provide training about them, and monitor the District's employees for violations of employee-student boundaries. The employee conduct standards will require that, at a minimum: ~~Incorporate the prohibitions noted in paragraph 1 of this policy:~~

1. ~~Define prohibited grooming behaviors to include, at a minimum, sexual misconduct. Sexual misconduct 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:~~ Employees who are governed by the *Code of Ethics for Illinois Educators*, adopted by Ill. State Board of Education (ISBE), will comply with its incorporation by reference into this policy.
 - a. ~~A sexual or romantic invitation~~
 - b. ~~Dating or soliciting a date~~
 - c. ~~Engaging in sexualized or romantic dialog~~
 - d. ~~Making sexually suggestive comments that are directed toward or with a student~~
 - e. ~~Self disclosure or physical exposure of a sexual, romantic, or erotic nature~~
 - f. ~~A sexual, indecent, romantic, or erotic contact with the student~~

2. ~~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. Such expectations shall establish guidelines for specific areas, including but not limited to: Employees are trained on educator ethics, child abuse, grooming behaviors, and employee-student boundary violations as required by law and Board policies 2:265, *Title IX 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*.~~
 - a. ~~Transporting a student~~
 - b. ~~Taking or possessing a photo or video of a student~~
 - c. ~~Meeting with a student or contacting a student outside the employee's professional role~~
3. ~~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); Employees maintain professional relationships with students, including maintaining employee-student boundaries based upon students' ages, grade levels, and developmental levels and following District-established guidelines for specific situations, including but not limited to:~~
 - a. ~~Transporting a student;~~
 - b. ~~Taking or possessing a photo or video of a student; and~~
 - c. ~~Meeting with a student or contacting a student outside the employee's professional role.~~
4. ~~Outline how Employees can report prohibited behaviors and/or boundary violations pursuant to Board policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Grievance Procedure*; 4:165, and 5:90 *Abused and Neglected Child Reporting*.~~
5. ~~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 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*. Discipline up to and including dismissal will occur for any employee who violates an employee conduct standard or engages in any of the following:~~
 - a. ~~Violates expectations and guidelines for employee-student boundaries.~~
 - b. ~~Sexually harasses a student.~~
 - c. ~~Willfully or negligently fails to follow 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.), or the Elementary and Secondary Education Act (20 U.S.C. § 7926).~~
 - d. ~~Engages in grooming as defined in 720 ILCS 5/11-25.~~
 - e. ~~Engages in grooming behaviors. Prohibited grooming behaviors include, at a minimum, *sexual misconduct*. *Sexual misconduct* is any act, including but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, by an employee with direct contact with a student, 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:~~
 - i. ~~A sexual or romantic invitation.~~
 - ii. ~~Dating or soliciting a date.~~
 - iii. ~~Engaging in sexualized or romantic dialog.~~
 - iv. ~~Making sexually suggestive comments that are directed toward or with a student.~~
 - v. ~~Self-disclosure or physical exposure of a sexual, romantic, or erotic nature.~~
 - vi. ~~A sexual, indecent, romantic, or erotic contact with the student.~~

Statement of Economic Interests

The following employees must file a "Statement of Economic Interests" as required by the Illinois Governmental Ethics Act:

1. Superintendent;
2. Building Principal;

3. Head of any department;
4. Any employee 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

School Board 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 or a tangible benefit from the entity selected for the contract:**~~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 immediately family or household; A member of the employee’s immediate family;~~
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 **sub**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*.

School Counselor Gift Ban

School 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 school counselors, *aprohibited source* is any person who is (1) employed by an institution of higher education, or (2) an agent or spouse of 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 school 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 school counselor believes that it was provided due to the official position or employment of the school counselor and not due to the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the school 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 school counselor, including any previous exchange of gifts between those individuals.
 - b. Whether, to the actual knowledge of the school 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 school counselor, the individual who gave the gift also, at the same time, gave the same or a similar gift to other school district employees.
5. Bequests, inheritances, or other transfers at death.
 6. Any item(s) during any calendar year having a cumulative total value of less than \$100.
 7. Promotional materials, including, but not limited to, pens, pencils, banners, posters, and pennants.
 8. Travel, lodging, food, and beverage costs incurred by the school counselor and paid by an institution of higher education for attendance by the school counselor of an educational or military program at the institution of higher education.

A school 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 501(c)(3) tax-exempt charity.

Outside Employment and Conflict of Interest

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 Illinois 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 Employees 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.
 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 Illinois 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)

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