



# UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

**TOPIC:** First and Final 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 20, 2010

**RECOMMENDATION:**

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

**RATIONALE:**

**BUDGETARY INFORMATION:**

**BOARD POLICY REFERENCE AND COMPLIANCE:**

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

	<p>All District employees shall perform their duties in accordance with state and federal law, District policy, and ethical standards. [See DH(EXHIBIT)]</p> <p>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.</p> <p>Employees wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]</p>
COVERED ACTIVITIES	<p>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, and financial impropriety.</p>
INAPPROPRIATE CONDUCT	<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>
DUTY TO REPORT	<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>
INVESTIGATION DUTIES	<p>During the investigation, employees should:</p> <ol style="list-style-type: none"><li>1. Direct all inquiries from suspected individuals, attorneys, or representatives to the department of human resources;</li></ol>

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2. Not contact the suspected individual in an effort to determine facts or demand restitution;
3. 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
4. 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.

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]

**ELECTRONIC MEDIA**

**Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), web logs (blogs), electronic forums (chat rooms), video-sharing Web sites, editorial comments posted on the Internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and Web-based applications.**

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**USE WITH  
STUDENTS**

In accordance with administrative regulations, a certified or licensed employee, or any other employee designated in writing by the Superintendent or a campus principal, may use electronic media to communicate with currently enrolled students about matters within the scope of the employee's professional responsibilities. All other employees are prohibited from using electronic media to communicate directly with students who are currently enrolled in the District. The regulations shall address:

1. Exceptions for family and social relationships;
2. The circumstances under which employees may use text messaging to communicate with students; and
3. Other matters deemed appropriate by the Superintendent or designee.

An employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic media. [See CPC]

**PERSONAL USE**

Employees shall be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media 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:

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.

**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. [See DIA]

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2. Students. [See 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

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.

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VIDEOTAPING OF STUDENTS	An employee shall obtain written consent of a student's parent or guardian [see FNG(LEGAL)] 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 their child at their campus, the <del>principal</del> Principal may allow for the student to be cared for by their parent after school/work hours.
ARRESTS, INDICTMENTS, CONVICTIONS, AND OTHER ADJUDICATIONS	<p>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 for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:;</p> <ol style="list-style-type: none"><li>1. Crimes involving school property or funds;</li><li>2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;</li><li>3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or</li><li>4. Crimes involving moral turpitude, which include:<ul style="list-style-type: none"><li>• Dishonesty, fraud, deceit, theft, misrepresentation;</li><li>• Deliberate violence;</li></ul></li></ol>

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- Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
- 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;
- 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
- 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]

An employee under felony indictment shall be recommended for suspension without pay pending adjudication of his or her case.

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

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.

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 recording of publicly posted Board meetings, Board committee meet-

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	ings, 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.
HARASSMENT	An employee shall not engage in conduct constituting racial, ethnic, religious, gender, or sexual orientation harassment of another employee, a student, or any person who seeks the campus community in any capacity or who interfaces with the District.
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.
JOB DUTIES	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]
SOLICITATION	<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> <ul style="list-style-type: none"><li><del>3.1.</del> 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><del>4.2.</del> Requesting contributions, pledges, or donations for a purpose unrelated to the school or District; or</li><li><del>5.3.</del> 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></ul> <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>

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

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 **DBDDBF** 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.

# **Addendum to Employee Handbook**

**As per revisions to DH (LOCAL) EMPLOYEE STANDARDS OF CONDUCT, approved by the United Independent Board of Trustees on October, 20, 2010:**

## **Personal Use of Electronic Media:**

As role models for the district's students, employees are responsible for their public conduct even when they are not acting as district employees. Employees will be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media 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. If an employee wishes to use a social network site or similar media for personal purposes, the employee is responsible for the content on the employee's page, including content added by the employee and for web links on the employee's page. The employee is also responsible for maintaining privacy settings appropriate to the content.

An employee who uses electronic media for personal purposes shall observe the following:

- The employee may not set up or update the employee's personal social network page(s) during working hours using their personal equipment or the district's computers, network, or equipment. Employees may use their personal equipment to update their personal social network page(s) on their duty-free lunch period.
- The employee shall not use the district's logo or other copyrighted material of the district without express, written consent.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Code of Ethics and Standard Practices for Texas Educators, even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus. These restrictions include:
  - Confidentiality of student records. [See policy FL]
  - Confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law. [See Policy DH (Exhibit)]
  - Confidentiality of district records, including educator evaluation and private e-mail addresses. [See Policy GBA]
  - Copyright law [See Policy EFE]
  - Prohibition against harming others by knowingly making false statements about a colleague or the school system. [See Policy DH (Exhibit)]
  - Disparaging remarks against employees, students, colleagues, patrons, supervisors, which said complaints or remarks should be routed through the District's grievance policies.

## **USE OF ELECTRONIC MEDIA WITH STUDENTS**

A certified or licensed employee, or any other employee designated in writing by the superintendent or a campus principal, may communicate through electronic media with students who are currently enrolled in the district. The employee must comply with the provisions outlined below. All other employees are prohibited from communicating with students who are enrolled in the district through electronic media.

An employee is not subject to these provisions to the extent the employee has a social or family relationship with a student. For example, an employee may have a relationship with a niece or nephew, a student who is a child of an adult friend, a student who is a friend of the employee's child, or a member or participant in the same civic, social, recreational, or religious organization.

The following definitions apply for the use of electronic media with students:

- *Electronic media* includes all forms of social media, such as text messaging, instant messaging, electronic (e-mail), Web logs (blogs), electronic forums (chat rooms), video-sharing Web sites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, MySpace, Twitter, LinkedIn). *Electronic media* also includes all forms of telecommunication such as landlines, cell phones, and web-based applications.
- *Communicate* means to convey information and includes a one-way communication as well as a dialogue between two or more people. A public communication by an employee that is not targeted at students (e.g., a posting on the employee's personal social network page or a blog) is not a *communication*; however, the employee may be subject to district regulations on personal electronic communications. See *Personal Use of Electronic Media*, above. Unsolicited contact from a student through electronic means is not a *communication*.
- *Certified or licensed employee* means a person employed in a position requiring SBEC certification or a professional license, and whose job duties may require the employee to communicate electronically with students. The term includes classroom teachers, counselors, principals, librarians, paraprofessionals, nurses, education diagnosticians, licensed therapists, and athletic trainers.

An employee who uses electronic media to communicate with students shall observe the following:

- The employee may **only use the following forms of electronic media: text messaging, official district authorized email communication, official district authorized social network site.** ~~use any form of electronic media except text messaging.~~ Only a teacher, trainer, or other employee designated in writing by the campus Principal who has extracurricular duty may use text messaging, and then only to communicate with students who participate in the extracurricular activity over which the employee has responsibility and only to the extent absolutely necessary. In addition to texting the student, the teacher, trainer, or other employee shall also send the same text message to the parent/guardian, unless the parent/guardian does not have a cell phone. If other professional forms of communication are possible (i.e., written note or memorandum), the employee shall use such method of communication.
- The employee shall limit communications to matters within the scope of the employee's professional responsibilities (e.g., for classroom teachers, matters relating to class work, homework, and tests; for an employee with an extracurricular duty, matters relating to the extracurricular activity).
- The employee is prohibited from communicating with students through a personal social network page **other than the official district authorized social network site.**
- The employee shall not communicate directly with any student between the hours of 9:00 p.m. and 7:00 a.m. unless exigent circumstances require otherwise and in which case the employee shall inform his supervisor. The employee does not have a right to privacy with respect to communication with students and parents.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Code of Ethics and Standard Practices for Texas Educators, including:
  - Compliance with the Public Information Act and the Family Educational Rights and Privacy Act (FERPA), including retention and confidentiality of student records. [See Policies CPC and FL]
  - Copyright law [Policy EFE]

- Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student. [See Policy DF]
- Upon request from administration, an employee will provide the phone number(s), ~~social network site(s)~~, or other information regarding the method(s) of electronic media the employee uses to communicate with any one or more currently-enrolled students.
- Upon written request from a parent or student, the employee shall discontinue communicating with the student through e-mail, text messaging, instant messaging, or any other form of one-to-one communication.

An employee may request an exception from one or more of the limitations above by submitting a written request to his or her immediate supervisor.