

Staff Conduct (And Responsibilities)

All staff members have a responsibility to make themselves familiar with and abide by federal and state laws, as these affect their work, as well as the policies and regulations of the district.

As representatives of the district and role models for students, all staff shall demonstrate and uphold high professional, ethical and moral standards. Staff members shall conduct themselves in a manner that is consistent with the educational mission of the district and shall maintain professional boundaries with district students at all times. Interactions between staff members must be based on mutual respect and any disputes will be resolved in a professional manner.

Rules of Conduct

Each staff member shall observe rules of conduct established in law which specify that a school employee shall not:

1. Disclose or use confidential information acquired in the course of employment to further substantially personal financial interests.
2. Accept a gift of substantial value or substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in the position to depart from the faithful and impartial discharge of the staff member's duties, or which the staff member knows or should know is primarily for the purpose of a reward for action taken.
3. Engage in a substantial financial transaction for private business purposes with a person whom the staff member supervises.
4. Perform an action which directly and substantially confers an economic benefit tantamount to a gift of substantial value on a business or other undertaking in which the staff member has a substantial financial interest or is engaged as counsel, consultant, representative or agent.

It shall not be considered a breach of conduct for a staff member to:

1. Use school facilities and equipment to communicate or correspond with constituents, family members or business associates on an occasional basis.
2. Accept or receive a benefit as an indirect consequence of transacting school district business.

Essential to the success of ongoing school operations and the instructional program are the following specific responsibilities which shall be required of all personnel:

1. Faithfulness and promptness in attendance at work.
2. Support and enforcement of policies of the Board and regulations of the school administration in regard to students.
3. Diligence in submitting required reports promptly at the times specified.

4. Care and protection of school property.
5. Concern and attention toward the safety and welfare of students, including the need to ensure that students are appropriately supervised.

Maintaining Professional Staff/Student Boundaries

In a professional staff/student relationship, school employees maintain boundaries with district students that are consistent with their professional code of conduct and obligations whenever they act within their job capacity.

A boundary invasion is an act or omission by a school employee that violates professional staff/student boundaries and has the potential to abuse the staff/student relationship. An inappropriate boundary invasion means an act, omission, or pattern of such behavior by a school employee that does not have an educational purpose; and results in abuse of the staff/student professional relationship.

Unacceptable Boundary Invasions

Examples of inappropriate boundary invasions by staff members include but are not limited to the following:

- Any type of inappropriate physical contact with a student or any other conduct that might be considered harassment under District policy;
- Showing or distributing pornography to a student;
- Singling out a particular student or students for friendship beyond the professional staff-student relationship;
- Socializing where students are consuming alcohol, drugs or tobacco;
- For non-guidance/counseling staff, encouraging students to confide or reveal their personal or family problems and/or relationships;
- Sending students on personal errands unrelated to any educational purpose;
- Banter, allusions, jokes or innuendos of a sexual nature with students;
- Disclosing personal, sexual, family, employment concerns, or other private matters to one or more students;
- Addressing students, or permitting students to address staff members with personalized terms of endearment, pet names, or otherwise in an overly familiar manner;
- Maintaining personal contact with a student outside of school, beyond homework or other legitimate school business, by phone, text messages, email, Instant Messenger or Internet chat rooms, social networking Web sites, or letters without including the parent/guardian and approval from the appropriate administrator;
- Giving or exchanging inappropriate personal gifts, cards or letters with an individual student;
- Socializing or spending time with individual students who are not relatives of the staff member (including but not limited to activities such as going out for beverages, meals or movies,

shopping, traveling, and recreational activities) outside of school-sponsored events, except as participants in organized community activities or as invited guests of the student's parents or guardians who are also present at the activity;

- Giving a student a ride alone in a vehicle in a non-emergency situation; and/or
- Unnecessarily invading a student's privacy, (e.g. walking in on the student in the restroom).

Appearances of Impropriety

The following activities are possible examples of boundary invasions and can create an actual impropriety or the appearance of impropriety:

- Being alone with an individual student out of the view of others or in any room with the door closed;
- Inviting or allowing individual students to visit the staff member's home;
- Visiting a student's home for personal or other reasons unrelated to school business or activities and when a parent or guardian is not present; and/or
- Social networking with students for non-educational purposes or with these characteristics:
 - is hidden and/or secretive
 - is loosely connected or has no connection to school
 - supervisor has no knowledge of it
 - parents are not aware of it taking place

Reporting Violations

Students and their parents/guardians should notify the principal (or other administrator) if they believe a teacher or other staff member may be engaging in conduct that violates this policy. If students or parents are uncomfortable or unsatisfied with reports to administrators at the school, the Assistant Superintendent of Human Resources or Superintendent should be contacted.

Staff members are required to promptly notify the principal (or other administrator) or the superintendent if they become aware of a situation that may constitute a violation of this policy. Administrators, in turn, should notify the Human Resources Department in all cases of suspected child abuse or when administrative leave may be necessary in order to further investigate suspected violations. To the extent permitted by law, the Superintendent or designee shall inform the Board when administrative leave has been authorized during any investigation under this policy.

There shall be no retaliation against any person who in good faith reports or participates in the investigation of any alleged violation of this policy.

Disciplinary Action

Staff violations of this policy may result in disciplinary action up to and including dismissal. The violation will also be reported to the district's Human Resources Department which may then report to the Colorado Department of Education (CDE), Office of Professional Services and Educator Licensure, when the alleged conduct involves grounds that could result in suspending or revoking a license issued by CDE and is supported by a preponderance of the evidence. Violations involving suspected sexual or other abuse will also result in an immediate report to law enforcement and CDE. All employees will receive periodic training on appropriate staff/student boundaries in conjunction with training in reporting suspected child abuse, as required by state law.

Child Abuse

All district employees who have reasonable cause to know or suspect that any child is subjected to abuse or to conditions that might result in abuse or neglect must immediately upon receiving such information report such fact in accordance with Board policy and state law. See C.R.S. § 19-3-308 (5.7) and Board Policy JLF, Reporting Child Abuse/Child Protection.

The superintendent and designee are authorized to conduct an internal investigation or to take any other necessary steps if information is received from a county department of social services or a law enforcement agency that a person who is suspected of child abuse is a school district employee. Such information shall remain confidential except that the superintendent shall notify CDE of the child abuse investigation, as provided above.

Possession of Deadly Weapons

The provisions of the policy regarding public possession of deadly weapons on school property or in school buildings also shall apply to employees of the district. However, the restrictions shall not apply to employees who are required to carry or use deadly weapons in order to perform their necessary duties and functions.

Felony/Misdemeanor Convictions

If, subsequent to beginning employment with the district, the district has good cause to believe that any staff member has been convicted of or pled *nolo contendere* to, or received a deferred or suspended sentence for any felony or misdemeanor other than a misdemeanor traffic offense or infraction, the district shall make inquiries to CDE for purposes of screening the employee.

In addition, the district shall require the employee to submit a complete set of fingerprints taken by a qualified law enforcement agency. Fingerprints must be submitted within 20 days after receipt of written notification of the above facts. The fingerprints shall be forwarded to the Colorado Bureau of Investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing the records of the Colorado Bureau of Investigation and the Federal Bureau of Investigation.

Disciplinary action, which could include dismissal from employment, may be taken against personnel if the results of fingerprint processing provide relevant information. Non-licensed employees shall be terminated if the results of the fingerprint-based criminal history record check disclose a conviction for certain felonies, as provided in law.

Employees shall not be charged fees for processing fingerprints under these circumstances.

Unlawful Behavior Involving Children

The District may make an inquiry with CDE concerning whether any current employee of the school district has been convicted of, pled *nolo contendere* to, or received a deferred or suspended sentence or deferred prosecution for a felony or misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children. Disciplinary action, including termination, may be taken if the inquiry discloses information relevant to the employee's fitness for employment.

Personnel Addressing Health Care Treatment for Behavior Issues

School personnel are prohibited under state law from recommending or requiring the use of psychotropic drugs for students. They are also prohibited from testing or requiring testing for a student's behavior without giving notice to the parent/guardian describing the recommended testing and how any test results will be used and obtaining prior written permission from the student or from the student's parent/guardian. See the Board's policy concerning survey, assessment, analysis or evaluation of students. School personnel are encouraged to discuss concerns about a student's behavior with the parent/guardian and such discussions may include a suggestion that the parent/guardian speak with an appropriate health care professional regarding any behavior concerns school personnel may have.

Adopted: March 12, 1985

Revised: April 9, 1991

Revised: December 2, 1996

Revised: August 8, 2000

Revised: August 28, 2001

Revised: March 14, 2006

Revised: March 18, 2014

LEGAL REFS.: C.R.S. 18-12-105.5 (*unlawful carrying/possession of weapons on school grounds*)
C.R.S. 18-12-214 (3)(b) (*school security officers may carry concealed handgun pursuant to valid permit*)
C.R.S. 19-3-308 (5.7) (*child abuse reporting*)
C.R.S. 22-32-109 (1)(ee) (*duty to adopt policy prohibiting personnel from recommending certain drugs for students or ordering behavior tests without parent permission*)
C.R.S. 22-32-109.1 (8) (*policy requiring inquiries upon good cause to department of education for purpose of ongoing screening of employees*)
C.R.S. 22-32-109.1 (9) (*immunity for teachers or other persons acting in good faith and in accordance with the student conduct and discipline code*)

C.R.S. 22-32-109.7 *(duty to make inquiries prior to hiring)*
C.R.S. 22-32-109.8 (6) *(requirement to terminate non-licensed employees for certain felony offenses)*
C.R.S. 22-32-109.9 *(licensed personnel – submittal of fingerprints)*
C.R.S. 22-32-110 (1)(k) *(power to adopt conduct rules)*
C.R.S. 24-18-104 *(government employee rules of conduct)*
C.R.S. 24-18-109 *(local government employee rules of conduct)*
C.R.S. 24-18-110 *(voluntary disclosure)*

CROSS REFS.: JLC, Student Health Services and Records
JLDAC, Screening/Testing of Students
JLF, Reporting Child Abuse/Child Protection
KFA, Public Conduct on District Property

Pueblo School District No. 60, Pueblo, Colorado

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