

**TITLE: EMPLOYEE CODE OF CONDUCT**

1. Purpose and Authority. The Board believes it is imperative that public officials and public employees act in the highest ethical manner and preserve the public trust. To carry out the important duties and responsibilities entrusted to the Board, Superintendent and Board employees, it is important that clear, comprehensive ethical requirements be established so that members of the public will have confidence in the operations of the Board and the management of the District. To ensure the citizens of the County and the State of West Virginia a degree of accountability within the School District, this Code of Ethics is designed to protect the health, safety and general welfare of students and employees and to define unethical conduct justifying administrative or disciplinary action.

It is the Board's intent to create a culture that fosters trust, a commitment to excellence and responsibility, personal and institutional integrity, and avoids conflicts of interest and appearances of impropriety. Thus, the Board Members, the Superintendent, administrators, teachers and other employees of the Board, as public servants and educators, are to be bound by this Code of Ethics. The term "employee" as used herein, applies to all these groups regardless of full, part time status. This policy shall extend also to the District's guests, invitees, and volunteers while they are on District property or are participating in District-related activities.

All Board Members and employees shall adhere to this policy, the "Employee Code of Conduct", as set forth in West Virginia Board of Education Policy 5902, and the "West Virginia Ethics Act", West Virginia Code §6B-2-1 et seq., as now or hereafter amended, which are incorporated by reference and made a part of this policy. This Policy shall be viewed as additive or supplemental to the above state laws, rules and regulations. To the extent this Policy is not in conflict with any laws, regulations or Board policies, this Policy shall control.

2. Application and Enforceability. The Policy applies to all Board Members and employees and extends to guests, invitees, and volunteers while they are on District property or are participating in District-related events. Violations of this Policy may result in administrative or disciplinary action, up to and including suspension, termination of employment, or other actions as required by law. This Policy may apply when the conduct of the employee occurs on or off District property, at a school sponsored event or non-school sponsored event.

3. Making Ethical Decisions. While this Policy provides general guidance, it does not provide a complete listing or a definitive answer to every possible ethical situation. It is the intention of the Board in enacting this policy that the use of good judgment, based on high ethical principles and following such precedent as may be established by the West Virginia Ethics Commission, will serve as a guide in determining appropriate conduct in any

circumstance. When making decisions, the Superintendent and District employees should use good judgment to fulfill the spirit as well as the letter of this Policy, and should:

3.1 Evaluate the situation and identify ethical issues.

3.2 Consult this Policy, state laws and regulations, and the School Board's Policies and apply them to the situation.

3.3 Ask for guidance. In the event an individual is unsure of the proper course of action to be taken in a particular circumstance.

4. Accountability and Compliance. Each employee agrees and pledges:

4.1 To provide the best example possible; striving to demonstrate excellence, integrity and responsibility in the workplace.

4.2 To obey local, state and national laws, codes and regulations.

4.3 To support the principles of due process to protect the civil and human rights of all students and individuals.

4.4 To treat all students and individuals with respect and to strive to be fair in all matters.

4.5 To create an environment of trust, respect and non-discrimination, by not permitting discriminatory, demeaning or harassing behavior of students or colleagues.

4.6 To take responsibility and be accountable for his or her acts or omissions.

4.7 To avoid conflicts of interest or any appearance of impropriety.

4.8 To cooperate with others to protect and advance the District and its students.

4.9 To report improper conduct.

4.10 To be efficient and effective in the delivery of all job duties.

5. Ethical Standards.

5.1 *Abuse of Students* – We are committed to ensuring that employee-student relationships are positive, professional and non-exploitative. The Board will not tolerate improper employee-student relationships. Each employee should always maintain a professional relationship with students, both in and outside of the classroom. Unethical conduct includes but is not limited to:

5.1.1 Committing any act of child abuse, including physical and verbal abuse.

5.1.2 Committing any act of cruelty to children or any act of child endangerment.

5.1.3 Using one's professional relationship or authority with students for one's personal advantage.

5.1.4 Engaging in, or being convicted of, a crime involving children.

5.1.5 Engaging in any sexually related behavior with a student with or without consent of the student. Sexually related behavior shall include, but not be limited to, such behaviors as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape; threats of physical harm; sexual assault and any sexual act.

5.1.6 Engaging in bullying or harassing behavior on the basis of race, gender, sex, national origin, age, religion or disability, sexual orientation or gender identity in violation of School Board Policy, as now or hereafter amended; or, in violation of any related federal or state laws.

5.1.7 Engaging in misconduct which affects the health, safety and welfare of a student(s).

5.1.8 Soliciting, encouraging, participating or consummating an inappropriate written, verbal, or physical relationship with a student.

5.1.9 Furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student or allowing a student to consume alcohol, or illegal/unauthorized drugs, contrary to School Board, as now or hereafter amended.

5.1.9.1 *Alcohol or Drugs* – We are committed to holding each other responsible for our performance as School District employees and as individuals. Employees should refrain from the use of alcohol or illegal or unauthorized drugs while performing their official duties. Unethical conduct includes but is not limited to:

5.1.9.1.1 Being in the work place, on school premises or at a school-related activity involving students while under the influence of, possessing, selling using, or consuming illegal or unauthorized drugs, contrary to School Board Policy.

5.1.9.1.2 Being in the work place, on school premises or at a school-related activity involving students while documented as being under the influence of, possessing, or consuming alcoholic beverages, contrary to Board Policy. A school-related activity includes, but is not limited to, any activity sponsored by the school or school system (i.e. booster clubs, parent-teacher organizations, or any activity designed to enhance the school curriculum, i.e., science trip).

5.1.9.1.3 Engaging in, or being convicted of or found guilty of, or entering a plea of guilty, regardless of adjudication of guilt, of any misdemeanor or felony crime involving the sale or possession of a controlled substance.

5.2 *Misrepresentation or Falsification* – We are committed to candor in our work relationships, providing other Board employees including supervisors, senior staff and Board members with accurate, reliable and timely information. Employees should exemplify honesty and integrity in the performance of their official duties for the School District. Unethical conduct includes but is not limited to:

5.2.1 Falsifying or misrepresenting professional qualifications, criminal history, college or staff development credit and/or degrees, academic award, and employment history when applying for employment and/or certification or when recommending an individual for employment, promotion or certification;

5.2.2 Falsifying or misrepresenting information submitted on behalf of the School District to federal, state and other governmental agencies;

5.2.3 Falsifying or misrepresenting information reported regarding the evaluation of students and/or District personnel;

5.2.4 Failing to report all actual or suspected cases of child abuse, abandonment or neglect as required by West Virginia Code §49-6A-1 et. seq., as now or hereafter amended;

5.2.5 Failing to report suspected or actual misconduct of employees that affects the health, welfare or safety of a student;

5.2.6 Falsifying or misrepresenting reported reasons for absences or leaves;

5.2.7 Falsifying, misrepresenting, or omitting information submitted in the course of an official inquiry/investigation; and

5.2.8 Knowingly reporting alleged misconduct of a District employee which affects the health, safety or welfare of a student which the reporting party knows to be false or incorrect.

5.3 *Improper Remunerative Conduct* – The Board is committed to a practice of not accepting gifts or gratuities in violation of the West Virginia Ethics Act or which give the appearance that the gift improperly influenced our decisions. The Board will not permit the solicitation of students, parents, vendors, lobbyists or others for anything that provides a personal benefit different than the public. Unethical conduct includes but is not limited to:

5.3.1 Soliciting students or parents of students to purchase equipment, supplies or services from the employee or to participate in activities that financially benefit the

employee. Accepting gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest.

5.3.2 Tutoring students contrary to any applicable Board Policy.

5.3.3 Referring a parent or student to a service, service provider or product in return for anything of value. Officers or employees making referrals as part of their official duties shall make referrals to more than one provider of the service or product, if available. For example, school counselors shall refer parents or students to more than one provider of medical services, if available. Additionally, an employee shall not refer a parent or student to any service, service provider, or product in which that employee has a financial interest, without first disclosing in writing the employee's interest to the parent or student.

5.3.4 Soliciting or accepting money or any other thing of value including, but not limited to gifts, favors, services, or promises of future employment, in return for advice or assistance on matters concerning the operation of the business of the Board.

5.4 *Avoidance of Conflicts of Interest and Receipt of Improper Outside Income* – The Board is committed to declining outside income that might be perceived as inconsistent, incompatible or in conflict with our official duties. We will not make decisions or use our position for personal benefit or to gain an improper advantage. Employees are governed by the statutory provisions in the West Virginia Ethics Act. A conflict of interest can exist anytime your position or decisions provide the District with a financial benefit or improper advantage. A conflict of interest shall be defined as a situation in which the employee's regard for a private interest tends to lead to a disregard of the employee's public duty or interest. We are permitted to receive outside income as long as it does not create a conflict with our work in the School District. Unethical conduct includes, but is not limited to, the employee:

5.4.1 Participating in the decision to make a contract between the Board and a business or entity in which the employee has a personal or financial interest. This includes contractual relationships with units of government as well as for profit and not for profit organizations. An employee who has a personal or financial interest because of a relationship with such a business, governmental agency or not for profit organization must recuse him or herself from any decision concerning that entity, including any decision to contract or not to contract with the entity and the administration of the contract. The reason for the recusal must be stated in writing and filed with the Superintendent, or his or her designee, and the School Board Attorney prior to or at the time of the action requiring recusal.

5.4.2 Advertising business or professional activities on school district property or use work hours, property or services to perform or promote personal business or professional activities, or to campaign or raise money for any candidates for political office.

5.4.3 Participating in the review and approval of publications or materials for school district purchase by the office in which the employee is employed if the employee or a

member of the employee's immediate family is the author/editor of or has any financial interest in the sale of such publications or materials.

5.4.4 Accepting outside income in any situation where a reasonable person in the community would conclude that the receipt of the income would be inconsistent, incompatible or in conflict with the employee's official duties with the school district.

5.4.5 Soliciting or accepting any personal gifts, favors or benefits of more than nominal value during a calendar year from any single person or organization that might benefit from the employee's decision. This provision does not apply to: (a) meals provided at an event at which the employee participates in a seminar or similar activity; or, (b) travel expenses and meals paid by a local, state, federal government agency.

5.4.6 Soliciting or accepting, directly or indirectly, any payments or other benefits under circumstances that would create in the mind of a reasonable person in the community the belief that such payments or benefits were provided with the intent to improperly influence the employee's actions.

5.4.7 Personally representing another person or entity or acting as an agent or attorney for compensation in connection with any matter in which the School District is interested for two (2) years after employment with the School District

5.4.8 Engaging in political activities prohibited Board Policy.

5.4.9 Appointing, employing, supervising, promoting, evaluating or advancing an employee contrary to the provisions of Board Policy.

5.5 *Public Funds and Property* – The Board is committed to ensuring that District facilities, equipment, supplies, or other District resources are used for District purposes only. Except for occasional and incidental personal use, the Board will not tolerate improper use of public resources, and will report and reimburse the District for costs associated with personal use. The provisions herein shall not be applicable to community or public use of District facilities pursuant to Board Policy. Employees entrusted with public funds and property should honor that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes, but is not limited to:

5.5.1 Failing to use public or school-related funds and School Board property for School District purposes and in a manner specified by School Board Policy, administrative procedures or guidelines or by federal or state laws;

5.5.2 Failing to account for public funds collected from students, parents or other parties;

5.5.3 Submitting fraudulent requests for reimbursement of expenses or for pay;

5.5.4 Co-mingling public or school-related funds with personal funds or checking accounts; and

5.5.5 Using school district property without the necessary approval.

5.6 *Confidentiality of Information* – The Board is committed to abiding by all laws and Board Policies concerning the confidentiality of student and personnel information, standardized test material, and other such information determined to be confidential by law. No current or former employee shall use or disclose, other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his/her position of employment. Unethical conduct includes, but is not limited to:

5.6.1 Sharing of confidential information concerning student academic and disciplinary records, health and medical information, family status income or assessments/testing results, unless disclosure is required or permitted by law or Board Policy.

5.6.2 Sharing of confidential information restricted by state or federal law.

5.6.3 Threatening the integrity of student testing security, or failing to maintain student testing security, by examining, reading, revealing, or copying the passages, test items, or performance tasks; interpreting or reading test items or passages for students; changing or otherwise interfering with student responses to test items; causing achievement of schools to be inaccurately measured or reported; and copying or reading student responses.

5.6.4 Sharing of confidential information from a closed session of the School Board prior to such information becoming a public record subject to disclosure.

5.7 *Criminal Acts* – The Board is committed to reporting criminal conduct, and other conduct that damages the integrity or reputation of the School District. Employees should abide by federal, state and local laws. Unethical conduct includes but is not limited to:

5.7.1 Committing or being convicted of felonies involving breach of public trust and other specified offenses as provided in West Virginia Code §18A-2-8, as now or hereafter amended;

5.7.2 Committing, being convicted or found guilty of, or entering a plea of guilty, regardless of adjudication of guilt, of any crime involving moral turpitude;

5.7.3 Failing to report the arrest or conviction for criminal acts; or

5.8 *Professional Conduct* – The Board is committed to ensuring that our power and authority are used in an appropriate, positive manner that enhances the public interest and trust. Employees should demonstrate conduct that follows generally recognized professional standards. Unethical conduct is any conduct that impairs the ability of any holder of a necessary license, certificate, etc., to function professionally in his or her employment position or a

pattern of behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students or the workplace. Unethical conduct includes, but is not limited to, the following:

5.8.1 Failing to maintain any necessary certification or licensure required in the performance of job duties for the School District.

5.8.2 Failing to obtain required professional development in a timely manner;

5.8.3 Failing to report the alleged misconduct of a fellow employee, or to complete an investigation relative to allegations of misconduct of a fellow employee, which affects the health, safety or welfare of a student.

5.8.4 Entering into a confidentiality agreement regarding terminated or dismissed instructional employees and school administrators, or personnel or administrators who are dismissed or resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety or welfare of a student.

5.8.5 Providing employment references or discussing the instructional personnel's or school administrator's performance with prospective employers in another educational setting, without disclosing the personnel's or administrator's misconduct.

5.8.6 The Superintendent shall publish social media guidelines to all school personnel.

#### 5.9 Statutory Compliance

Those covered by this policy shall abide by any and all applicable state and federal laws and regulations that pertain to the matters addressed in this Code of Ethics.

#### 5.10 Procedures for Reporting Ethical Violations and Misconduct

5.10.1 *Reporting Procedures.* It is the responsibility of all District employees to promptly report any complaint alleging a violation of this policy and any applicable West Virginia ethics laws or West Virginia Board of Education ethics standards, including any complaint against instructional staff or school administrative staff that includes grounds for the revocation or suspension of a teaching certificate. Any and all complaints shall be promptly reported to the Superintendent. The person alleged to have committed the violation shall be notified of the complaint and of the investigation, and shall be given an opportunity to present evidence in response to the complaint, personally or through legal counsel as part of the investigation.

5.10.2 *Investigation of Complaints.* Complaints of employee misconduct in violation of this policy and other relevant state laws are to be reported to the Superintendent as the chief executive officer of the School District. Such reports shall be investigated under the

legal authority of the Superintendent. The Superintendent shall establish a mechanism for the receipt of complaints, including the reporting by a hotline or website.

5.10.2.1 *Violations committed by instructional and school administrative staff* - Any complaint against instructional personnel and school administrators, that comes to an employee's attention and that includes grounds for the revocation or the suspension of a teaching certificate, or acts prohibited by the West Virginia Ethics Act, shall be reported to the Superintendent. The willful failure by a school board employee to promptly report a complaint shall constitute cause of discipline of the employee as provided by law and Board policy. If the allegations are of criminal misconduct, the complaint shall be reported to and investigated by the School Police as provided herein and reported to the Superintendent. If the allegations are of fraudulent conduct, including the misappropriation or misuse of District funds, the complaint shall be investigated by the Internal Auditor and reported to the Superintendent and School Board for proper disposition. The Superintendent shall make such reports in accordance with state law and rules. If a report concerns the Superintendent, it shall be reported to the President of the Board.

5.10.2.2 *Reporting of Possible Criminal Conduct* – A violation of criminal statutes alleged to have been committed by a District employee or volunteer, whether the conduct shall constitute a felony or a misdemeanor, shall be reported to the appropriate law enforcement agency and the Superintendent for investigation.

5.10.2.3 *Giving False or Fraudulent Evidence* – In all proceedings, including administrative hearings and litigation in which the Board is an interested party, and including the reporting of violations of this Policy, professional standards breaches, or criminal law violations as described in this policy or the West Virginia Ethics Act, the evidence presented by District employees shall be truthful. Misrepresentation of factual evidence, including the presenting of false, fraudulent, intentionally misleading or untruthful evidence in any such proceedings or report is declared to be a violation of this policy. Any person making such a misrepresentation of factual evidence is subject to discipline in accordance with this policy.

5.10.2.4 *Reporting and Final Disposition* – At the conclusion of the investigation, an appropriate report setting forth all pertinent facts and circumstances will be prepared by the investigative unit and transmitted to the Superintendent or designee. Based upon the findings presented in the investigative report, the Superintendent, or his designee, may take action in accordance with the Board policies or state laws and rules.

5.10.2.5 *Alternatives to Internal Reporting*. It is not the intention of this policy to prevent the filing of reports or complaints to appropriate agencies pursuant to their standards. In instances in which the right to file complaints directly with those agencies exists, the filing of a complaint pursuant to this policy is available as an alternative form of reporting.

## 5.11 Actions Prohibited

5.11.1 The Board, its employees and agents, are prohibited from taking retaliatory action or adverse personnel action against any employee who reports violations or discloses information under this policy.

5.11.2 The provisions of this section shall not be applicable when an employee or person discloses information known by the employee or person to be false.

5.11.3 No remedy or other protection under this policy applies to any person who has committed or intentionally participated in committing the violation or suspected violation for which protection under this policy is being sought.

6. Review Schedule. This policy shall be reviewed in accordance with the Policy Review Schedule published by the Superintendent.

**Legal Authority:** West Virginia Board of Education Policies 2320 and 4373

**Board Adoption:** July 21, 2014