

## General Personnel

### Administrative Procedure - Employee Conduct Standards <sup>1</sup>

Professional and appropriate conduct is expected of all District employees. The standards listed below serve as a notice of expected conduct. The standards are intended to protect the health, safety, and general welfare of students and employees, ensure the community a degree of accountability within the School District, and define misconduct justifying disciplinary action, up to and including dismissal. The listed standards are not a complete list of expectations, and depending on the factual context, an employee may be disciplined for conduct that is not specifically listed. The conduct standards apply to all District employees to the extent they do not conflict with an applicable collective bargaining agreement; in the event of a conflict, the provision is severable and the applicable bargaining agreement will control. In addition, all employees who are governed by the *Code of Ethics for Illinois Educators* must comply with 5:120-E, *Code of Ethics for Illinois Educators*, adopted by the Ill. State Board of Education (ISBE) (23 Ill.Admin.Code Part 22).

All school employees shall:

1. Exhibit positive examples of preparedness, punctuality, attendance, self-control, language, and appearance.
2. Exemplify honesty and integrity. Violations of this standard include, but are not limited to, falsifying, misrepresenting, omitting, or erroneously reporting the professional qualifications of oneself or another individual or information submitted in connection with job duties or during the course of an official inquiry/investigation.
3. Maintain professional and appropriate relationships with students by following established expectations and guidelines for employee-student boundaries, both in and outside the school. Attend all in-service trainings on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel (105 ILCS 5/10-22.39), as well as all required

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<sup>1</sup> This procedure's list of conduct standards is more comprehensive than the list in sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*. This procedure and its exhibit 5:120-AP2, E, *Expectations and Guidelines for Employee-Student Boundaries*, are tools to prompt local conversations related to employee conduct standards, including the prevention of sexual misconduct and grooming. **Do not automatically add them to the district's procedure or personnel manual.** Many districts already have collective bargaining agreements and/or personnel manuals addressing conduct and misconduct. These items are subjects of mandatory collective bargaining. Moreover, an employee conduct code is most effective when it reflects local conversations related to expectations around employee-student boundaries and other professional ethics conditions and circumstances. As employee conduct rules are frequently litigated, consulting the board attorney is a necessary part of their development.

The introductory paragraph recognizes that an applicable collective bargaining agreement will supersede a conflicting provision of the procedure. It also provides coverage for those employees who are not included in a bargaining unit. **This language, however, does not relieve a district from its collective bargaining mandate because the district would still be adopting conduct rules without bargaining.** Use the following alternative when the district intends to use the conduct rules for only those employees who are not represented by an exclusive bargaining agent:

The employee conduct standards apply to only those District employees who are not represented by an exclusive bargaining representative.

Our sample policies contain many personnel conduct rules. The following sample policies authorize the superintendent or designee to develop and implement procedures, e.g., conduct standards: 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*; 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; and 3:40, *Superintendent*.

trainings on child abuse, grooming behaviors, and employee-student boundary violations (325 ILCS 5/4(j), 105 ILCS 5/10-23.12, and 5/10-23.13 (*Erin's Law*)). Violations of this standard include, but are not limited to: (a) committing any act of child abuse or cruelty to children; (b) willfully or negligently failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act (325 ILCS 5/); (c) engaging in harassing behavior, including but not limited to sexually harassing a student (775 ILCS 5/5A-102); (d) willfully or negligently failing to report an instance of suspected sexual harassment as required by Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 *et seq.*), (e) providing a recommendation of employment for an employee, contractor, or agent that the employee knows, or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law, as prohibited by the Elementary and Secondary Education Act (20 U.S.C. § 7926), (f) engaging in *grooming* as defined in 720 ILCS 5/11-25; (g) engaging in prohibited grooming behaviors, including *sexual misconduct* as defined in 105 ILCS 5/22-85.5(c) (*Faith's Law*) and Board policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; (h) furnishing tobacco, alcohol, cannabis, or any other illegal/unauthorized substance, including e-cigarettes, to any student or allowing a student under his or her supervision to use tobacco, alcohol, cannabis (including medical cannabis unless the student is authorized to be administered a medical cannabis infused product by the school employee pursuant to *Ashley's Law*<sup>2</sup>); and (i) violating expectations and guidelines for employee-student boundaries set forth in 5:120-AP2, E, *Expectations and Guidelines for Employee-Student Boundaries*.

4. Maintain a safe and healthy environment, free from being impaired by and/or under the influence of prohibited substances to ensure high quality performance for the District and its students. The use of illegal drugs and/or abuse and misuse of alcohol, drugs, and other lawful products<sup>3</sup> while on District premises or while performing work for the District diminishes the District's credibility and ability to educate students<sup>4</sup> about drug and substance abuse prevention pursuant to Board policy 6:60, *Curriculum Content*. Violations of this standard include, but are not limited to, engaging in any of the prohibited activities listed in the District's drug- and alcohol-free workplace policy.<sup>5</sup> Examples include using or being impaired by or under the influence of illegal drugs; abusing, misusing, and/or being impaired by or under the influence of alcohol, drugs, and/or other lawful products<sup>6</sup> when performing work for the District when impairment is detectable regardless of when and/or where the use occurred; and/or using or being impaired or under the influence of or possessing medical cannabis<sup>7</sup> in a school bus or on school grounds.
5. Maintain a safe and healthy environment, free from harassment, intimidation, bullying, hazing, and violence, and free from bias and discrimination. Violations of this standard

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<sup>2</sup> See f/n 11 in policy 7:190, *Student Behavior*, for a discussion of medical cannabis and *Ashley's Law*.

<sup>3</sup> The Right to Privacy in the Workplace Act (RPWA) prohibits discrimination based on use of lawful products off premises during non-working and non on-call hours, e.g., alcohol, tobacco, and cannabis. 820 ILCS 55/5, amended by P.A. 101-27. But see f/n 7, below.

<sup>4</sup> 105 ILCS 5/27-13.2, amended by P.A. 102-195, and 5/27-23.4 (provided education of students about drug and substance abuse can be funded by private grants or the federal government).

<sup>5</sup> See sample policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*.

<sup>6</sup> 820 ILCS 55/5(b), amended by P.A. 101-27, allows employers to regulate employees' use of lawful products which impair an employee's ability to perform assigned duties.

<sup>7</sup> An employer may discipline any employee, including one who is a *registered qualifying patient*, for violating a drug-free workplace policy. 410 ILCS 130/50 and 705/10-35(a)(1), added by P.A. 101-27.

include, but are not limited to: (a) unless specifically permitted by the Firearm Concealed Carry Act, carrying a firearm on or into any District controlled building, real property, or parking area, or any transportation vehicle paid for in whole or in part with public funds;<sup>8</sup> (b) willfully or negligently failing to immediately report suspected cases of child abuse or neglect or of gender harassment;<sup>9</sup> (c) knowingly failing to report hazing to supervising educational authorities or, in the event of death or great bodily harm, to law enforcement;<sup>10</sup> and (d) failing to appropriately respond to a witnessed or reported incident of student-on-student bullying, harassment, hazing, or teen dating violence.

6. Comply with the Professional Testing Practices for Educators, prepared and published by ISBE for educators who administer any standardized test (at [www.isbe.net/Documents/prof-test-prac.pdf](http://www.isbe.net/Documents/prof-test-prac.pdf)). This document contains numerous examples of actions that violate test security; actions that must not be part of test preparation; actions that must not occur during test administration; and actions that must be avoided when reporting test results.
7. Honor the public trust when entrusted with public funds and property by acting with a high level of honesty, accuracy, and responsibility. Violations of this standard include, but are not limited to: (a) misusing public or school-related funds; (b) failing to account for funds collected from students or parents/guardians; (c) submitting fraudulent requests for reimbursement of expenses or for pay; (d) co-mingling District or school funds with personal funds or checking accounts; and (e) using school property without the approval of the supervising school official.
8. Maintain integrity with students, colleagues, parents/guardians, community members, and businesses concerning business dealings and when accepting gifts and favors. Violations of this standard include, but are not limited to, soliciting students or parents/guardians to purchase supplies or services from the employee or to participate in activities that financially benefit the employee without fully disclosing the interest.
9. Respect the confidentiality of student and personnel records, standardized test material, and other information covered by confidentiality agreements. Violations of this standard include, but are not limited to: (a) disclosing confidential information concerning student academic and disciplinary records, health and medical information, family status and/or income, and assessment/testing results, unless disclosure is required or permitted by law; and (b) disclosing confidential information restricted by State or federal law.
10. Demonstrate conduct that follows generally recognized professional standards and attend all in-service trainings on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel (105 ILCS 5/10-22.39(f)). Unethical conduct is any conduct that impairs the employee's ability 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.
11. Comply with all State and federal laws and rules regulating public schools and Board policies, including but not limited to: 2:105 (*Ethics and Gift Ban*), 4:165 (*Awareness and Prevention of Child Sexual Abuse and Prohibited Grooming Behaviors*), 5:10 (*Equal*

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<sup>8</sup> Firearm Concealed Carry Act, 430 ILCS 66/65(a)(1), (2), and (8).

<sup>9</sup> 325 ILCS 5/4(a)(4), amended by P.A. 101-564; 105 ILCS 5/10-23.12(c) (all district employees), added by P.A. 101-531; 105 ILCS 5/21B-75(b) (teachers), amended by P.A.s 101-531, 102-552, and 102-702, eff. 7-1-23.

<sup>10</sup> 720 ILCS 5/12C-50.1.

*Employment Opportunity and Minority Recruitment*), 5:20 (*Workplace Harassment Prohibited*), 5:30 (*Hiring Process and Criteria*), 5:50 (*Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*), 5:60 (*Expenses*), 5:90 (*Abused and Neglected Child Reporting*), 5:100 (*Staff Development Program*), 5:120 (*Employee Ethics; Code of Professional Conduct; and Conflict of Interest*), 5:130 (*Responsibilities Concerning Internal Information*), 5:140 (*Solicitations By or From Staff*), 5:170 (*Copyright*), 5:180 (*Temporary Illness or Temporary Incapacity*), 5:200 (*Terms and Conditions of Employment and Dismissal*), 5:230 (*Maintaining Student Discipline*), 5:280 (*Duties and Qualifications*), 5:290 (*Employment Termination and Suspensions*), 6:235 (*Access to Electronic Networks*), 7:20 (*Harassment of Students Prohibited*), 7:180 (*Prevention of and Response to Bullying, Intimidation, and Harassment*), 7:190 (*Student Behavior*), 7:340 (*Student Records*), and 8:30 (*Visitors to and Conduct on School Property*).

Conviction of any employment disqualifying criminal offense listed in 105 ILCS 5/10-21.9 or 5/21B-80 will result in dismissal.<sup>11</sup>

Before disciplinary action is taken, the supervisor will conduct a fair and objective investigation to determine whether the employee violated a standard or other work rule and the extent that any violation impacts educational or operational activities, effectiveness, or efficiency. Discipline must be appropriate and reasonably related to the seriousness of the misconduct and the employee's record. Any applicable provision in a contract, bargaining agreement, or State law will control the disciplinary process.

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<sup>11</sup> See also sample policy 5:10, *Equal Employment Opportunity and Minority Recruitment*, at f/n 19, for requirements of the Ill. Human Rights Act related to adverse employment actions based on conviction records. 775 ILCS 5/2-103.1, added by P.A. 101-656.