

Piedmont Unified School District

Board Policy

BP 4119.21

Personnel

CODE OF ETHICS PROFESSIONAL STANDARDS

The Board of Education expects district employees to maintain the highest ethical standards, behave professionally, to follow district policies and regulations, and to abide by state and national-federal laws, and exercise good judgment when interacting with students and other members of the school community. Employees should engage in conduct that ~~should~~ enhances the integrity of the district, advances and the goals of the district's educational programs and contributes to a positive school climate.

(cf. [0200](#) - Goals for the School District)

(cf. [4119.1/4219.1/4319.1](#) - Civil and Legal Rights)

(cf. [5131](#) - Conduct)

(cf. [5137](#) - Positive School Climate)

The Board encourages district employees to accept as guiding principles the codes of ethics published by professional associations to which they may belong.

(cf. [9274](#) - Code of Ethics)

(cf. [2111](#) - Superintendent Governance Standards)

(cf. [9005](#) - Governance Standards)

Each employee is expected to acquire the knowledge and skills necessary to fulfill his/her responsibilities and to contribute to the learning and achievement of district students.

(cf. [4112.2](#) - Certification)

(cf. [4131](#) - Staff Development)

(cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

Inappropriate Conduct

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [3515.7](#) - Firearms on School Grounds)

(cf. 4158/4258/4358 - Employee Security)

2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child
4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student
5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time
6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members
7. Willfully disrupting district or school operations by loud or unreasonable noise or other action

(cf. 3515.2 - Disruptions)

8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on district property, or at a school-sponsored activity

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 3513.4 - Drug and Alcohol Free Schools)

(cf. 4020 - Drug and Alcohol-Free Workplace)

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

9. Being dishonest with students, parents/guardians, staff, or members of the public, including, but not limited to, falsifying information in employment records or other

school records

10. Divulging confidential information about students, district employees, or district operations to persons or entities not authorized to receive the information

(cf. 3580 - District Records)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

11. Using district equipment or other district resources for the employee's own commercial purposes or for political activities

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

12. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of district technological resources at any time without the employee's consent.

(cf. 4040 - Employee Use of Technology)

13. Causing damage to or engaging in theft of property belonging to students, staff, or the district

Definition of Misconduct

For economy of writing and ease of reading, the term "misconduct" is introduced below. For purposes of this policy, "misconduct" means Discrimination, Hate-Motivated Incidents and Hate Crimes, Hazing, Harassment, (including Sexual Harassment), Intimidation, Bullying, or Cyberbullying.

Reports of Misconduct

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the district's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention

and Reporting.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 4117.7/4317.7 - Employment Status Reports)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The district prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the district's complaint process shall be subject to discipline.

Remedial Action

The District will consider the following factors in determining the appropriate response to employees who commit or participate in one or more acts of misconduct:

1. levels of harm
2. surrounding circumstances
3. nature of the behaviors
4. past incidences or past or continuing patterns of behavior
5. relationships between the parties involved
6. context in which the alleged incidents occurred

Consequences and appropriate remedial action for employees who commit misconduct may range from positive behavioral interventions and/or disciplinary action up to and including suspension or termination.

Investigation of Complaints at School (Site-Level Grievance Procedure)

1. Procedures for investigation of complaints shall be consistent with all provisions covered under the respective collective bargaining agreement or memorandum of understanding.
2. The principal or designee shall promptly investigate all complaints of misconduct. In so

doing, he/she shall talk individually with:

- a. The employee who has filed a complaint
 - b. The target of the misconduct, it different from the employee who filed the complaint
 - c. The person accused of misconduct
 - d. Anyone who witnessed the alleged misconduct
 - e. Anyone mentioned as having related information
 - f. All misconduct involving damage to property, i.e., graffiti, shall be photographed immediately and archived. The Superintendent or designee may report the activity to the appropriate legal authorities
3. The principal or designee shall tell the employee who complained that he/she has the right to file a formal complaint at any time in accordance with the District's uniform complaint procedures.
 4. The employee who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of misconduct, and put his/her complaint in writing.
 5. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:
 - a. The Superintendent or designee
 - b. A teacher or staff member whose knowledge of the people involved may help in determining who is telling the truth
 - c. Child protective agencies responsible for investigating child abuse reports (if applicable)
 - d. Legal counsel for the District
 - e. Law enforcement agency responsible for investigating criminal activity, if necessary
 6. When the employee who complained and the person accused of misconduct so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of an administrator or trained mediator.
 7. In reaching a decision about the complaint, the principal or designee may take into account:

- a. Statements made by the persons identified above
 - b. The details and consistency of each person's account
 - c. Evidence of how the complaining employee reacted to the incident
 - d. Evidence of past instances of misconduct by the accused person
 - e. Adversely affected complainant's employment opportunities
 - f. Evidence of past complaints of misconduct that were found to have been unfounded
8. To judge the severity of the misconduct, the principal or designee may take into consideration:
- a. How the misconduct affected the safety, well-being or work performance of the victim or complainant, or created an intimidating, hostile or offensive work environment
 - b. The type, frequency, pattern, violence and duration of the misconduct
 - c. The number of persons involved
 - d. The age and sex of the person accused of misconduct
 - e. The subject(s) of misconduct
 - f. The place and situation where the incident occurred
 - g. Other incidents at the school, including incidents of misconduct that were not related to sexual harassment
 - h. According to the misconduct, a report may be obtained from the appropriate law enforcement agency.
 - i. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the employee who complained and the person accused.
9. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If he/she verifies that misconduct occurred, this report shall describe the actions he/she took to end the misconduct, address the effects of the misconduct on the victim, and prevent retaliation or further misconduct
10. Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the employee who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue this follow-up at his/her discretion.

Enforcement

The Superintendent or designee shall take appropriate actions to reinforce the District's policy against misconduct. As needed, these actions may include any of the following:

1. Warning
2. Counseling
3. Reassignment
4. Transfer
5. Disciplinary action up to and including suspension or termination
6. In addition, the principal or designee may take disciplinary measures against any employee who is found to have made a complaint which he/she knew was unfounded.

Civil Law Remedies

A victim (and in some circumstances a complainant) may pursue available civil law remedies outside of the District's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the District has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR Section 4622.

Annual Notification

~~The Superintendent or appropriate designee shall provide to staff, annually, at the beginning of the school year, the rules of the District regarding staff conduct. The rules shall be posted in a prominent location near each school principal's office.~~

Annual Notifications

The section(s) of the district's employee code of conduct addressing interactions with students shall be provided to staff, parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. (Education Code 44050)

(cf. 1113 - District and School Web Sites)

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

44050 Employee code of conduct; interaction with students

44242.5 Reports and review of alleged misconduct

48980 Parental notifications

PENAL CODE

11164-11174.4 Child Abuse and Neglect Reporting Act

CODE OF REGULATIONS, TITLE 5

80303 Reports of dismissal, resignation and other terminations for alleged misconduct

80331-80338 Rules of conduct for professional educators

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California Professional Standards for Educational Leaders, February 2014

California Standards for the Teaching Profession, 2009

COUNCIL OF CHIEF STATE SCHOOL OFFICERS PUBLICATIONS

Professional Standards for Educational Leaders, 2015

NATIONAL EDUCATION ASSOCIATION PUBLICATIONS

Code of Ethics of the Education Profession, 1975

WESTED PUBLICATIONS

Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003

WEB SITES

CSBA: <http://www.csba.org>

Association of California School Administrators: <http://www.acsa.org>

California Department of Education: <http://www.cde.ca.gov>

California Federation of Teachers: <http://www.cft.org>

California School Employees Association: <http://www.csea.com>

California Teachers Association: <http://www.cta.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Council of Chief State School Officers: <http://www.ccsso.org>

WestEd: <http://www.wested.org>

Legal Reference:

CODE OF REGULATIONS, TITLE 5

80331-80338 Rules of Conduct for Professional Educators

Adopted: February 9, 2000

**Piedmont Unified School District
Exhibit**

E 4119.21
Personnel

CODE OF ETHICS

Rules Of Conduct For Professional Educators

~~Title 5, Article 3. Rules of Conduct for Professional Educators.~~

~~General Provisions:~~

~~80331 (a) These rules are binding upon every person holding a credential or any license to perform educational services under the jurisdiction of the Commission on Teacher Credentialing, and the consequences of any willful breach may be revocation or suspension of the credential, or license, or private admonition of the holder.~~

~~(b) Nothing in these rules is intended to limit or supersede any provision of law relating to the duties and obligations of certificated persons or to the consequences of the violation of such duties and obligations. The prohibition of certain conduct in these rules is not to be interpreted as approval of conduct not specifically cited.~~

~~(c) These rules may be cited and referred to as "Rules of Conduct for Professional Educators".~~

~~(d) The Commission shall complete a study of the effect of these rules and present its findings to the Governor, the Legislature, and the State Board of Education no later than September 1, 1989.~~

~~(e) As used in these rules:~~

~~(1) "Certificated person" means any person who holds a certificate, permit, credential, or other license authorizing the performance of teaching or education-related service in grades K through 12 in California public schools.~~

~~(2) "Professional employment" means the performance for compensation of teaching or other education-related employment in a position for which certification requirements are set by law.~~

~~(3) "Confidential information" means information made confidential by Section 35301 of the Education Code; or, information which was provided to the certificated person solely for the purpose of facilitating his/her performance of professional services for or on behalf of the person or employer providing such information.~~

Professional Candor and Honesty in Letters or Memoranda of Employment Recommendation:

80332 (a) A certificated person shall not write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true relating to the professional qualifications or personal fitness to perform certificated services of any person whom the writer knows will use the letter or memorandum to obtain professional employment nor shall he/she agree to provide a positive letter of recommendation which misrepresents facts as a condition of resignation or for withdrawing action against the employing agency:

(b) This rule has no application to statements identified in the letter or memorandum as personal opinions of the writer but does apply to unqualified statements as fact that which the writer does not know to be true or to statements as fact that which the writer knows to be untrue:

Withdrawal from Professional Employment:

80333 (a) A certificated person shall not abandon professional employment without good cause:

(b) "Good cause" includes, but is not necessarily limited to, circumstances not caused by or under the voluntary control of the certificated person:

Unauthorized Private Gain or Advantage:

80334 A certificated person shall not:

(a) Use for his/her own private gain or advantage or to prejudice the rights or benefits of another person any confidential information relating to students or fellow professionals;

(b) Use for his/her own private gain or advantage the time, facilities, equipment, or supplies which are the property of his/her employer without the express or clearly implied permission of his/her employer;

(c) Accept any compensation or benefit or thing of value other than his/her regular compensation for the performance of any service which he/she is required to render in the course and scope of his/her certificated employment. This rule shall not restrict performance of any overtime or supplemental services at the request of the school employer; nor shall it apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents or other persons in recognition or appreciation of service.

Performance of Unauthorized Professional Services:

80335 A certificated person shall not, after July 1, 1989:

(a) Knowingly, accept an assignment to perform professional services if he or she does not possess a credential authorizing the service to be performed; unless he or she has first exhausted any existing local remedies to correct the situation, has then notified the county

~~superintendent of schools in writing of the incorrect assignment, and the county superintendent of schools has made a determination, within 45 days of receipt of the notification, that the assignment was caused by extraordinary circumstances which make correction impossible, pursuant to the procedures referred to in Education Code Section 44258.9 (g) (2) and (3).~~

~~(b) Knowingly and willfully assign or require a subordinate certificated person to perform any professional service which the subordinate is not authorized to perform by his or her credential or which is not approved by appropriate Board of Education authorization, unless he or she has made reasonable attempts to correct the situation but has been unsuccessful, and has notified the county superintendent of schools of those attempts, and the county superintendent of schools has determined, within 45 days of being notified of the assignment, that the assignment was caused by extraordinary circumstances which make correction impossible.~~

~~(c) Neither (a) nor (b) shall be applicable in a situation where extraordinary circumstances make the correction of the misassignment impossible.~~

~~(d) There shall be no adverse action taken against a certificated person under this rule for actions attributable to circumstances beyond his or her control.~~

Performance with Impaired Faculties:

80336 (a) A certificated person shall not:

~~(1) Perform or attempt to perform any duties or services authorized by his or her credential during any period in which he or she knows or is in possession of facts showing that his or her mental or intellectual faculties are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.~~

~~(2) Assign or require or permit a subordinate certificated person to perform any duties authorized by his or her credential during any period in which the superior certificated person knows of his or her own knowledge or is in possession of facts showing that the subordinate certificated person's mental or intellectual faculties are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.~~

~~(b) For the purpose of this rule, substantial impairment means a visible inability to perform the usual and customary duties of the position in a manner that does not represent a danger to pupils, employees, or school property. It does not include or mean inability attributable to lack of, or inadequate, professional preparation or education.~~

Harassment and Retaliation Prohibited:

80337 No certificated person shall directly or indirectly use or threaten to use any official authority or influence in any manner whatsoever which tends to discourage, restrain, interfere with, coerce, or discriminate against any subordinate or any certificated person who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Board of Education of a school district, the Commission on Teacher Credentialing or any other public agency authorized to take remedial action, any facts or information relative to actual or suspected violation of any law regulating the duties of persons serving in the public school system;

~~including but not limited to these rules of professional conduct.~~

Discrimination Prohibited:

~~80338 A certificated person shall not, without good cause, in the course and scope of his or her certificated employment and solely because of actual or perceived race, color, religion creed, gender, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, veteran status, gender or sexual orientation.~~

CODE OF ETHICS OF THE EDUCATION PROFESSION

Preamble

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurturing of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

Principle I. Commitment to the Student

The educator strives to help each student realize his/her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator:

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning
2. Shall not unreasonably deny the student access to varying points of view
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress

4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety
5. Shall not intentionally expose the student to embarrassment or disparagement
6. Shall not on the basis of race, color, creed, gender, national origin, marital status, political or religious beliefs, family, social, or cultural background, or sexual orientation, unfairly:
 - a. Exclude any student from participation in any program
 - b. Deny benefits to any student
 - c. Grant any advantage to any student
7. Shall not use professional relationships with students for private advantage
8. Shall not disclose information in the course of professional service unless disclosure serves a compelling professional purpose or is required by law

Principle II. Commitment to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation of the profession, the educator:

1. Shall not in any application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications
2. Shall not misrepresent his/her professional qualifications
3. Shall not assist any entry into the profession of a person known to be unqualified in

respect to character, education, or other relevant attribute

4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position
5. Shall not assist a noneducator in the unauthorized practice of teaching
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law
7. Shall not knowingly make false or malicious statements about a colleague
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action

Source: National Education Association, 1975

Version: February 9, 2000