

FLORIDA DEPARTMENT OF EDUCATION
OFFICE OF PROFESSIONAL PRACTICES

6A-10.080 Code of Ethics of the Education Profession in Florida.

1. The educator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.
2. The educator's primary professional concern will always be for the student and for the development of the student's potential. The educator will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.
3. Aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community, the educator strives to achieve and sustain the highest degree of ethical conduct.

Rulemaking Authority 1001.02, 1012.51, 1012.53 FS. Law Implemented 1012.32, 1012.34, 1012.51, 1012.53, 1012.795, 1012.796 FS. History-New 3-24-65, Amended 8-9-69, Repromulgated 12-5-74, Amended 8-12-81, 7-6-82, Formerly 6B-1.01, 6B-1.001.

6A-10.081 Principles of Professional Conduct for the Education Profession in Florida.

1. The following disciplinary rule shall constitute the Principles of Professional Conduct for the Education Profession in Florida.
2. Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator's certificate, or the other penalties as provided by law.
3. Obligation to the student requires that the individual:
 - a. Shall make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
 - b. Shall not unreasonably restrain a student from independent action in pursuit of learning.
 - c. Shall not unreasonably deny a student access to diverse points of view.
 - d. Shall not intentionally suppress or distort subject matter relevant to a student's academic program.
 - e. Shall not intentionally expose a student to unnecessary embarrassment or disparagement.
 - f. Shall not intentionally violate or deny a student's legal rights.
 - g. Shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable effort to assure that each student is protected from harassment or discrimination.
 - h. Shall not exploit a relationship with a student for personal gain or advantage.
 - i. Shall keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
4. Obligation to the public requires that the individual:
 - a. Shall take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.
 - b. Shall not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.
 - c. Shall not use institutional privileges for personal gain or advantage.
 - d. Shall accept no gratuity, gift, or favor that might influence professional judgment.
 - e. Shall offer no gratuity, gift, or favor to obtain special advantages.
5. Obligation to the profession of education requires that the individual:
 - a. Shall maintain honesty in all professional dealings.
 - b. Shall not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family

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background deny to a colleague professional benefits or advantages or participation in any professional organization.

- c. Shall not interfere with a colleague's exercise of political or civil rights and responsibilities.
- d. Shall not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable effort to assure that each individual is protected from such harassment or discrimination.
- e. Shall not make malicious or intentionally false statements about a colleague.
- f. Shall not use coercive means or promise special treatment to influence professional judgments of colleagues.
- g. Shall not misrepresent one's own professional qualifications.
- h. Shall not submit fraudulent information on any document in connection with professional activities.
- i. Shall not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position.
- j. Shall not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.
- k. Shall provide upon the request of the certificated individual a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.
- l. Shall not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these Principles of Professional Conduct for the Education Profession in Florida and other applicable Florida Statutes and State Board of Education Rules.
- m. Shall self-report within forty-eight (48) hours to appropriate authorities (as determined by district) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of Sections 943.0585(4)(c) and 943.059(4)(c), Florida Statutes.
- n. Shall report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 1012.795(1), Florida Statutes.
- o. Shall seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 1012.795(1), Florida Statutes.
- p. Shall comply with the conditions of an order of the Education Practices Commission.
- q. Shall, as the supervising administrator, cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

Rulemaking Authority 1001.02, 1012.51, 1012.53 FS. Law Implemented 1012.32, 1012.34, 1012.51, 1012.53, 1012.795, 1012.796 FS. History-New 7-6-82, Amended 12-20-83, Formerly 6B-1.06, Amended 8-10-92, 12-29-98, Formerly 6B-1.006.

GUIDELINES AND COMMON SENSE

- Code of Ethics mandates you to value the worth and dignity of individuals, to place your primary concern for the development of each student's potential, and to strive to achieve and sustain the highest degree of ethical conduct.
- Principles of Professional Conduct obligate you to perform to standards of behavior dealing with STUDENTS, THE PUBLIC, and the PROFESSION.
- In addition to the more obvious actions, (e.g. child abuse/molestation), you can also be charged with crime of moral turpitude or gross immorality if you shoplift, drink on school grounds or have multiple arrests for DUI, possess or sell drugs with or without student involvement, make comments of a sexual nature to students, fondle or touch students in an inappropriate manner, commit food stamp or public assistance fraud, commit assault, misuse school funds, or submit fraudulent transcripts. These are just a few examples.
- As you can see, you are held to a higher moral standard than other professionals because of your role in educating children. You are held accountable for your private life as well as your public life.
- Keep in mind that relatively few educators ever commit violations.
- It is best to arm yourself with knowledge so that you do not advertently or inadvertently violate any standards and become one of the statistics.
- Many problems educators have encountered could have been avoided if they used some common sense and rational judgment.

HOW TO USE COMMON SENSE AND PROFESSIONAL JUDGMENT TO AVOID LEGAL COMPLICATIONS IN TEACHING

A. Interaction with Students

1. Maintain a professional barrier between you and students. You are the adult, the teacher and the professional; act like the expert not like another one of the “kids.”
2. Keep the classroom door open when talking with students.
3. Refer students to the appropriate resource person for counseling and/or discussions about personal matters.
4. Do NOT flirt with students.
5. Do NOT discuss your personal life or personal matters with students. Do NOT discuss your husband, wife, girlfriend, boyfriend, or dates with students.
6. When transporting students, coordinate transportation ahead of time, and use school or mass transportation if possible. If necessary, call a taxi for the student. If you must transport a student in your vehicle, ask a co-worker to accompany you.
7. Avoid leaving your students unsupervised; have an alternate plan of action.
8. Keep your hands and other parts of your body to yourself.
9. Use verbal praise and reinforcement.
10. Know your school policies and district and state laws governing corporal punishment. Establish and follow a consistent behavior plan. Treat each student with respect. Know the students' rights.
11. Chaperon only school-sponsored functions. Do NOT socialize with students. If you chaperon a field trip, put in writing what your responsibilities will be. Do NOT drink alcoholic beverages in front of students, or while chaperoning students. Do NOT take children home with you.
12. Do NOT make telephone calls, write emails, or write notes of a personal nature to students.

13. Do not harass students; respect their differences. What you intend as humor, may in fact, be cultural bias or harassment.

B. Record Keeping and Accounting Procedures

1. Know the laws, school board policies, and school rules and follow them. Know your rights.
2. Know your school policies and district and state laws regarding collecting money, purchasing materials and equipment, and follow them. Be sure to follow the bookkeeper's guidelines. Work in pairs when collecting large amounts of money.
3. Establish a policy regarding your grading system consistent with school and district policies, where applicable. Give a written explanation of it to students and parents at the beginning of the year or when they begin your class or unit of instruction.
4. Establish a policy regarding your behavioral management system. Give a written explanation of it to students and parents at the beginning of the year or when they begin your class unit of instruction.

C. Reputation in the Community

1. Keep your co-workers and supervisors informed; work and communicate as a team; plan and teach together.
2. Communicate with parents and document your communication.
3. Dress and act appropriately and professionally. You are a role model in the community as well as in the school; be a good example for students.
4. Use common sense and good judgment. Ask yourself how someone else could perceive your comments or actions. Ask yourself if your comments or actions could be taken out of context and / or misinterpreted.
5. Avoid putting yourself in a position where you have to defend, explain, or justify your behavior or actions. Avoid putting yourself in a position where it's your word against another person's word.
6. Maintain a professional reputation in the community. When you "party" be discreet.

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**Know Your Rights and Responsibilities
If You Have a Work-Related Illness or Injury**

To All Employees:

Basic Facts About Pinellas County Schools' Workers' Compensation Program

- Workers' Compensation coverage is paid by Pinellas County Schools at no cost to you.
- It is your responsibility to report a work-related accident or illness to your supervisor within 24 hours whenever possible.
- This coverage will pay for the most reasonable and necessary medical care if you have an accident or illness arising out of or in the course of your employment.
- Pinellas County Schools has the right to choose the medical providers who will treat you.
- Workers' Compensation coverage also will replace part of your lost wages if your authorized workers' compensation doctor says you must be out of work for a certain length of time because of a work-related injury or illness.

Johns Eastern, our third-party administrator, determines compensability, processes, manages, and pays our workers' compensation claims.

Employee Responsibilities Regarding a Work-Related Illness or Injury

1. In the event of a work-related illness or injury, notify your supervisor/manager immediately and obtain treatment from a physician within the provider network. (Treatment for a serious or life-threatening emergency may be received from any emergency facility.) A list of providers is posted at your worksite.
2. Your designated physician may authorize any needed specialty care. Treatment received without approval from our third-party administrator is not covered.
3. After you receive your initial treatment for a work-related illness or injury, a phone call may be initiated from our workers' compensation adjuster or nurse coordinator who will follow-up on your medical status as needed.

Problem-Solving Process

If you have any questions regarding how to obtain a referral to a network healthcare provider or change your physician, please contact Risk Management at 727-588-6196.

This information is intended to help you understand both your rights and responsibilities under Florida Statute. Our goal is to provide you with the highest quality of care to assist you in your recovery and return to gainful employment. If you have any questions, please call Risk Management and Insurance at 727-588-6136.

TO: All Employees

FROM: Ron Ciranna, J.D., Assistant Superintendent, Human Resources Services

SUBJECT: Alcohol and Drug-Free Workplace

An organization's greatest asset is its people. Part of an organization's responsibility is to provide the best services available when valued employees need help. Pinellas County Schools provides two resources for employees. Mental Health and Substance Abuse services are available for employees and dependents enrolled in any of the district's current health insurance programs.

Mental Health and Substance Abuse services are also available through our Employee Assistance Program. These services are provided by Corporate Care Works (800-327-9757). All full-time and part-time employees and their household members may utilize this benefit free of charge.

For further information or assistance, you may call:

Prevention Office	727-588-6130
Risk Management Department.....	727-588-6195
Office of Professional Standards.....	727-588-6472
Human Resources	727-588-6000, ext. 1936

In cases where an employee feels a drug or alcohol problem may interfere with his/her capacity for work and requests help, the district will work with the employee to provide a leave of absence to address the problem. The following list of licensed, nonprofit drug and alcohol referral sources are provided for your assistance.

Directions for Mental Health	727-524-4464
Family Resources, Inc.....	727-521-5200
Helpline (Resource and Referral)	211
Operation PAR.....	727-499-2335
Personal Enrichment through Mental Health Services (PEMHS)	727-791-3131
Suncoast Center, Inc.	727-327-7656
Al-Anon	727-548-6811
Alcoholics Anonymous.....	727-530-0415

The Pinellas County School Board is committed to maintaining a drug-free and alcohol-free workplace. See attached policies: 1124 / 3124 / 4124.

Employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, being under the influence of, or use of alcohol and/or a controlled substance (as defined in F.S. Chapter 893) in the workplace, during the workday, when on duty, and/or in the presence of students or students' families as part of any school-related or work-related activities. Violation of this prohibition shall result in appropriate disciplinary action up to and including termination and referral for prosecution.

Based on School Board Policies 1140 / 3140 / 4140 – Disciplinary Guidelines for Personnel, the disciplinary sanctions which have been levied against employees who violated the policies have included reprimand, suspension without pay, dismissal from employment, and in the case of administrators and teachers, adverse action or loss of state certification. Those penalties were imposed on those who **violated** the policies, not those who have acknowledged a drug or alcohol program and have **requested help** from their supervisor or the Office of Professional Standards, prior to any violation of School Board Policy.

1124 - ALCOHOL AND DRUG-FREE WORKPLACE

It is the intent of the School Board to provide a drug-free workplace. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcoholic beverage is prohibited in the workplace. Violations of this policy may result in disciplinary action, up to and including termination.

Pursuant to the Drug-Free Workplace Act of 1988, employees shall abide by the terms of this policy and shall notify the Superintendent or his/her designee of any arrest or conviction under a criminal drug statute not later than forty-eight (48) hours after such arrest or conviction.

Employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, being under the influence of, or use of alcohol and/or a controlled substance (as defined in F.S. Chapter 893) in the workplace, during the workday, when on duty, and/or in the presence of students or students' families as part of any school or work-related activities. Violation of this prohibition shall result in appropriate disciplinary action up to and including termination and referral for prosecution.

"Workplace" is defined as the site for the performance of work done in connection with employment. This includes any place where work for the Board is performed, including a school building or other school premises, any vehicle owned by the Board or a vehicle used to transport students to and from school or school activities, off school property during a school-sponsored activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the Board.

A copy of the Board's drug-free workplace policy will be provided to employees upon initial employment. Each employee will sign a statement to indicate receipt and understanding of the drug-free workplace policy and that statement will be retained in the employee's personnel file. The drug-free workplace policy may be posted at each worksite.

Pre-employment drug abuse screening examinations shall be required to prevent hiring individuals who use drugs or individuals whose use of drugs indicates a potential for impaired or unsafe job performance or for high risk positions such as bus drivers.

Employees in job classifications which require an annual physical will be required to submit to a drug screening as part of the annual physical.

As a condition of continued employment, current employees shall submit to drug screening when reasonable suspicion exists to believe that an employee is using a substance that is impairing the employee and/or his/her job performance. Reasonable suspicion may include, without limitation, observation of one (1) or more of the following:

- A. aberrant or unusual behavior observed by the employee's worksite supervisor;
- B. observed alcohol/drug use during working hours;
- C. observation of physical symptoms commonly associated with substance abuse such as:
 - 1. impairment of motor functions;
 - 2. slurred speech;
 - 3. incoherent or irrational mental state;
 - 4. drowsiness;
 - 5. smell of alcohol or marijuana;
 - 6. extreme weight loss;
 - 7. red eyes;

8. running nose or sniffing;
9. frequent or extreme mood changes;
10. lack of physical coordination;
11. frequent absences or lateness;
12. unexplained absence from assigned work;
13. deterioration in dress and/or grooming;
14. deterioration in work performance;
15. other marked, unexplained changes in personal behavior.

When a reasonable suspicion exists, the Superintendent's designee shall be contacted. The employee will be provided an opportunity to explain his/her condition. The employee will be provided with information regarding available drug counseling, rehabilitation, assistance program, and leave options. One rehabilitation contract including drug testing may be agreed upon. Failure to participate in a treatment program following a positive drug screening will result in disciplinary action, up to and including termination. Due process will be followed.

All testing shall be conducted by a laboratory certified by the State of Florida as a medical and urine drug testing forensic laboratory which complies with the Scientific and Technical Guidelines for Federal Drug Testing Programs and the Standards for Certification of Laboratories engaged in drug abuse and mental health administration of the U.S. Department of Health and Human Services.

The procedures established by the laboratory shall be followed in administering drug tests to employees.

Refusal to submit to drug testing when reasonable suspicion exists may result in disciplinary action up to and including termination.

Employees who seek voluntary assistance for substance abuse may not be disciplined for seeking assistance. Employees shall be subject to all employer rules, regulations, and job performance standards with the understanding that an employee enrolled in a rehabilitation program is receiving treatment for an illness.

Employees who return to work after completion of a rehabilitation program shall be subject to follow-up drug testing with no advance notice during a prescribed probation period determined by the Superintendent. Any employee who refuses the drug test or subsequently tests positive may be disciplined up to and including termination.

Random testing of employees shall not be conducted.

All drug testing, with the exception of employee requested tests, shall be at the expense of the Board.

Drug testing results will be treated in a confidential manner. Written notification of Board employees who are in grant-funded positions and who are convicted of drug violations, will be made to Director, Grant and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, SW (Room 3124, GSA Regional Office Building No. 3), Washington, D.C. 20202-4605.

F.S. 440.101, 440.102

20 U.S.C. 3224A

20 U.S.C. Omnibus Transportation Testing Act of 1991

20 U.S.C. 701-706 Rehabilitative Act 1973

20 U.S.C. 86-201

20 U.S.C. 3171 et seq.

29 U.S.C. 705 (20), 794, 794A

34 C.F.R. Parts 85, 86, 104

34 C.F.R. 34-86.201

41 U.S.C. 701 et seq., Drug-Free Workplace Act of 1988

Vocational Rehabilitation Act of 1973

Drug-Free Schools and Communities Act of 1986

General Policy Statement

No employee, student, applicant for employment, volunteer, vendor, or member of the public, shall, on the basis of age, sex, race, color, national origin, religion, disability, sexual orientation, marital status, or any other characteristic protected by federal or state law or Board policy, be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination or harassment under, any educational program, activity, service, or in any employment condition, policy or practice conducted by the Board.

The Board encourages any individual who feels that he or she has been subjected to unlawful discrimination or harassment to seek assistance to rectify the problem. The Board will investigate all allegations of unlawful discrimination or harassment and, in those cases where unlawful discrimination or harassment is substantiated, will take immediate steps to end the discrimination or harassment. The Board will take appropriate disciplinary action against any employee found to have engaged in unlawful discrimination or harassment and will take such other appropriate action against individuals who are not employed by the Board, but may be under the control or supervision of the Board.

Definitions

A. Unlawful Discrimination is conduct which deprives a person of the opportunity to participate in employment, educational programs or activities, Board or school sponsored activities, or in any other activity offered or provided by the Board, on account of age, sex, race, color, national origin, religion, disability, sexual orientation, marital status, or any other characteristic protected by federal or state law or Board policy.

B. Harassment is conduct directed by a person or persons against another person or persons on account of age, sex, race, color, national origin, religion, disability, sexual orientation, marital status, or any other characteristic protected by federal or state law or Board policy, which is severe, persistent, pervasive, and objectively offensive to the point that the prohibited conduct substantially impairs the person's participation in their employment, educational programs, school sponsored activities, or any other activity offered or provided by the Board.

C. Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, occur when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity;
2. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
3. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

1. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
2. Physical assault.
3. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
4. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
5. Sexually suggestive objects, pictures, audio or visual representation, or literature, placed in the work or educational environment, which may embarrass or offend individuals.
6. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
7. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
8. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
9. Consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
10. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.

Not all behavior with sexual connotations constitutes sexual harassment. Conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

Any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of a crime.

D. Other Prohibited Conduct

The Board will also take immediate steps to impose disciplinary action against an employee or take such other appropriate action against individuals engaging in any of the following prohibited acts:

1. Retaliating against a person who has made a report or filed a complaint alleging unlawful discrimination or harassment, or who has participated as a witness in a discrimination or harassment investigation.
2. Filing a malicious or knowingly false report or complaint of unlawful discrimination or harassment.
3. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful discrimination or harassment, when responsibility for reporting and/or investigating such charges comprises part of one's supervisory duties.

COMPLAINTS

A. Procedure for Filing a Complaint

Any employee, applicant for employment, student, or third party, who believes that he or she has been unlawfully discriminated against or has been harassed in violation of this Policy by an employee, student, or other party who is subject to the jurisdiction of the School Board, and who wishes to file a complaint, shall use the following complaint procedure:

1. The complaint shall be filed in writing with the Compliance Officer, appointed pursuant to Policy 1122, in the Office of Equal Opportunity, and shall be signed by the complainant or reporting administrator. The complaint shall be filed within 30 calendar days from the date of the incident.
2. Upon receipt of the complaint, the Compliance Officer shall review the complaint to determine whether it alleges the essential elements of unlawful discrimination or harassment prohibited by this Policy. If it does not, the Compliance Officer will notify the complainant in writing and no further action will be taken.
3. If the complaint does allege the essential elements of unlawful discrimination or harassment prohibited by this Policy, the Compliance Officer, will investigate the allegations of the complaint. A copy of the complaint shall be forwarded to the School Board Attorney. The Compliance Officer is authorized and encouraged to assign the investigation to an administrator at the school or site.
4. Upon completion of the investigation, the site based administrator or the Compliance Officer, as the case may be, in consultation with the Assistant Superintendent, Human Resources, and the School Board Attorney, will prepare a final written report containing factual findings.
5. In cases where the complaint is substantiated in whole or in part, the Compliance Officer will meet with the complainant regarding the factual findings, provide a copy of the investigative report and seek complainant's input into any resolution of the complaint.
6. A substantiated complaint against personnel will be forwarded to the Office of Professional Standards. Any employee against whom a complaint has been substantiated will be subject to an employee disciplinary action, which could range from conference summary to termination of employment.

7. If the complainant disagrees with the determination either under paragraph 2 or 5, the complainant may request in writing a review by the Superintendent within five (5) working days after receiving notification of the determination. Upon fifteen (15) working days following receipt of the complainant's request for review, the Superintendent shall render a written decision. The decision of the Superintendent shall be final.
8. If an administrator learns of an alleged incident of unlawful discrimination or harassment prohibited by this Policy against an employee or applicant, he or she is required to report complaints immediately to the Compliance Officer. These complaint procedures will be followed the same as if the complainant originally filed the complaint.
9. The use of these complaint procedures shall not prohibit the complainant from seeking redress from other available state or federal sources.
10. The right to confidentiality of student records will be respected, consistent with federal and state law and Board policy.
11. All complaints and other records that relate to a complaint of discrimination are exempt from the Public Records Act until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint or other record is made part of the official record of any hearing or court proceeding.

B. Alternative Remedies

The complaint procedures set forth in this Policy are not intended to interfere with the rights of any complainant to pursue a complaint of unlawful harassment or discrimination with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

F.S. 1000.05, 1001.42, 1006.147
F.A.C. 6A-19.001 et seq., 6B-1.006(3)(g)
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
29 U.S.C. 621 et seq.
29 U.S.C. 794

28 C.F.R. Part 35
29 C.F.R. Part 1635
42 U.S.C. 12101 et seq.
20 U.S.C. 1681 et seq.
42 U.S.C. 1983
34 C.F.R. Parts 100, 104 and 106

Adopted 12/9/09; Revised 7/27/10; 3/15/11

1140 - DISCIPLINE OF ADMINISTRATORS

When the discipline of an administrator becomes necessary, such action shall be in proportion to the administrator's offense or misconduct, consistent with appropriate procedural and substantive due process, State law, and this policy.

An administrator may be disciplined at any time during the contract year pursuant to provisions set forth in the employment contract, applicable law, and this policy.

Administrators may be required to take such recognized examinations as the Superintendent or designee deems necessary to evaluate their health, competence, and/or performance. The Board shall pay for the cost of the examination(s).

All Board employees shall cooperate fully with appropriate authorities who are conducting investigations into employee conduct.

Disciplinary Guidelines for Administrative Personnel

The Superintendent retains the right and the responsibility to manage the work force. The School District generally follows a system of progressive discipline in dealing with deficiencies in employee work performance or conduct. Progressive discipline may include, but is not limited to, written counseling/conference summary, caution, reprimand, suspension without pay, and dismissal defined as follows:

- A. **Written Counseling/Conference Summary** - This is a written memorandum or letter memorializing an area of concern involving the performance or conduct of the employee. It is the first step in progressive discipline and is intended to counsel and advise the employee of best practices.
- B. **Letter of Caution** - A letter of caution is given to an employee who has demonstrated problematic behavior or performance. It is the second step in progressive discipline and is intended to alert the employee that a problem has been identified and needs to be corrected.
- C. **Reprimand** - A written reprimand is more serious than a caution. It is a formal censure or admonition given to an employee who has engaged in unacceptable behavior or demonstrated unacceptable performance.
- D. **Suspension Without Pay** - A suspension without pay is the temporary release from duty of an employee for a stated number of calendar days without pay and applies when a violation or repetition of violations of policies, contractual provisions, laws, or District expectations are serious enough to warrant suspension.
- E. **Dismissal** - This is the final step in progressive discipline and applies in cases where the employee misconduct is severe or in cases where the misconduct or unacceptable behavior or performance is repetitive and the progressive discipline procedures have not corrected the problems.

The severity of the problem or employee conduct will determine whether all steps will be followed or a recommendation will be made for suspension without pay or dismissal. When there is a range of penalties, aggravating or mitigating circumstances will be considered. The following offenses are subject to the penalties described below:

A. <u>Offense</u>	<u>Penalty Range</u>
1. Inappropriate sexual conduct including, but not limited to lewd and lascivious behavior, indecent exposure, solicitation of prostitution, sexual battery, possession or sale of pornography involving minors, sexual relations with a student	Dismissal

2.	a.	Illegal possession or use of drugs, or being under the influence of illegal drugs, while on or off duty	Reprimand-Dismissal
	b.	Illegal sale of drugs whether on or off duty	Dismissal
	c.	Possession, use, or being under the influence of illegal drugs while off duty	Reprimand-Dismissal
3.		Committing or conviction* of a criminal act - felony	Suspension-Dismissal
4.		Committing or conviction* of a criminal act - misdemeanor	Reprimand-Dismissal
5.		Possession of guns or weapons on Board property (The provision set forth in F.S. 790.115(2)(a)(3) is expressly waived in Policy 1217)	Suspension-Dismissal
6.		Alcohol related offenses or driving under the influence of alcohol	Reprimand-Dismissal
7.		Use of corporal punishment, excessive force, or inappropriate method of discipline	Conference Summary- Dismissal
8.		Falsification or alteration of employment paperwork, District forms or documents or certification	Caution- Dismissal
9.		Incompetence as evidenced by inability or lack of fitness to discharge the required duty	Reprimand-Dismissal
9a.		Failure to perform the duties of the position	Caution-Dismissal
10.		Using position for personal gain/conflict of interest	Caution- Dismissal
11.		Harassment or discrimination of a student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disability, sexual orientation, or social and family background	Reprimand-Dismissal
12.		Harassment or discrimination which interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment	Caution- Dismissal
13.		Inappropriate or disparaging remarks to or about students or exposing a student to unnecessary embarrassment or disparagement	Conference Summary- Dismissal
14.		Inappropriate relationship with a student	Reprimand-Dismissal
15.		Inappropriate interactions with colleagues including, but not limited to, physical or verbal altercation	Conference Summary- Dismissal

16.	Misappropriation of funds or theft of personal property	Caution- Dismissal
17.	Excessive absenteeism or tardiness	Conference Summary- Dismissal
18.	Absence without leave (AWOL)	Caution- Dismissal
18a.	Abandonment of job (shall be presumed after three (3) consecutive work days of absence without leave)	Dismissal
19.	Failure to correct performance deficiencies	Conference Summary- Dismissal
20.	Insubordination, which is defined as a continuing or intentional failure to obey a direct order, reasonable in nature, and given by and with proper authority	Caution- Dismissal
21.	Conduct unbecoming a Board employee that brings the District disrepute or that disrupts the orderly processes of the District	Caution- Dismissal
22.	Misconduct or Misconduct in Office	Caution- Dismissal
23.	Unauthorized use, theft, or vandalism of Board property	Caution- Dismissal
24.	Failure to comply with Board policy, State law, or appropriate contractual agreement	Caution- Dismissal
25.	Use or possession of obscene, pornographic or sexually explicit materials on Board property or Board computers/equipment/electronic devices	Suspension- Dismissal
26.	Smoking or use of tobacco products on Board property	Caution- Dismissal
27.	Commission of any offense listed in F.S. 1012.315	Caution- Dismissal (Dismissal mandated if adjudicated guilty)
28.	Violation of Safe Driver Plan	Caution- Dismissal

*Conviction shall mean a finding of guilt, a plea of guilty, a plea of nolo contendere (no contest), or entering a pre-trial intervention or diversion program, whether or not there is a formal adjudication of guilt.

- B. Failure to include a particular act or type of conduct does not preclude the Board from disciplining an employee for such omitted act or conduct if it otherwise constitutes one (1) of the grounds listed in F.S. 1012.33.
- C. The following aggravating and mitigating factors or circumstances will be considered when determining the appropriate penalty within a penalty range:
 - 1. the threat posed to the health, safety, or welfare of students, co-workers, or members of the public
 - 2. the severity of the offense

3. degree of student involvement
 4. the disciplinary history of the employee, including the number of offenses, the length of time between offenses as well as the similarity of offenses
 5. the actual damage, physical or otherwise, cause by the misconduct
 6. any effort of rehabilitation by the employee
 7. attempts by the employee to correct or stop the misconduct
 8. pecuniary benefit or self-gain to the employee realized by the misconduct
 9. impact of offense on students, co-workers, or members of the public
 10. length of employment
 11. whether the misconduct was motivated by unlawful discrimination
 12. employee's evaluations
 13. any other relevant mitigating or aggravating factors
- D. Prior to imposition of suspension without pay as the final penalty or dismissal, employees shall be entitled to due process including an administrative hearing before an impartial administrative law judge as provided under the Administrative Procedures Act (F.S. Chapter 120) and shall be entitled to all the rights provided under that Act including the right to be represented by counsel.
- E. The standards of proof in criminal and administrative proceedings differ. Acquittal in a criminal case shall not preclude the prosecution of a disciplinary action pursuant to Board policy.

F.S. 120.57, 1001.41, 1001.42, 1001.43, 1012.22, 1012.27, 1012.32(2)

F.S. 1012.33, 1012.34

F.A.C. 6B-1.01, 6B-1.006

Adopted 12/9/09; Revised 6/29/10

1140.01 – DELEGATION TO SUPERINTENDENT - DISCIPLINARY SUSPENSION WITHOUT PAY AND PROBATIONARY DISMISSAL

The School Board hereby delegates authority to the Superintendent to suspend administrative staff without pay for a period not exceeding three (3) days.

- A. An employee who is suspended under the authority of this policy shall be granted all due process rights accorded by the Florida statutes and applicable collective bargaining agreements.
- B. The Superintendent shall regularly notify the Board of actions taken.

The Board also delegates authority to the Superintendent to terminate administrators during their probationary period and to accept written agreements from administrators wherein they agree to matters affecting their employment including a suspension without pay.

F.S. Chapter 120, 1012.27(5)

Purpose

The purpose of this policy is to establish certain principles and expectations for the School District in order to prevent fraud, investigate and provide consequences for engaging in any manner of fraud, and to heighten awareness of possible fraud. The District will not tolerate fraud or the concealment of fraud.

Definition

Fraud includes, but is not limited to, knowingly misrepresenting the truth or concealment of a material fact in order to personally benefit or to induce another to act to his/her detriment.

Actions constituting fraud include but are not limited to:

- A. falsifying, or unauthorized altering of District documents, including but not limited to:
 - 1. claims for payments or reimbursements - (including but not limited to submitting false claims for travel or overtime)
 - 2. absence(s) from the worksite documents including but not limited to, a Temporary Duty Elsewhere (TDE - PCS Form 3-650) or Employee Certificate of Absence Report (PCS Form 3-135) (such as reporting falsely a sick day instead of a personal day or not reporting an absence)
 - 3. files (both physical and electronic forms) photographic or audio records, or accounts belonging to the School District
 - 4. checks, bank drafts, or any other financial documents
 - 5. student records
 - 6. maintenance records
 - 7. fire, health, and safety reports
- B. accepting or offering a bribe, gifts, or other favors under circumstances that indicate that the gift or favor was intended to influence an employee's decision-making

- C. disclosing to other persons the purchasing/bidding activities engaged in, or contemplated by the District in order to give any entity, person, or business an unfair advantage in the bid process
- D. causing the District to pay excessive prices or fees where justification is not documented
- E. unauthorized destruction, theft, tampering, or removal of records, furniture, fixtures, or equipment
Approval by the principal or supervisor, with proper documentation, is required for the removal of District property or assets.
- F. using District equipment or work time for any outside private business activity.

Responsibility

This policy applies to any fraud, suspected or observed, including District staff members, outside support organizations, vendors, contractors, volunteers, outside agencies doing business with the School Board, and any other persons or parties in a position to commit fraud on the Board. Any investigation required shall be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship.

Any perceived fraud that is detected or suspected by any staff member or other person shall be reported immediately to the Office of Professional Standards for guidance as to whether pursuit of an investigation is warranted. The obligation to report fraud includes instances where an employee knew or should have known that an incident of fraud occurred.

Administrators and supervisors are responsible for:

- A. ascertaining that employees under their supervision receive District training regarding fraud (see *Employee Education* below);
- B. completing the District-designed self-assessment of risk of fraud for their school/department (see *Self-Assessment of Risk of Fraud* below);
- C. being familiar with the types of fraud that could occur within their areas of responsibility;
- D. being alert for any indication of fraud.

Consequences

Repeated violation of this policy may result in dismissal from employment.

Employee Education

All employees will be required to sign a statement indicating that they have read and understand this policy, and new employees shall do so as part of the District orientation.

Self-Assessment of Risk of Fraud

Using the District designed format, each school/department shall perform a self-assessment of risk to identify areas where fraud may occur. Administrators and supervisors are responsible for identifying risks in their particular area of oversight and ensuring that internal controls are in place to address each of the identified risks.

Confidentiality and Reporting

See [Policy 1550](#), [Policy 3550](#), [Policy 4550](#), and [Policy 9130](#).

8141 - MANDATORY REPORTING OF EMPLOYEE MISCONDUCT

It is the policy of the School Board to effectively address employee misconduct and, where appropriate, to provide a measured disciplinary response consistent with due process. In addition, with respect to certificated professional staff members, matters of misconduct, including conviction of certain crimes enumerated by law and/or conduct which is unbecoming to the teaching profession, will be reported by the Superintendent to the Florida Department of Education.

Reporting Professional Misconduct

District staff are required to report to the Superintendent alleged misconduct by District employees which affects the health, safety, or welfare of a student. If the alleged misconduct to be reported is regarding the Superintendent, the District employee shall report the alleged misconduct to the School Board Attorney. Failure to report such alleged misconduct shall result in appropriate disciplinary action (F.S. 1012.796(d)).

The Superintendent shall investigate any allegation of misconduct by District employees which affects the health, safety, or welfare of a student, and shall report the alleged misconduct to the Department of Education as required in F.S. 1012.796, 1001.51(12)(b), and 1001.42(7)(b).

Staff alleged to have committed such misconduct shall be reassigned pending the outcome of a misconduct investigation.

Posting Requirements

The procedure for reporting misconduct shall be as follows:

- A. The employee responsible for reporting the complaint of misconduct shall make the report to the Office of Professional Standards at 301 4th Street SW, P.O. Box 2942, Largo, Florida 33779-2942; telephone 727-588-6472; fax 727-588-6496.
- B. The report shall be made promptly upon the employee's becoming aware of the misconduct.
- C. The employee shall furnish such information as may be requested by the Office of Professional Standards.
- D. The Office of Professional Standards shall determine the legal sufficiency of the complaint.
- E. If the complaint of misconduct is legally sufficient, the Office of Professional Standards shall advise the Superintendent prepare correspondence for the Superintendent's signature transmitting the complaint and any required material to the Department of Education within the required thirty (30) day period.

Employees who fail to report suspected or actual child abuse or alleged misconduct by other employees shall be subject to discipline up to and including termination of employment, pursuant to Board [Policy 1140](#), [Policy 3140](#), and [Policy 4140](#).

Filing a Complaint with the Department of Education

The District shall file with the Department of Education in writing all legally sufficient complaints within thirty (30) days after the date on which the subject matter of the complaint comes to the attention of the District. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in F.S. 1012.795 and defined by rule of the State Board of Education. The District shall include all known information relating to the complaint with the filing of the complaint.

Report of Resignation or Termination

If the Superintendent determines that misconduct by an instructional staff member who holds an educator certificate affects the health, safety, or welfare of a student and the misconduct warrants termination, the staff member may resign or be terminated and the Superintendent shall report the misconduct to the Department of Education in the format prescribed by the Department.

Transmittal of False or Incorrect Report

The Superintendent shall not knowingly sign and transmit to any State official a report that the Superintendent knows to be false or incorrect.

Pursuant to F.S. 1001.42(7), a Board member shall not knowingly sign and transmit to any State official a report of alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student which the Board member knows to be false or incorrect.

Requirement of Disclosure of Employee Misconduct

The Board, or any of its employees, shall not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide instructional personnel with employment references or discuss the personnel's performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct.

A copy of this policy shall be posted in a prominent place at each school site and on each school's internet website. (F.S. 1006.061(2))