



PROCEDURE AREA

Employee Ethical Standards of Conduct

STATEMENT OF PROCEDURE

All instructional personnel and school administrators must complete training on the standards of ethical conduct.

GUIDELINES

Upon employment at The Arc Jacksonville, new hires go through orientation and go over the Employee Handbook with the Human Resource Manager. The Arc Jacksonville's Policy Manual for Employees touches on all FLDOE required standards but for The Arc Jacksonville Academy we further define these principals:

❖ **STANDARDS OF CONDUCT:**

Per 6B-1.006 Principles of Professional Conduct for the Education Profession in Florida:

The following disciplinary rule shall constitute the Principles of Professional Conduct for the Education Profession in Florida.

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.

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.



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- 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.

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.

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 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.

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- 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.

All employees and agents of a district school board, charter school or private school have a duty to report misconduct.

The following behavior may be indicative of misconduct that should be reported:

- being alone with a student in dark or closed room or secluded area
- behaving in an overly friendly or familiar way or failing to maintain an appropriate professional boundary with a student
- using forceful or unnecessary physical contact with a student
- administering discipline not compliant with district policy
- accepting or offering of gifts for return of a favor or privilege from students or colleagues
- badgering or habitually teasing a student
- mocking or belittling a student
- chronically embarrassing a student
- displaying prejudice or bigotry against a student
- suspicion of being under the influence of drugs or alcohol



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- failing to properly supervise students or to ensure student safety
 - cheating, falsifying information or testing violations
 - retaliating against a student or colleague for reporting misconduct
 - bantering or engaging in colloquial or slang communications with a student
 - directing or using profane, offensive, or explosive language in the presence of students
 - making lewd or suggestive comments or overtures toward a student or colleague

Report allegations or suspicion of misconduct by an instructional personnel member to your school administrator or district contact. Report allegations or suspicion of misconduct by your school administrator to your district contact. Document the activities or details of the event and secure evidence (if applicable).

Possible penalties for instructional personnel or site administrators who fail to report misconduct may include:

- Written Reprimand
- Suspension with or without pay
- Termination of employment
- Discipline/Sanctions on an educator's certificate

Participating private schools must post a notice at the school stating that all employees have a duty to report actual or suspected cases of child abuse, abandonment, or neglect. The notice must include the statewide toll-free abuse hotline number (1-800-96ABUSE). Employees have immunity from liability if they report and will have a duty to comply with child protective investigations.

FLORIDA STATUTES & RULES: Misconduct

Florida Statutes s. 1006.061 states all employees and agents of the district school board, charter schools and private schools that accept scholarship students, have an obligation to report misconduct by an instructional personnel member or school administrator

Florida Statutes s. 1012.33 outlines disciplinary procedures regarding district employment contracts with instructional personnel staff, supervisors and school principals

Florida Statutes s. 1012.795 provides the Education Practices Commission the authority to issue disciplinary action against an individual's Florida Educator certificate

Florida Statutes s. 1012.796 provides authority for the Department of Education to investigate and prosecute allegations of educator misconduct

Florida Statute s. 1012.01 defines public school instructional personnel, administrative personnel, school volunteers, education support employees and managers

State Board of Education Rule 6B-1.001 defines the Code of Ethics of the Education Profession in Florida

State Board of Education Rule 6B-1.006 defines the Principals of Professional Conduct of the Education Profession in Florida



Per The Arc Jacksonville's Whistleblower Policy (# A-1): The Agency's Code of Conduct requires directors, other volunteers, and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Employees and representatives of the organization must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

The objectives of the Agency's Whistleblower Protection Policy are to establish policies and procedures for:

- Submitting concerns regarding questionable accounting or auditing matters and violations of the Agency's Code of Conduct by employees, directors, officers, and other stakeholders of the Agency, on a confidential and anonymous basis.
- Processing complaints received by the Agency regarding accounting or auditing matters and violations of the Agency's Code of Conduct.
- Protecting from retaliation, the Agency's directors, volunteers and employees.

Reporting Responsibility

Each director, volunteer, and employee of the Agency has an obligation to report in accordance with this Whistleblower Protection Policy (a) questionable or improper accounting or auditing matters, and (b) violations and suspected violations of the Agency's Code of Conduct, (collectively, "Concerns").

No Retaliation

This Whistleblower Protection Policy is intended to encourage and enable directors, volunteers, and employees to raise Concerns within the organization for investigation and appropriate action. With this goal in mind, no director, volunteer or employee who, in good faith, reports a Concern shall be subject to retaliation or, in the case of an employee, adverse employment consequences.

Any volunteer or employee who retaliates against someone who has reported a Concern in good faith is subject to discipline up to and including dismissal from the volunteer position or termination of employment.

Authority of Audit Committee

The Executive Director or the Audit Committee, as the case may be, has specific and exclusive responsibility to investigate and take corrective action on all Concerns, or, as appropriate, to make corrective action recommendations to the Board of Directors, with respect to all reported Concerns. Reports and recommendations by the Executive Director shall first be provided to the Audit Committee.



Reporting of Concerns

Employees

Employees should first discuss their Concern with their immediate supervisor. If, after speaking with your supervisor, you continue to have reasonable grounds to believe your Concern is valid and you are not satisfied with your supervisor's response, you should report the Concern to the Employee Relations Officer. If you are uncomfortable speaking with your supervisor about the Concern, or if your supervisor is a subject of the Concern, you should report your Concern directly to the Human Resources Coordinator.

If a Concern is reported verbally to the Human Resources Coordinator, the employee will put the Concern in writing, with assistance from the Human Resources Coordinator if needed. The Human Resources Coordinator is required to promptly report the Concern to the Agency's Executive Director. Depending on the nature of the Concern, the Executive Director may discuss the Concern with the Audit Committee and/or the Fiscal Director.

If and only if the Executive Director is a subject of the Concern, the Human Resources Coordinator shall report the Concern directly to the Chair of the Audit Committee.

If the Human Resources Coordinator, for any reason, does not promptly forward the Concern to the Executive Director or the Audit Committee, as the case may be, the employee should directly report the Concern to the Executive Director, unless the Executive Director is a subject of the Concern in which case the employee should directly report the Concern to the Chair of the Audit Committee. Contact information for the Executive Director and the Chair of the Audit Committee may be obtained through the Human Resources Department.

Concerns also may be submitted anonymously. Such anonymous Concerns should be in writing and sent directly to the Executive Director, unless the Executive Director is a subject of the Concern in which case the employee should send the written Concern directly to the Chair of the Audit Committee.

Directors and Other Volunteers

Directors and other volunteers should submit Concerns in writing directly to the Executive Director unless the Executive Director is a subject of the Concern, in which case the Concern should be submitted to the Chair of the Audit Committee. Contact information for the Chair of the Audit Committee may be obtained from the Human Resources Department.

Handling of Reported Violations

The Executive Director or the Audit Committee, as the case may be, shall address all reported Concerns. The Chair of the Audit Committee shall immediately notify the other members of the Audit Committee upon receiving the report of a Concern. The Executive Director or the Chair of the Audit Committee, as the case may be, will notify the sender and acknowledge receipt of the Concern within five business days, if possible. It will not be possible to acknowledge receipt of anonymously submitted Concerns.



Each month, the Executive Director shall provide to the Audit Committee a report briefly summarizing the nature and status of any Concerns reported to the Executive Director during the month and of any previous Concerns that have not been concluded and closed.

All Concerns will be promptly investigated by the Executive Director or the Audit Committee, as the case may be, and if warranted by the investigation and depending on the circumstances, appropriate corrective action may be taken directly by the Executive Director or the Audit Committee, as the case may be and reported to the Board of Directors at its next meeting.

If the Executive Director or the Audit Committee, as the case may be, chooses to not take corrective action directly, a summary of the Concern and recommended action will be reported to the Board at its next meeting. In any event, action taken must include a conclusion and/or follow-up with the person making the complaint for complete closure of the Concern.

The Executive Director and the Audit Committee have the authority to retain outside legal counsel, accountants, private investigators, or any other resource deemed necessary to conduct a full and complete investigation of the allegations.

Persons Reporting Concerns Must Act in Good Faith

Anyone reporting a Concern must act in good faith and have reasonable grounds for believing the information disclosed indicates an improper accounting or auditing practice, or a violation of the Code of Conduct. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal from the volunteer position or termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

Confidentiality

Reports of Concerns, and investigations pertaining thereto, shall be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Disclosure of reports of Concerns to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

Record Keeping – File Retention

All documentation regarding the investigation and subsequent findings of Concern will be maintained in the file room for the standard seven years unless litigation becomes part of the findings and then the documentation shall not be destroyed but maintained with other permanent Agency documentation and files. Files pertaining to matters of litigation will be retained for seven years after resolution of the litigation.



❖ **EMPLOYEE LIABILITY PROTECTIONS:**

Per Florida Statute 39.203 Immunity from liability in cases of child abuse, abandonment, or neglect.—

(1)(a) Any person, official, or institution participating in good faith in any act authorized or required by this chapter, or reporting in good faith any instance of child abuse, abandonment, or neglect to the department or any law enforcement agency, shall be immune from any civil or criminal liability which might otherwise result by reason of such action.

(b) Except as provided in this chapter, nothing contained in this section shall be deemed to grant immunity, civil or criminal, to any person suspected of having abused, abandoned, or neglected a child, or committed any illegal act upon or against a child.

(2)(a) No resident or employee of a facility serving children may be subjected to reprisal or discharge because of his or her actions in reporting abuse, abandonment, or neglect pursuant to the requirements of this section.

(b) Any person making a report under this section shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of such reporting party by reason of his or her making such report. Any detrimental change made in the residency or employment status of such person, including, but not limited to, discharge, termination, demotion, transfer, or reduction in pay or benefits or work privileges, or negative evaluations within a prescribed period of time shall establish a rebuttable presumption that such action was retaliatory.

Per Florida Statute 768.095 Employer immunity from liability; disclosure of information regarding former or current employees-

An employer who discloses information about a former or current employee to a prospective employer of the former or current employee upon request of the prospective employer or of the former or current employee is immune from civil liability for such disclosure or its consequences unless it is shown by clear and convincing evidence that the information disclosed by the former or current employer was knowingly false or violated any civil right of the former or current employee protected under chapter 760.

Participating private schools must prohibit confidentiality agreements with instructional personnel or school administrators who are dismissed, terminated, or resign in lieu of termination due to misconduct that affects the health, safety, or welfare of a student. Any reference provided to a potential employer in an educational setting must disclose the misconduct.

❖ **CODE OF ETHICS:**



Per 6B-1.001 Code of Ethics of the Education Profession in Florida:

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.

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.

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.

Per The Arc Jacksonville's Policy Code of Ethics for Employees (# H-4): It is the policy of The Arc Jacksonville to maintain a set of principles and practices that will define parameters and provide guidance and direction for employee decision making.

Employees of The Arc Jacksonville are committed to observing and promoting the highest standards of ethical conduct in the performance of their responsibilities as employees of The Arc Jacksonville. Employees pledge to accept this code as a minimum guideline for ethical conduct and shall:

Accountability

1. Faithfully abide by the policies of The Arc Jacksonville.
2. Exercise reasonable care, good faith and due diligence in Agency affairs.
3. Fully disclose, at the earliest opportunity, information that may result in a perceived or actual conflict of interest.
4. Fully disclose, at the earliest opportunity, information of fact that would have significance in Agency decision-making.

Professional Excellence

1. Maintain a professional level of courtesy, respect, and objectivity in all of The Arc Jacksonville activities.
2. Strive to uphold those practices and assist other employees of The Arc Jacksonville in upholding the highest standards of conduct.



Personal Gain

1. Exercise the powers invested for the good of all members of the organization rather than for his or her personal benefit, or that of the nonprofit they represent.

EQUAL OPPORTUNITY

1. Ensure the right of all association members to appropriate and effective services without discrimination on the basis of geography, political, religious, or socio-economical characteristics of the state or region represented.
2. Ensure the right of all association members to appropriate and effective services without discrimination on the basis of the organization's volunteer or staff make-up in respect to gender, sexual orientation, national origin, race, religion, age, political affiliation or disability, in accordance with all applicable legal and regulatory requirements.

Confidentiality

1. Respect the confidentiality of sensitive information known due to employment with The Arc Jacksonville.

Collaboration and Cooperation

1. Respect the diversity of opinions as expressed or acted upon by The Arc Jacksonville's employees, and formally register dissent as appropriate.
2. Promote collaboration, cooperation, and partnership among employees.