



POLICY 3.02

4-I I recommend that the Board adopt the proposed new Policy 3.02, entitled “Code of Ethics.”

[Contact: Darron Davis, PX 48953.]

Adoption

CONSENT ITEM

- The Board approved development of this revised Policy at the development reading on February 25, 2009. Additions to the proposed policy from this meeting include:
 - The inclusion of Board members as to the application of the policy in Sections 1 and 2.
 - The addition of “demeaning” in subparagraph (e) of Section 4.
 - The replacement of the word “limited” with “incidental”, and the rewording of the phrase “for significant costs of limited personal use” to “for costs associated with personal use” in Section 5(f).
 - The addition of the sentence, “The provisions herein shall not be applicable to the community or public use if District facilities pursuant to School Board Policy 7.18, consistent with the Florida Code of Ethics, in Section 5(f).
 - The addition of “Post-Membership and Post-Employment Restrictions”, consistent with the Florida Code of Ethics, in Section 10.
 - The addition of definitions for “relative” and “financial interest” consistent with the Florida Code of Ethics.
- The proposed Code of Ethics has been drafted for the School District to comply with the recently enacted “Ethics in Education Act”, Chapter 2008-108, Laws of Florida. Although the legislation required School Districts to provide for a code of ethics for instructional personnel and school administrators, the proposed policy is drafted to provide an ethical code for all District employees.
- Components of the policy which are mandated by Chapter 2008-108, Laws of Florida, or former Senate Bill 1712, are as follow:
 - Requires all employees to complete training on the ethics policy and to sign an acknowledgement form of the training. See Sections 11 and 12.

- Establish the duty for employees to report, and procedures for reporting and the investigation of alleged misconduct by instructional personnel and school administrators which affect the health, safety and welfare of a student. See Section 8.
- Includes an explanation of the liability protections provided by law for those who report misconduct of instructional personnel or school administrators. See Section 8D (Immunity for Making Report or Disclosure of Information).
- Prohibits the School Board, or any of its employees, from entering into a *confidentiality agreement* regarding the termination or dismissal of instructional personnel/school administrators, or personnel or administrators who resign in lieu of termination, based in whole or part on misconduct that affects the health, safety, or welfare of a student. See Section I. 3.
- Prohibits the School District, or any of its employees, from providing instructional personnel or school administrators with employment references or discussing the individual's performance with prospective employers in another educational setting, *without* disclosing the personnel's or administrator's misconduct. See Section I.4.
- Ethical standards provided for in the proposed policy include specific standards related to:
 - abuse of students (See Section 5A);
 - alcohol or drugs (See Section 5B);
 - misrepresentation or falsification (See Section 5C);
 - improper remunerative conduct (See Section 5D);
 - avoidance of conflicts of interest and receipt of improper outside income (See Section 5E);
 - public funds and property (See Section 5F);
 - confidentiality of information (See Section 5G);
 - criminal acts (See Section 5H);
 - professional conduct (See Section 5.I)
- The policy prohibits an employee from exercising contract management

- authority over a contract where a relative or domestic partner of the employee has a contract to perform work for the School District; over a contract in which the employee has a financial interest; or over a contract in which the employee has an employment or business relationship See Section 6).
- The Superintendent is provided with the authority to reassign or remove an employee from the workplace pending the outcome of an investigation, providing the following factors for the Superintendent prior to a reassignment or removal (See Section 8E).
 - Whether the reported misconduct is ongoing or is likely to reoccur.
 - Whether the reported misconduct poses a risk to a student(s) or School District employee(s).
 - Whether the reported misconduct endangers the School District.
 - Whether the reported criminal misconduct relates to the performance of the employee's duties.
 - Whether the employee may impede or obstruct the investigation.
 - The School District is prohibited from taking retaliatory actions or adverse personnel action against an employee reporting or disclosing a violation under the policy, and the proposed policy does not apply if the employee or person makes a false report. See Section 9.
 - The Superintendent is required to direct the ethics training from compliance with the code, and as required by law. See Section 11.

POLICY 3.02

CODE OF ETHICS

1. Purpose and Authority

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

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

All Board Members and employees shall adhere to this policy, the "Code of Ethics for Public Officers and Employees", as set forth in the Florida Ethics Code, Part III of Chapter 112, Florida Statutes, and the "Code of Ethics of the Education Profession in Florida and the Principles of Professional Conduct for the Education Profession in Florida", Chapter 6B-1.001 and-1.006, F.A.C., and the "Ethics in Education Act", Chapter 2008-108, Laws of Florida, as now or hereafter amended, which are incorporated by reference and made a part of this policy. This Code of Ethics shall be viewed as additive or supplemental to the above state laws, rules and regulations. To the extent this Code of Ethics is not in conflict with any laws, regulations or School Board policies, this Code of Ethics shall control. Specific authority for the adoption of this policy is provided by Sections 112.326 and 1001.42, Florida Statutes.

2. Application and Enforceability

The Code of Ethics applies to all Board Members and employees and extends to guests, invitees, and volunteers while they are on District property or are

39 participating in District-related events. Violations of this Code of Ethics may result
40 in administrative or disciplinary action, up to and including suspension, dismissal,
41 or other actions as required by law. This Code may apply when the conduct of the
42 employee occurs on or off District property, at a school sponsored event or non-
43 school sponsored event.

44 **3. Making Ethical Decisions**

45 While this Code of Ethics provides general guidance, it does not provide a
46 complete listing or a definitive answer to every possible ethical situation. It is the
47 intention of the Board in enacting this policy that the use of good judgment, based
48 on high ethical principles and following such precedent as may be established by
49 the Florida Commission on Ethics and Florida Education Practices Commission,
50 will serve as a guide in determining appropriate conduct in any circumstance.
51 When making decisions, the Superintendent and District employees should use
52 good judgment to fulfill the spirit as well as the letter of this Code of Ethics, and
53 should:

- 54 a. Evaluate the situation and identify ethical issues.
- 55 b. Consult this Code of Ethics, state laws and regulations, and the School
56 Board's Policies and apply them to the situation.
- 57 c. Ask for guidance. In the event an individual is unsure of the proper course of
58 action to be taken in a particular circumstance, guidance may be requested
59 from the Chief Counsel, Chief Academic Officer or Chief Operations Officer, as
60 appropriate.

61 **4. Accountability and Compliance**

62 Each employee agrees and pledges:

- 63 a. To provide the best example possible; striving to demonstrate excellence,
64 integrity and responsibility in the workplace.
- 65 b. To obey local, state and national laws, codes and regulations.
- 66 c. To support the principles of due process to protect the civil and human rights
67 of all students and individuals.
- 68 d. To treat all students and individuals with respect and to strive to be fair in all
69 matters.
- 70 e. To create an environment of trust, respect and non-discrimination, by not
71 permitting discriminatory, demeaning or harassing behavior of students or
72 colleagues.

- 73 f. To take responsibility and be accountable for his or her acts or omissions.
- 74 g. To avoid conflicts of interest or any appearance of impropriety.
- 75 h. To cooperate with others to protect and advance the District and its students.
- 76 i. To report improper conduct.
- 77 j. To be efficient and effective in the delivery of all job duties.

78 5. **Ethical Standards**

- 79 a. **Abuse of Students – We are committed to ensuring that employee-**
- 80 **student relationships are positive, professional and non-exploitative. We**
- 81 **will not tolerate improper employee-student relationships. Each**
- 82 **employee should always maintain a professional relationship with students,**
- 83 **both in and outside of the classroom. Unethical conduct includes but is not**
- 84 **limited to:**
- 85 i. Committing any act of child abuse, including physical and verbal abuse.
- 86 ii. Committing any act of cruelty to children or any act of child
- 87 endangerment.
- 88 iii. Using one’s professional relationship or authority with students for one’s
- 89 personal advantage.
- 90 iv. Engaging in, or being convicted of, a crime involving children as provided
- 91 in Section 1012.315, Florida Statutes, as now or hereafter amended.
- 92 v. Engaging in any sexually related behavior with a student with or without
- 93 consent of the student. Sexually related behavior shall include, but not be
- 94 limited to, such behaviors as sexual jokes; sexual remarks; sexual kidding
- 95 or teasing; sexual innuendo; pressure for dates or sexual favors;
- 96 inappropriate physical touching, kissing, or grabbing; rape; threats of
- 97 physical harm; sexual assault and any sexual act as provided for in
- 98 Section 1012.315, Florida Statutes.
- 99 vi. Engaging in bullying or harassing behavior on the basis of race, gender,
- 100 sex, national origin, age, religion or disability, sexual orientation or gender
- 101 identity in violation of School Board Policy Nos. **5.001** (Protecting
- 102 Students from Harassment and Discrimination); **5.81** (Protecting Students
- 103 from Sexual Harassment and Discrimination), as now or hereafter
- 104 amended; and **5.002** (Prohibition of Bullying and Harassment) as now or
- 105 hereafter amended; or, in violation of any related federal or state laws.

- 106 vii. Engaging in misconduct which affects the health, safety and welfare of a
107 student(s).
- 108 viii. Soliciting, encouraging, participating or consummating an inappropriate
109 written, verbal, or physical relationship with a student.
- 110 ix. Furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student
111 or allowing a student to consume alcohol, or illegal/unauthorized drugs,
112 contrary to School Board Policy Nos. 3.96 (Drug-and Alcohol-free
113 Workplace) and 3.961 (Drug and Alcohol-free Workplace Policy for
114 Employees Performing Safety-Sensitive Functions and Holders of
115 Commercial Drivers Licenses), as now or hereafter amended.
- 116 b. **Alcohol or Drugs – We are committed to holding each other responsible**
117 **for our performance as School District employees and as individuals.**
118 Employees should refrain from the use of alcohol or illegal or unauthorized
119 drugs while performing their official duties. Unethical conduct includes but is
120 not limited to:
- 121 i. Being in the work place, on school premises or at a school-related activity
122 involving students while under the influence of, possessing, selling using,
123 or consuming illegal or unauthorized drugs, contrary to School Board
124 Policy Nos. 3.96 (Drug-and Alcohol-free Workplace) and 3.961 (Drug and
125 Alcohol-free Workplace Policy for Employees Performing Safety-Sensitive
126 Functions and Holders of Commercial Drivers Licenses).
- 127 ii. Being in the work place, on school premises or at a school-related activity
128 involving students while documented as being under the influence of,
129 possessing, or consuming alcoholic beverages, contrary to School Board
130 Policy Nos. 3.96 (Drug-and Alcohol-free Workplace) and 3.961 (Drug and
131 Alcohol-free Workplace Policy for Employees Performing Safety-Sensitive
132 Functions and Holders of Commercial Drivers Licenses). A school-
133 related activity includes, but is not limited to, any activity sponsored by the
134 school or school system (i.e. booster clubs, parent-teacher organizations,
135 or any activity designed to enhance the school curriculum, i.e., science
136 trip).
- 137 iii. Engaging in, or being convicted of or found guilty of, or entering a plea of
138 guilty, regardless of adjudication of guilt, of any misdemeanor or felony
139 crime involving the sale or possession of a controlled substance.
- 140 c. **Misrepresentation or Falsification – We are committed to candor in our**
141 **work relationships, providing other Board employees including**
142 **supervisors, senior staff and Board members with accurate, reliable and**
143 **timely information.** Employees should exemplify honesty and integrity in the
144 performance of their official duties for the School District. Unethical conduct

145 includes but is not limited to:

146 i. Falsifying or misrepresenting professional qualifications, criminal history,
147 college or staff development credit and/or degrees, academic award, and
148 employment history when applying for employment and/or certification or
149 when recommending an individual for employment, promotion or
150 certification;

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

153 iii. Falsifying or misrepresenting information reported regarding the
154 evaluation of students and/or District personnel;

155 iv. Failing to report all actual or suspected cases of child abuse,
156 abandonment or neglect as required by Section 1006.061, F.S., as now
157 or hereafter amended;

158 v. Failing to report suspected or actual misconduct of employees that affects
159 the health, welfare or safety of a student;

160 vi. Falsifying or misrepresenting reported reasons for absences or leaves;

161 vii. Falsifying, misrepresenting, or omitting information submitted in the
162 course of an official inquiry/investigation; and

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

166 d. **Improper Remunerative Conduct – We are committed to a practice of not**
167 **accepting gifts or gratuities in violation of the State Code of Ethics or**
168 **which give the appearance that the gift improperly influenced our**
169 **decisions. We will not solicit students, parents, vendors, lobbyists or**
170 **others for anything that provides us a personal benefit different than the**
171 **public. Unethical conduct includes but is not limited to:**

172 i. Soliciting students or parents of students to purchase equipment, supplies
173 or services from the employee or to participate in activities that financially
174 benefit the employee, contrary to School Board Policy Nos. 2.21 (School
175 Requests of Payment from Students), 2.15 (Solicitation of Funds in
176 Schools) and 2.16 (Fund-Raising Activity), as now or hereafter amended.

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

- 179 iii. Tutoring students contrary to any applicable School Board Policy or
180 collective bargaining agreement.
- 181 iv. Referring a parent or student to a service, service provider or product in
182 return for anything of value. Officers or employees making referrals as
183 part of their official duties shall make referrals to more than one provider
184 of the service or product, if available. For example, school counselors
185 shall refer parents or students to more than one provider of medical
186 services, if available. Additionally, an employee shall not refer a parent or
187 student to any service, service provider, or product in which that
188 employee has a financial interest, without first disclosing in writing the
189 employee's interest to the parent or student.
- 190 v. Soliciting or accepting money or any other thing of value including, but not
191 limited to gifts, favors, services, or promises of future employment, in
192 return for advice or assistance on matters concerning the operation of the
193 business of the Board.
- 194 e. **Avoidance of Conflicts of Interest and Receipt of Improper Outside**
195 **Income – We are committed to declining outside income that might be**
196 **perceived as inconsistent, incompatible or in conflict with our official**
197 **duties. We will not make decisions or use our position for personal**
198 **benefit or to gain an improper advantage. Employees are governed by the**
199 **statutory provisions in the “Code of Ethics for Public Officers and Employees**
200 **(Code of Ethics),” and certain statutes in the Florida School Code. As**
201 **employees, you must comply with the provisions of the Code of Ethics, the**
202 **“Code of Ethics of the Education Profession in Florida and the Principles of**
203 **Professional Conduct for the Education Profession in Florida”, Chapter 6B-**
204 **1.001 and-1.006, F.A.C., and the provisions outlined herein.**
- 205 A conflict of interest can exist anytime your position or decisions provide the
206 District with a financial benefit or improper advantage. A conflict of interest
207 shall be defined as a situation in which the employee's regard for a private
208 interest tends to lead to a disregard of the employee's public duty or interest.
209 We are permitted to receive outside income as long as it does not create a
210 conflict with our work in the School District. Unethical conduct includes, but is
211 not limited to, the employee:
- 212 i. Participating in the decision to make a contract between the School Board
213 and a business or entity in which the employee has a personal or financial
214 interest. This includes contractual relationships with units of government
215 as well as for profit and not for profit organizations such as charter
216 schools.
- 217 An employee who has a personal or financial interest because of a

- 218 relationship with such a business, governmental agency or not for profit
219 organization must recuse him or herself from any decision concerning
220 that entity, including any decision to contract or not to contract with the
221 entity and the administration of the contract. The reason for the recusal
222 must be stated in writing and filed with the Superintendent, or his or her
223 designee, and the School Board Attorney prior to or at the time of the
224 action requiring recusal.
- 225 ii. Soliciting or accepting an Honorarium, which is related to the employee's
226 job duties. "Honorarium" shall be defined consistent with Section
227 112.3149, F.S., as a payment of money or anything of value paid to the
228 employee or on his or her behalf as consideration for an oral presentation
229 or writing other than a book.
- 230 iii. Advertising business or professional activities on school district property
231 or use work hours, property or services to perform or promote personal
232 business or professional activities, or to campaign or raise money for any
233 candidates for political office.
- 234 iv. Participating in the review and approval of publications or materials for
235 school district purchase by the office in which the employee is employed if
236 the employee or a member of the employee's immediate family is the
237 author/editor of or has any financial interest in the sale of such
238 publications or materials.
- 239 v. Accepting outside income in any situation where a reasonable person in
240 the community would conclude that the receipt of the income would be
241 inconsistent, incompatible or in conflict with the employee's official duties
242 with the school district.
- 243 vi. Soliciting or accepting any personal gifts, favors or benefits of more than
244 nominal value during a calendar year from any single person or
245 organization that might benefit from the employee's decision. This
246 provision does not apply to: (a) meals provided at an event at which the
247 employee participates in a seminar or similar activity; (b) travel expenses
248 and meals paid by a local, state, federal government agency; or (c) lawful
249 campaign contributions.
- 250 vii. Soliciting or accepting, directly or indirectly, any payments or other
251 benefits under circumstances that would create in the mind of a
252 reasonable person in the community the belief that such payments or
253 benefits were provided with the intent to improperly influence the
254 employee's actions. This provision does not apply to lawful campaign
255 contributions.
- 256 viii. Personally representing another person or entity or acting as an agent or

- 257 attorney for compensation in connection with any matter in which the
 258 School District is interested for two (2) years after employment with the
 259 School District, contrary to School Board Policy No. 3.22 (Standards of
 260 Conduct for Former School Board Members and Employees).
- 261 ix. Engaging in political activities prohibited by School Board Policy No. 2.59
 262 (Political Activities on School Board Property).
- 263 x. Appointing, employing, supervising, promoting, evaluating or advancing
 264 an employee contrary to the provisions of School Board Policy No. 3.60
 265 (Nepotism).
- 266 f. **Public Funds and Property – We are committed to ensuring that District**
 267 **facilities, equipment, supplies, or other District resources are used for**
 268 **District purposes only. Except for occasional and incidental personal**
 269 **use, we will not tolerate improper use of public resources, and will report**
 270 **and reimburse the District for costs associated with personal use. The**
 271 **provisions herein shall not be applicable to community or public use of District**
 272 **facilities pursuant to School Board Policy 7.18. Employees entrusted with**
 273 **public funds and property should honor that trust with a high level of honesty,**
 274 **accuracy, and responsibility. Unethical conduct includes, but is not limited to:**
- 275 i. Failing to use public or school-related funds and School Board property
 276 for School District purposes and in a manner specified by School Board
 277 Policy, administrative procedures or guidelines or by federal or state laws;
- 278 ii. Failing to account for public funds collected from students, parents or
 279 other parties;
- 280 iii. Submitting fraudulent requests for reimbursement of expenses or for pay;
- 281 iv. Co-mingling public or school-related funds with personal funds or
 282 checking accounts; and
- 283 v. Using school district property without the necessary approval.
- 284 g. **Confidentiality of Information - We are committed to abiding by all laws**
 285 **and School Board Policies concerning the confidentiality of student and**
 286 **personnel information, standardized test material, and other such**
 287 **information determined to be confidential by law. No current or former**
 288 **employee shall use or disclose, other than in the performance of his official**
 289 **duties and responsibilities, or as may be required by law, confidential**
 290 **information gained in the course of or by reason of his/her position of**
 291 **employment. Unethical conduct includes, but is not limited to:**
- 292 i. Sharing of confidential information concerning student academic and

- 293 disciplinary records, health and medical information, family status income
294 or assessments/testing results, unless disclosure is required or permitted
295 by law or School Board Policy.
- 296 ii. Sharing of confidential information restricted by state or federal law.
- 297 iii. Threatening the integrity of student testing security, or failing to maintain
298 student testing security, by examining, reading, revealing, or copying the
299 passages, test items, or performance tasks; interpreting or reading test
300 items or passages for students; changing or otherwise interfering with
301 student responses to test items; causing achievement of schools to be
302 inaccurately measured or reported; and copying or reading student
303 responses.
- 304 iv. Sharing of confidential information from a closed session of the School
305 Board prior to such information becoming a public record subject to
306 disclosure.
- 307 h. **Criminal Acts – We are committed to reporting criminal conduct, and**
308 **other conduct that damages the integrity or reputation of the School**
309 **District. Employees should abide by federal, state and local laws. Unethical**
310 **conduct includes but is not limited to:**
- 311 i. Committing or being convicted of felonies involving breach of public trust
312 and other specified offenses as provided in Section 112.3173, Florida
313 Statutes, as now or hereafter amended;
- 314 ii. Committing, being convicted or found guilty of, or entering a plea of guilty,
315 regardless of adjudication of guilt, of any crime involving moral turpitude,
316 as defined by State Board of Education Rule 6B-4.009, FAC, as now or
317 hereafter amended;
- 318 iii. Failing to report the arrest or conviction for criminal acts as provided in
319 School Board Policy 3.13 (Self Reporting of Arrests and Convictions by
320 School District Employees); or
- 321 iv. Committing or being convicted of criminal acts as provided in School
322 Board Policy 3.13 (Self Reporting of Arrests and Convictions by School
323 District Employees).
- 324 i. **Professional Conduct – We are committed to ensuring that our power**
325 **and authority are used in an appropriate, positive manner that enhances**
326 **the public interest and trust. Employees should demonstrate conduct that**
327 **follows generally recognized professional standards. Unethical conduct is any**
328 **conduct that impairs the ability of any holder of a necessary license, certificate,**
329 **etc., to function professionally in his or her employment position or a pattern of**

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

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

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

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

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

347 **6. Employee Exercising Contract Management Authority**

348 No School Board official or employee shall exercise contract management authority
349 where any relative or domestic partner of the official or employee is employed by or
350 has contracts with any person doing work over which the official or employee has
351 or exercises contract management authority. *Contract Management Authority*
352 means personal involvement in or direct supervisory responsibility for the
353 formulation or execution of a contract. This includes, without limitation, the
354 preparation of specifications, evaluation of bids or proposals, negotiation of
355 contract terms, and/or supervision of contract performance.

356 An employee who exercises contract management authority regarding any Board
357 business or transaction shall not exercise such authority in connection with:

358 a. Board business with an entity in which the official or employee has financial
359 interest;

360 b. Board business with a person with whom the employee has an employment
361 relationship;

362 c. Board business with a person with whom the employee has a business
363 relationship; and

364 d. Any contract in which the employee's spouse, other relative or domestic

365 partner has a financial interest.

366 For the purposes of this section, the term “relative” shall be defined as provided in
367 §112.312(21), Florida Statutes, as now or hereinafter amended. The term
368 “financial interest” shall be defined as such financial benefit/asset or liability
369 consistent with the provisions of Article II, §8, Florida Constitution, the Florida Code
370 of Ethics, and the rules of the Florida Commission on Ethics.

371 7. **Statutory Compliance**

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

374 8. **Procedures for Reporting Ethical Violations and Misconduct**

375 a. Reporting Procedures. It is the responsibility of all District employees to
376 promptly report any complaint alleging a violation of this policy and any
377 applicable Florida ethics laws or State Board of Education ethic standards,
378 including any complaint against instructional staff or school administrative staff
379 that includes grounds for the revocation or suspension of a teaching
380 certificate. Any and all complaints shall be promptly reported to the Office of
381 Employee Relations. If the Director of Employee Relations determines that a
382 preliminary investigation is needed, he or she will notify the Superintendent,
383 and submit the complaint for investigation in accordance with this policy. If
384 after preliminary investigation and consultation, the Director of Employee
385 Relations determines that the available evidence provides a reasonable basis
386 for a full investigation, a full investigation of the complaint shall take place in
387 accordance with subparagraph (b) herein.

388 The person alleged to have committed the violation shall be notified of the
389 complaint and of the investigation, and shall be given an opportunity to
390 present evidence in response to the complaint, personally or through legal
391 counsel as part of the investigation.

392 b. Investigation of Complaints. Complaints of employee misconduct in violation of
393 this policy and other relevant state laws are to be reported to the
394 Superintendent as the chief executive officer of the School District. Such
395 reports shall be investigated under the legal authority of the Superintendent
396 subject to the provisions of Sections 1012.315, 1012.795 and 112.3188,
397 Florida Statutes, until such investigation has been completed. Upon making a
398 finding of a violation, the Superintendent shall take appropriate actions,
399 including any disciplinary action. The Superintendent shall establish a
400 mechanism for the receipt of complaints, including the reporting by a hotline or
401 website.

402 i. Violations committed by instructional and school administrative staff. Any

403 complaint against instructional personnel and school administrators, as
404 defined in Section 1012.01, Florida Statutes, or personnel qualified and
405 employed pursuant to Section 1012.39, Florida Statutes, that comes to an
406 employee's attention and that includes grounds for the revocation or the
407 suspension of a teaching certificate, or acts prohibited by the Ethics in
408 Education Act, Chapter 2008-108, Laws of Florida, shall be reported to
409 the Office of the Superintendent or the Employee Relations Office. The
410 willful failure by a school board employee to promptly report a complaint
411 shall constitute cause of discipline of the employee as provided by law
412 and Board policy.

413 If the allegations are of criminal misconduct, the complaint shall be
414 reported to and investigated by the School Police as provided herein and
415 reported to the Superintendent. If the allegations are of fraudulent
416 conduct, including the misappropriation or misuse of District funds, the
417 complaint shall be investigated by the Internal Auditor and reported to the
418 Superintendent and School Board for proper disposition.

419 The Superintendent shall ensure that all alleged misconduct against
420 instructional staff or school administrative staff are timely filed in writing
421 with the Florida Department of Education. The Superintendent or his
422 designee shall make such reports in accordance with state law and rules.
423 If a report concerns the Superintendent, it shall be reported to the Board
424 and the Board Chair shall file the report.

425 ii. *Reporting of Possible Criminal Conduct* – A violation of criminal statutes
426 alleged to have been committed by a District employee or volunteer,
427 whether the conduct shall constitute a felony or a misdemeanor, shall be
428 reported to the appropriate law enforcement agency or the School Police
429 and the Superintendent for investigation. The School Police shall be
430 authorized to investigate and report violations of criminal statutes to the
431 Superintendent and any appropriate law enforcement agency, and shall
432 be authorized to conduct an investigation of the alleged criminal conduct
433 to determine if a breach of the School Board Policy, this Code of Ethics
434 provisions, or professional standards has occurred. The investigative
435 records shall be considered public records subject to confidentiality
436 requirements provided by law pending completion of such active
437 investigation and any resulting investigation by law enforcement
438 agencies. Violations of criminal statutes alleged to have been committed
439 by the Superintendent, as a constitutional officer, should be reported
440 directly to the appropriate law enforcement agency.

441 iii. *Giving False or Fraudulent Evidence* – In all proceedings, including
442 administrative hearings and litigations in which the School Board is an
443 interested party, and including the reporting of violations of this Ethics

444 Code, professional standards breaches, or criminal law violations as
445 described in this policy or the Ethics in Education Act, the evidence
446 presented by District employees shall be truthful. Misrepresentation of
447 factual evidence, including the presenting of false, fraudulent, intentionally
448 misleading or untruthful evidence in any such proceedings or report is
449 declared to be a violation of this policy. Any person making such a
450 misrepresentation of factual evidence is subject to discipline in
451 accordance with this policy.

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

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

464 d. Immunity for Making Report or Disclosure of Information.

465 i. An instructional employee or school administrator who in good faith
466 promptly reports the misconduct of other instructional personnel or school
467 administrators, or an employee who in good faith promptly reports
468 misconduct of other employees, which affects the health, safety, or
469 welfare of a student, or violations provided in Chapter 2008-108, Laws of
470 Florida, shall have immunity from liability as described in §768.095,
471 Florida Statutes, or as provided in §§ 39.203 and 1006.061, Florida
472 Statutes.

473 ii. An employee disclosing information in good faith about a former or
474 current instructional employee or school administrator of the District, in
475 accordance with the Ethics in Education Act, Chapter 2008-108, Laws of
476 Florida, to a prospective employer, upon the request of the prospective
477 employer of the former or current employee, is immune from liability for
478 such disclosure to the extent as provided to the School District under
479 §768.095, Florida Statutes.

480 e. Reassignment or Removal from Workplace Pending Outcome of Investigation.
481 The Superintendent may reassign or remove from the workplace an employee
482 alleged to have violated this Code of Ethics. Any reassignment or removal

483 shall be made in the best interests of the School District and the students it
484 serves. In deciding whether an employee should be reassigned or removed
485 from the workplace while an investigation proceeds or is completed, the
486 Superintendent shall consider but not be limited to the following:

- 487 i. Whether the reported misconduct is ongoing or is likely to reoccur.
488 ii. Whether the reported misconduct poses a risk to a student(s) or School
489 District employee(s).
490 iii. Whether the reported misconduct endangers the School District.
491 iv. Whether the reported criminal misconduct relates to the performance of
492 the employee's duties.
493 v. Whether the employee may impede or obstruct the investigation.

494 9. **Actions Prohibited**

- 495 a. The School Board, its employees and agents, are prohibited from taking
496 retaliatory action or adverse personnel action against any employee who
497 reports violations or discloses information under this policy.
498 b. The provisions of this section shall not be applicable when an employee or
499 person discloses information known by the employee or person to be false.
500 c. No remedy or other protection under this policy applies to any person who has
501 committed or intentionally participated in committing the violation or suspected
502 violation for which protection under this policy is being sought.

503 10. **Post-Membership and Post-Employment Restrictions**

504 In accordance with the Florida Code of Ethics, the following provisions shall govern
505 the conduct of former School Board members and employees. For the purposes of
506 this paragraph, "personally represent another person or entity for compensation"
507 shall mean the actual physical attendance on behalf of a client in a School Board or
508 School District proceeding, the writing of letters of filing of documents on behalf of a
509 client, and personal communications made with the officers or employees of the
510 School Board or School District on behalf of a client, as provided in §112.312(22),
511 Florida Statutes, as now or hereafter amended.

- 512 a. No former School Board member may personally represent another person or
513 entity for compensation before the School Board or School District for a period
514 of two (2) years following the vacation of the School Board member's office,
515 pursuant to the provisions of §112.313(13), (14), Florida Statutes, as now or
516 hereafter amended.

517 b. No former employee of the School District may personally represent another
518 person or entity for compensation before the School Board or School District
519 for a period of two (2) years following the termination of his or her employment
520 with the School District, pursuant to the provisions of §112.313(13), Florida
521 Statutes, as now or hereafter amended.

522 11. **Acknowledgement/Certification of Code of Ethics**

523 Each employee will be required to sign an Acknowledgement/Certification Form in
524 substantially the form and substance attached as Exhibit "A", which is incorporated
525 herein by reference, acknowledging that the employee has read, understands and
526 agrees to abide by this Code of Ethics as well as the state laws and School Board
527 policies and regulations cited in the Code. Failure to sign the
528 Acknowledgement/Certification Form will not excuse a failure to comply with the
529 Code of Ethics. The Acknowledgement/Certification Form shall be completed in
530 accordance with the process determined by the Office of Human Resources,
531 Recruitment.

532 12. **Ethics and Compliance Training**

533 The Superintendent will direct the ethics and compliance training as well as other
534 programs designed to promote the District's commitment as set forth in this Code
535 of Ethics. Specifically, instructional personnel and school administrators, as
536 defined by §1012.01, F.S., shall be provided training on this Code of Ethics and
537 the provisions of the Ethics in Education Act and reporting requirements, as
538 provided in Chapter 2008-108, Laws of Florida.

539 13. **Reports to Other Appropriate Agencies**

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

544

545

Exhibit A

546

Code of Ethics
Acknowledgment

547

548

549 I, the undersigned, _____,

550

(Print your name)

551

552 hereby certifies as follows:

553

- 554 1. I have completed the mandatory training on School Board Policy 3.02 (Code
555 of Ethics).
- 556 2. I have received copies of School Board Policy 3.02 (Code of Ethics) which
557 incorporates by reference The Code of Ethics for Public Officers and
558 Employees, Chapter 112, Part III, Florida Statutes; the Code of Ethics of the
559 Education Profession in Florida and the Principles of Professional Conduct for
560 the Education Profession in Florida, State Board of Education Rules 6B-1.001
561 and 1.006, F.A.C.; and the "Ethics in Education Act", Chapter 2008-108, Laws
562 of Florida.
- 563 3. I have read and understand this School Board Policy.
- 564 4. I agree to abide by and comply with School Board Policy 3.02 throughout my
565 employment with Palm Beach County School District.

566
567
568 **Date**

569 _____
570 **YOUR SIGNATURE**

571 _____
572 **Your title, position or relationship with the**
573 **Palm Beach County School Board**

574 _____
575 _____
576 **Employee Number or Work Location**

577
578
579 **PLEASE RETURN THIS ACKNOWLEDGEMENT TO:**

580 Division of Human Resources/Customer Relations

581 Room A-128

582 Fax (561) 434-8093

583 Telephone (561) 434-8953

584

585 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41; 1001.42; 112.313; 1012.23

586 LAWS IMPLEMENTED: Fla. Stat. §§ Ch.112, Part III; 1012.795; 1012.796; Ch.2008-
587 108, L.O.F.

588 STATE BOARD OF EDUCATION RULE: F.A.C. 6B-1.001; 6B-1.006

589 HISTORY: ___/___ 2009

Legal Signoff:

The Legal Department has reviewed proposed Policy 3.02 and finds it legally sufficient for adoption by the Board.

Attorney

Date
