

## Lower Merion School District

Policy No.:	302
Section:	EMPLOYEES
Title:	STANDARDS OF CONDUCT
Date Adopted:	11/15/2021
Date Last Revised:	11/21/2022

### 302 STANDARDS OF CONDUCT

Lower Merion School District believes that:

1. Each person bears responsibility for the well-being of society and the quality of the environment.
2. Society benefits when individual rights are balanced with social responsibility.
3. Ethical conduct is essential to the quality of life.

With these values in mind, this Policy, and its accompanying Administrative Regulation ("AR 302"), sets forth policies, legal and ethical obligations and responsibilities in a number of areas and provides guidance on how to act when specific, clear policies are not available. This includes guidance in the following areas:

- Section I: Equitable and Respectful Treatment of Others
  - Discriminatory Harassment by and of Employees and Other Members of School Community
  - Maintaining Appropriate Boundaries with Students
  - Child/Student Abuse – Mandatory Reporting
- Section II: Professionalism and Avoiding Conflicts of Interest
  - Outside Employment and Business Interests
  - Tutoring for a Fee
  - Private Coaching or Training of Students by District Athletic Coaches
  - Gifts
  - Crowdfunding
  - Romantic Relationships in the Workplace
  - Personal Use of Social Media
- Section III: Complaint Procedures
  - General Complaint Procedure
  - Reporting of Waste and Wrongdoing in District Operations (Whistleblower)

The Superintendent or designee shall annually inform students, parents/guardians, and all adults regarding the contents of this Board policy and AR 302 through employee and student handbooks, posting on the District website, and by other appropriate methods.

#### **I. Equitable and Respectful Treatment of Others**

##### **A. Discriminatory Harassment by and of Employees and Other Members of School Community**

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In order to maintain a working environment which promotes respect for the dignity and worth of others, it is the policy of the Lower Merion School District to prohibit all forms of harassment based on membership in designated classifications identified in and more specifically defined in AR 302 (referred to as “discriminatory harassment”), to provide education about the problem of discriminatory harassment and to provide guidelines for a prompt and appropriate response to allegations of discriminatory harassment as well as guidelines for a prompt and appropriate remedy of any instance of discriminatory harassment. This responsibility to maintain an environment free of such discriminatory conduct applies to all students, to all District employees, to all school directors, to all District contractors and consultants, and to all school volunteers.

The Superintendent is responsible for implementing this policy. Implementation will include, but is not limited to, the following activities:

- Education: The Superintendent or designee(s) will plan and implement appropriate programs to educate staff and students about discriminatory harassment, and about this policy and its procedures. Programs for staff will include mandatory training seminars or in-service programs which will reach all professional and support staff. Programs for students will be age appropriate.
- Procedures: The Superintendent or designee(s) will prepare written procedures for prompt and satisfactory resolution of any complaint arising from a purported violation of this policy.
- Communication: The Superintendent or designee(s) will implement a plan to communicate the policy and written procedures to students, parents/guardians and District employees and agents. Information about discriminatory harassment and this policy shall be distributed with such frequency and in such a form as to ensure that all students and District employees and agents are aware of the various forms that discriminatory harassment can take, the District’s prohibition of discriminatory harassment, and the procedures that are available to enforce the policy.

### B. Maintaining Appropriate Boundaries with Students

All District employees and other adults, as defined in AR 302/below, shall be expected to maintain professional, moral and ethical relationships with District students that are conducive to an effective, safe learning environment. This expectation addresses a range of behaviors that include not only obviously unlawful or improper interactions with students, but also precursor grooming and other boundary-blurring behaviors that can lead to more egregious misconduct. In this context, precursor grooming means the targeting of a child by an adult through various modes of communication with the intention of meeting the child to have unlawful or otherwise improper sexual activity.

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This policy is not intended to interfere with appropriate pre-existing personal relationships between adults and students and their families that exist independently of the District or to interfere with participation in civic, religious or other outside organizations that include District students.

AR 302 shall set forth the rules, guidelines and procedures necessary to implement this policy and defining what constitutes prohibited conduct relating to, among other things:

1. Romantic or sexual relationships
2. Prohibited social interactions
3. Prohibited electronic communications

The building principal or designee shall be available to answer questions about behaviors or activities that may violate professional boundaries as defined in this policy.

For the purpose of this policy, the term **adults** applies to District employees, volunteers, student teachers, and independent contractors and their employees who interact with students or are present on school grounds. The term **adults**, as used in this policy, does not include District students who perform services on a volunteer or compensated basis.

### C. Child/Student Abuse

The Board affirms the obligation of District employees, certain independent contractors, and certain school volunteers to assist in identifying possible child abuse as well as to prevent the victimization of students. In addition, the Board sets forth those individuals required to participate in ongoing child abuse recognition and reporting training, as well as procedures for reporting child abuse in compliance with the Child Protective Services Law of 1990 and its amendments. The AR 302 shall set forth procedures necessary to implement this Policy.

In accordance with Board Policy, the Superintendent or designee shall:

- Require each candidate for employment to submit an official child abuse certification statement and other criminal history background checks/child abuse certifications as required by law.
- Require each applicant for transfer or reassignment to submit an official child abuse certification statement unless the applicant is applying for a transfer from one position as a District employee to another position as a District employee and the applicant's official child abuse certification statement is current and on file with the District.

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- Require each volunteer to submit an official child abuse certification statement and other criminal history background checks as required by law and applicable Board Policy.

The District shall provide their employees who have direct contact with children with mandatory training on child abuse recognition and reporting. The training shall include, but not be limited to, the following topics:

- Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct.
- Provisions of the educator discipline act, including mandatory reporting requirements.
- District policy related to reporting of suspected abuse and sexual misconduct.
- Maintenance of professional and appropriate relationships with students.

The District may provide this training through the internet or other distance communications systems. Employees are required to complete a minimum of three (3) hours of training every five (5) years or as otherwise required by law.

## II. Professionalism and Avoiding Conflicts of Interest

### A. Outside Employment and Business Interests

The District desires to minimize conflicts of interest and potential conflicts of interest in connection with employment. To this end, the District permits its employees to maintain outside employment and business interests (collectively, "Outside Business Interests"), but only to the extent permitted in AR 302.

### B. Tutoring for a Fee

In order not to unnecessarily deprive District students of access to the many qualified private tutors who are also District employees, while minimizing the potential for conflict of interest created by teachers and other instructional staff tutoring their own students, the District permits tutoring of District students by District staff and their near relatives, pursuant to the guidelines set forth in AR 302 and in accordance with Pennsylvania's *Code of Professional Practice and Conduct for Educators*, which provides in part: "The professional educator may not ... exploit a professional relationship for personal gain or advantage" (22 Pa. Code §235.9).

### C. Private Coaching or Training of Students by District Athletic Coaches

In order not to unnecessarily deprive District students of access to the many qualified private coaches who are also District employees, while minimizing the potential for conflict of interest

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created by District coaches privately coaching their own players, the District permits private coaching or training of District students by District staff but only to the extent permitted by AR 302.

### D. Gifts

For purposes of this Policy, a **gift** is defined as anything received without consideration of equal or greater value, and includes any favor, service, honorarium, employment or offer of employment, or any other thing of value from vendors or prospective vendors, parents/guardians, students, or other sources.

The Board considers the acceptance of gifts by employees an undesirable practice because, among other things:

1. Gifts very often lead to a feeling of obligation on the part of the employee.
2. Students of limited means may feel an obligation to contribute beyond family means.
3. No student should feel obligated to make a contribution to a staff member.

It is the policy of the Board that employees may not accept gifts, subject to the exceptions listed in AR 302.

### E. Crowdfunding

All crowdfunding campaigns conducted by District employees, relating to their roles as District employees, may be conducted only with prior written approval of the administration and only to the extent permitted by AR 302.

### F. Romantic Relationships in the Workplace

District Adults are strongly encouraged to maintain professional boundaries appropriate to the context and nature of their activities. While romantic relationships between employees are not prohibited, employees must maintain clear boundaries during working hours and within the working environment in accordance with the guidelines established by AR 302.

### G. Personal Use of Social Media

The District encourage staff members to maintain a high degree of professionalism and appropriateness in all communications. Given the potentially broad reach of social media and

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the propensity for reaching unintended recipients, employees must be particularly cognizant of the need for professionalism with respect to personal use of social media. The District prohibits, and reserves the right to discipline employees for, use of personal social media that adversely impacts the employee's performance and/or responsibilities in the workplace.

District employees are strongly discouraged from using personal social media accounts for communicating with parents and students other than through channels expressly sanctioned by the District in this or other Board policies.

Individuals are not permitted to create social media accounts of any nature which imply ownership, control or an official account of the District or a District school or allege to represent the District or school's position on any issue without the prior written permission of the Superintendent or designee.

Employees who participate in social media activities by maintaining their own sites or participating on sites outside of the District's network should exercise caution to communicate that they are not acting in a District capacity or expressing the views of the District.

### Definitions

**Social media** - a category of Internet-based resources that integrate user-generated content and user participation to share information, ideas, personal messages and other content, including photos and videos. Social media includes social networks, which are online platforms where users can create profiles, share information and personal messages, and connect with others.

**Personal social media account** - a social media account, regardless of platform, that is attributed to and operated by a District employee, individual school director, or student for personal use and is not approved by the Superintendent or designee as an official communications channel of the District.

### Delegation of Responsibility

Administrative Regulation 302 outlines the rules and regulations regarding District employees with respect to use of personal social media accounts.

## III. Complaint Procedures

### A. Complaint Procedure – Employee Complaints not Covered by Collective Bargaining Agreement

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AR 302 establishes a complaint procedure designed to provide a reasonable and effective means of resolving difficulties which may arise among employees and to establish and maintain recognized two-way channels of communication between supervisory personnel and employees.

### B. Reporting of Waste and Wrongdoing in District Operations (Whistleblower)

#### 1. Purpose

The Lower Merion School District is committed to facilitating open and honest communications relevant to its governance, finances, operations, and compliance with all applicable laws and regulations.

The Board requires employees to conduct their duties and responsibilities in accordance with high standards of business and personal ethics. Employees and other representatives of the District must practice honesty and integrity in fulfilling their responsibilities and complying with all applicable laws and regulations.

The Board directs that employees who in good faith report or cooperate in investigations of suspected waste or wrongdoing not be subject to discrimination, retaliation, or other adverse employment consequences.

#### 2. Authority

The Whistleblower Law, 43 P.S. Sec. 1421 et seq., provides for the protection of employees against being discharged, threatened or otherwise discriminated or retaliated against with respect to the employee's compensation or other terms and conditions of employment because the employee has made a good faith report of wrongdoing or waste to their employer.

#### 3. Delegation of Responsibility

In order to maintain an educational environment that discourages and prohibits punitive action against whistleblowers, the Board directs the Superintendent to designate a District-wide administrator as the Compliance Officer for purposes of this Policy.

AR 302 shall set for the rules, guidelines and procedures necessary to implement this Policy which shall, at a minimum, address the following topics:

- (a) Provisions for informing existing and new employees of this Policy;

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- (b) Explanation of the protections afforded employees who make good faith reports in accordance with this Policy;
- (c) A procedure for making good faith reports as contemplated in this Policy;
- (d) A procedure for investigating reports received in accordance with this Policy;
- (e) A procedure for appealing the findings or outcome of an investigation that has taken place in accordance with this Policy; and
- (f) Disciplinary procedures that apply in the event of finding of waste or other wrongdoing.