

# Employee Handbook

## Excerpt - Ethical Standardsv2



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## Section 5 - General Standards of Conduct

### 5-1. Workplace Conduct

Hershorin Schiff Community Day School endeavors to maintain a positive work environment. Each employee plays a role in fostering this environment. Accordingly, we all must abide by certain rules of conduct, based on honesty, common sense and fair play.

Because everyone may not have the same idea about proper workplace conduct, it is helpful to adopt and enforce rules all can follow. Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge, in the School's sole discretion. The following are examples of some, but not all, conduct which can be considered unacceptable:

1. Obtaining employment on the basis of false or misleading information.
2. Stealing, removing or defacing Hershorin Schiff Community Day School property or a co-worker's property, and/or disclosure of confidential business information.
3. Completing another employee's time records.
4. Violation of safety rules and policies.
5. Fighting, threatening or disrupting the work of others or other violations of Hershorin Schiff Community Day School' Workplace Violence Policy.
6. Failure to follow lawful instructions of a Supervisor.
7. Failure to perform assigned job duties.
8. Violation of the Punctuality and Attendance Policy, including but not limited to irregular attendance, habitual lateness or unexcused absences.
9. Gambling on School property.
10. Willful or careless destruction or damage to School assets or to the equipment or possessions of another employee.
11. Wasting work materials.
12. Performing work of a personal nature during working time.
13. Violation of the Solicitation and Distribution Policy.
14. Violation of Hershorin Schiff Community Day School' Non-Harassment or Equal Employment Opportunity Policies.
15. Violation of the Communication and Computer Systems Policy.
16. Unsatisfactory job performance.
17. Violation of our Drug and Alcohol Policy.
18. Any other violation of School policy.

Obviously, not every type of misconduct can be listed. Note that all employees are employed at-will, and Hershorin Schiff Community Day School reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. The School will deal with each situation individually and nothing in this handbook should be construed as a promise of specific treatment in a given situation. However, Hershorin Schiff Community Day School will endeavor to utilize progressive discipline but reserves the right in its sole discretion to terminate an employee at any time for any reason.

The observance of these rules will help to ensure that our workplace remains a safe and desirable place to work.

## **5-2. Interaction, Conduct, and Ethics Standards Required of All Employees**

All employees are required to ensure the health, safety, and welfare of the School's students at all times. The following sets forth some examples of inappropriate and prohibited behavior. Any similar behavior that creates even the appearance of impropriety must be avoided and must be promptly reported as outlined below:

As employees of an educational institution, you are held to a higher standard by parents, students, colleagues, and members of the public. We support and endorse a strict policy of respect toward students and expect employees to act at all times as adult role models. In addition, students typically respond better to faculty and administrators and evidence greater levels of respect when appropriate expectations are established right from the beginning of the relationship. Therefore, you should ensure that you do not engage in any interaction or communication that may reflect even the appearance of impropriety or make students feel uncomfortable in your presence. If you are not sure whether a particular comment or action may be appropriate, it is far better to avoid the behavior than risk negative consequences.

The following are examples of inappropriate interactions and communications with students. This list is not all inclusive and other, similar activities should also be avoided:

- Calling students at home for non-school related matters;
- Encouraging or allowing students to call you by an inappropriate nickname;
- Touching students or their clothing in non-professional ways or inappropriate places, or touching a student with aggression, in frustration, or when you are highly emotional;
- Giving your phone number or asking for other students' phone numbers for use in situations other than for legitimate school reasons;
- Making too personal comments to students (about their clothing, hair, nail polish, personal habits, etc.)
- Being alone with a student in a room, vehicle, or other area;
- Sending e-mails or writing notes to students of a personal nature;
- "Friending" or "following" a student on a social networking site;
- Giving students rides, except in emergency situations;
- Engaging students to complete personal errands for you;
- Suggesting or permitting student to sit on your lap at any time;
- Creating a social networking site and then inviting students to view or permitting them to participate in the site;
- Discussing the personal affairs of other students or your colleagues;
- Speaking with innuendo to suggest a relationship or sexual subjects;
- Using the boys' or girls' restroom when any students are present;
- Flirting with a student;

- Visiting students to “hang out” in their hotel rooms when on Learning Expeditions or sporting events;
- Swearing, making inappropriate sexual, racial/or ethnic comments;
- Yelling or abusive actions toward a student;
- Drinking or using illegal drugs at school, around or with students, or at any school-related event when students are present;
- Telling off-color or other inappropriate jokes; and
- Dating or engaging in consensual relationships with students.

In addition, employees must adhere to the following additional guidelines:

- Employees should never physically move, grab, touch, or hit a student, or grab something from a student, with aggression or because of frustration. You should never physically threaten a student with words or objects. You should never treat a student with anything less than respect and dignity. If a student does not follow directions as expected, you should communicate clearly your instructions and, if the student does not listen or respond appropriately, you should take appropriate action, seeking assistance from the administration as necessary.
- Employees shall maintain the highest level of honesty, integrity, and professionalism in their dealings with students, parents, their co-workers, and the public.
- Employees must ensure that all standard safety rules and guidelines are followed, whether in the classroom, on a field trip, on the bus, or at any school-related event.
- Employees will only enter the restroom/lockerroom facility of the opposite sex with just cause (safety/emergency) must promptly exit the restroom facility when requested to do so by a school official
- Employees shall not share with persons who do not have a legitimate need to know information regarding the personal lives of students and their parents. This includes information relating to a student’s disability, impairment, medical condition, medications, grades, and disciplinary actions; or a parent’s financial condition, marital problems, etc. Employees should note, however, that to the extent any personal information potentially pertains to a concern of abuse, abandonment, or neglect, such information must be promptly reported as discussed in our Child Abuse Reporting Policy.
- Employees shall comply with applicable laws, school policies, regulations and related rules and are prohibited from engaging in any activities that could involve the School in any unlawful practice.
- Employees have an obligation to keep children and our campus safe. If you have information reflecting that any person who may regularly or periodically visit the school’s campus (student, employee, parent, spouse of an employee, family member, volunteer, or contractor) has been accused, arrested, or convicted of any type of potential abuse or sexual misconduct toward any other person, you must immediately report such information to the Head of School.

- Employees must promptly report any concerns relating to child abuse, abandonment, or neglect in accordance with the School's Child Abuse Reporting Policy.

**Disciplinary and Other Related Action:** The School will discipline any individual found to have engaged in inappropriate behavior or misconduct that may affect the health, safety, or welfare of students. In addition, the School will discipline any person whom it determines was aware of the circumstances and failed to report it. Moreover, to the extent that the individual who knowingly failed to report such misconduct holds a Florida teaching certificate, the Florida Education Practices Commission may suspend the educator's certificate for such failure.

**Reporting Procedure:** If you have information that raises the possibility that an employee has engaged in inappropriate behavior or misconduct that might affect the health, safety, or welfare of a student, you must notify one of the following individuals immediately. If you are unsure whether a particular action or comment is inappropriate, you should err on the side of caution and report the concern.

1. Head of School
2. Human Resources Manager
3. Program Directors - Early Childhood, K-4, or Middle School

Do not attempt to resolve the situation yourself. It is vital that one of the individuals above be notified so that the School can handle the situation appropriately. Failure to report inappropriate behavior or misconduct that may affect the health, safety, or welfare of a child may result in discipline, up to and including termination.

If you have information that raises the possibility that an employee has engaged in child abuse, you must report such concerns as set forth in the school's Child Abuse Reporting Policy. Failure to do so may result in discipline, up to and including termination.

You will not be retaliated against or disciplined in any way for making a good faith report of misconduct. If you believe that any employee has retaliated against you for such good faith report, you must immediately report that concern to one of the above individuals. In addition, you should note that Florida's child abuse reporting law (Fla. Stat. 39.203) provides immunity to persons who report actual or suspected cases of child abuse in good faith.

**Timing of Reports:** Reporting of complaints or concerns should be made promptly so that rapid and constructive action can be taken. Therefore, while no fixed reporting period had been established, we expect employees to make reports as soon as they have reason to believe that an employee's conduct may affect a student's health, safety, or welfare. In addition, even if you are currently hearing about an employee's alleged past misconduct, you must report your concern so that the School can investigate the situation and ensure that appropriate action, if any, has been taken. If the information that you have to report involves the potential of child abuse, please refer to the reporting guidelines under the separate Child Abuse Reporting Policy in this handbook.

**Investigatory Process and Confidentiality:** The administration will assess the information provided and will investigate reports of misconduct. The investigation will be tailored to the report and may include individual interviews with the complaining individual, the person accused of inappropriate conduct and, where necessary, with individuals who may have observed the alleged conduct or may have relevant knowledge. The School will attempt to maintain confidentiality of the information to the extent possible, consistent with the School's obligations to properly investigate.

**Disciplinary and Other Related Action:** The School will discipline any individual found to have engaged in inappropriate behavior or misconduct that may affect the health, safety, or welfare of students. In addition, the School will discipline any person whom it determines was aware of the circumstances and failed to report it. Moreover, to the extent that the individual who knowingly failed to report such misconduct holds a Florida teaching certificate, the Florida Education Practices Commission may suspend the educator's certificate for such failure.

**Employer References:** Only authorized management personnel of the School are permitted to respond to requests for references from potential employers regarding a current or former employee. Any person authorized to respond to such references who does so at the request of a prospective employer or the current or former employee will be immune from liability pursuant to Fla. Stat. 768.095, as long as such response is truthful and not intended to violate the current or former employee's civil rights.

**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.

### **5-3. School's Duty to Report Wrongs by Certified Teachers**

Section 1012.796(1)(e) requires a private school that has received state scholarship money to file a "legally sufficient complaint" with the Education Practices Commission within 30 days of the school becoming aware of actions by an educator holding a Florida teaching certificate and working in an educator-certified position that would reflect a violation by the educator of any of the provisions outlined in Section 1012.795. A "legally sufficient complaint" is a complaint outlining ultimate facts that would evidence a violation of Section 1012.795. Section 1012.795 has numerous provisions that address educator personal and professional misconduct, as follows:

**Section 1012.795, Education Practices Commission; authority to discipline,** provides: (1) The Education Practices Commission may suspend the educator certificate of any person as defined in s. 1012.01(2) or (3) for a period of time not to exceed 5 years, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for that period of time, after which the holder may return to teaching as provided in subsection (4); may revoke the educator certificate of any

person, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for a period of time not to exceed 10 years, with reinstatement subject to the provisions of subsection (4); may revoke permanently the educator certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students; may suspend the educator certificate, upon order of the court, of any person found to have a delinquent child support obligation; or may impose any other penalty provided by law, if the person:

- (a) Obtained or attempted to obtain an educator certificate by fraudulent means.
- (b) Knowingly failed to report actual or suspected child abuse as required in s. 1006.061 or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student as required in s. 1012.796.
- (c) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school.
- (d) Has been guilty of gross immorality or an act involving moral turpitude as defined by rule of the State Board of Education.
- (e) Has had an educator certificate sanctioned by revocation, suspension, or surrender in another state.
- (f) Has been convicted or found guilty of, or entered a plea of guilty to, regardless of adjudication of guilt, a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation.
- (g) Upon investigation, has been found guilty of personal conduct which seriously reduces that person's effectiveness as an employee of the district school board. (h) Has breached a contract, as provided in s. 1012.33(2).
- (i) Has been the subject of a court order directing the Education Practices Commission to suspend the certificate as a result of a delinquent child support obligation.
- (j) Has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.
- (k) Has otherwise violated the provisions of law, the penalty for which is the revocation of the educator certificate.
- (l) Has violated any order of the Education Practices Commission.
- (m) Has been the subject of a court order or plea agreement in any jurisdiction which requires the certificate holder to surrender or otherwise relinquish his or her educator's certificate. A surrender or relinquishment shall be for permanent revocation of the certificate. A person may not surrender or otherwise relinquish his or her certificate prior to a finding of probable cause by the commissioner as provided in s. 1012.796.
- (n) Has been disqualified from educator certification under s. 1012.315.

### **6B-1.006 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 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.