

CODE OF PROFESSIONAL PRACTICE AND CONDUCT FOR SCHOOL EMPLOYEES

Policy Code:

7305

A. GENERAL POLICY STATEMENT

The purpose of this policy is to establish and uphold uniform standards of conduct for employees in the Haywood County School System. These rules shall be binding on every person employed by the school system. The standards of conduct listed in Section B of this policy are minimum standards adopted by the State Board of Education (“SBE”). In the event referenced policies of the Haywood County Board of Education (the “board”) mandate more stringent standards than those set forth by the SBE, the board’s policies shall govern. The board recognizes that they and all staff members play important roles in the educational achievements of the young people of Haywood County. The highest standards of honesty, integrity, morality, and fairness must be exhibited by each employee. The board expects the staff of the system to serve as positive role models for students and to engage only in conduct and behavior that will contribute to an appropriate school atmosphere. Employees are expected to perform their jobs in a competent and ethical manner without violating either the public trust or applicable laws, policies, and/or regulations. Employees are expected to avoid engaging in any conduct that creates or gives the appearance to the public of creating a conflict of interest with their job responsibilities with the school system. (See policy 7730.)

B. STANDARDS OF PROFESSIONAL CONDUCT

In addition to the formal evaluation and review process targeted to enhance professional growth, the board expects all education professionals to adhere to certain professional standards of conduct and performance as set forth by the State Board of Education.

1. Disregard or Abandonment of Generally Recognized Professional Standards. The employee shall practice the professional standards of federal, state, and local governing bodies. Any act in deliberate disregard or abandonment of generally recognized professional standards, in the course of any of the following professional practices, shall be prohibited:
 - a. Service as a positive role model for students, parents, and the community;
 - b. Assessment, treatment, instruction, or supervision of students;
 - c. Employment or evaluation of personnel; and
 - d. Management of funds or property.
2. Dishonesty. The employee shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of duties.
3. Misrepresentation or Falsification in the Course of Professional Practice. The

employee shall not deliberately falsify, misrepresent, or omit material information concerning any of the following:

- a. Statement of professional qualifications;
 - b. Application or recommendation for employment, promotion, or licensure (see policies 7100, 7400, and 7430);
 - c. Application or recommendation for college or university admission, scholarship, grant, academic award, or similar benefit;
 - d. Representation of completion of college or staff development credit;
 - e. Evaluation or grading of students or personnel;
 - f. Submission of financial or program compliance reports submitted to state, federal, or other governmental agencies;
 - g. Submission of information in the course of an official inquiry by the Haywood County Schools or the SBE related to facts of unprofessional conduct; provided, however, that an employee shall be given adequate notice of the allegations and may be represented by legal counsel; or
 - h. Submission of information in the course of an investigation by a law enforcement agency, child protective services, or any other agency with the right to investigate, regarding school related criminal activity; provided, however, that an employee shall be entitled to decline to give evidence to law enforcement if such evidence may tend to incriminate the employee as that term is defined by the Fifth Amendment to the U.S. Constitution.
4. Improper Remunerative Conduct and Conflicts of Interest.
- a. An employee shall not engage in selling goods or services to the board and shall not engage in or have financial interest, directly or indirectly, in any activity which conflicts with duties and responsibilities in the school system. (See policy 7730.)
 - b. The employee shall not solicit current students or parents of students to purchase equipment, supplies, or services in a private remunerative capacity.
 - c. A teacher shall not tutor for remuneration students currently assigned to his or her class(es), unless approved by the principal. An employee shall not accept any compensation, benefit, or thing of any value other than the regular compensation for the performance of any service that he/she is required to render in the course and scope of employment.

- d. No school employee may accept gifts from any person or group desiring to do or doing business with the school system unless such gifts are instructional products or advertising items of nominal value that are widely distributed. (See policy 7730.)
 - e. This rule shall not restrict performance of any overtime or supplemental services at the request of the immediate supervisor; nor shall it apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents, or other persons in recognition or appreciation of service.
5. Abuse of Students. The employee shall not commit any abusive act or sexual exploitation with, to, or in the presence of a student, whether or not that student is or has been under the care or supervision of that employee, as defined below:
- a. Any inappropriate use of language that is considered profane, vulgar or demeaning;
 - b. Any sexual act;
 - c. Any solicitation of a sexual act, whether written, verbal, or physical;
 - d. Any act of child abuse, as defined by law;
 - e. Any act of sexual harassment, as defined by law (see policy 1720); or
 - f. Any intentional solicitation, encouragement, or consummation of a romantic or physical relationship with a student, or any sexual contact with a student. The term “romantic relationship” shall include dating any student. (See policy 4040.)
6. Confidential Information. The employee shall keep in confidence personally identifiable information regarding students or their family members that has been obtained in the course of professional service, unless disclosure is required or permitted by law or professional standards, or is necessary for the personal safety of the student or others. (See policies 2125, 4250, and 4700.)
7. Unconstitutional or Discriminatory Acts. The employee shall not willfully or maliciously violate the constitutional or civil rights of a student, parent/legal guardian, or colleague. (See policies 1710, 4021, and 7230.)
8. Failure to Make a Required Report. The employee shall make all reports required by G.S. 115C.
9. Alcohol or Controlled Substance Abuse. The employee shall not:

- a. Be under the influence of, possess, use, or consume on school premises or at a school-sponsored activity a controlled substance as defined by G.S. 90-95, the Controlled Substances Act, without a prescription authorizing such use;
 - b. Be under the influence of, possess, use, or consume an alcoholic beverage or a controlled substance on school premises or at a school-sponsored activity involving students (see policies 5025, 5026, and 7240); or
 - c. Furnish alcohol or a controlled substance to any student except as indicated in the professional duties of administering legally prescribed medications (see policies 6120 and 6125).
10. Criminal Acts. The employee shall not commit any act referenced in G.S. 115C-332, G.S. 90-113.20 *et seq.* (the “North Carolina Drug Paraphernalia Act”), or any felony under the laws of the United States or of any state.
 11. Public Funds and Property. The employee shall not misuse public funds or property, funds of a school-related organization, or colleague’s funds. The employee shall account for funds collected from students, colleagues, or parents/legal guardians. The employee shall not submit fraudulent requests for reimbursement, expenses, or pay. (See policy 7650.)
 12. Unauthorized Professional Practice. The educator shall not perform any act as an employee in a position for which licensure is required by the rules of the State Board of Education or by G.S. 115C during any period in which the educator’s license has been suspended or revoked.
 13. Prohibited Harassment and Retaliation. The employee shall not directly or indirectly use or threaten to use any official authority or influence in any manner that tends to discourage, restrain, interfere with, coerce, or discriminate against any subordinate or any other employee who in good faith reports, discloses, divulges, or otherwise brings to the attention of the school system, the SBE, or any other public agency authorized to take remedial action, any facts or information relative to actual or suspected violation of any law regulating the duties of persons serving the school system, including but not limited to these rules. (See policy 1720.)

C. LOCAL STANDARDS OF CONDUCT

1. In addition to the expectations in Section B, above, the board expects all teachers to be capable and adhere to these minimum requirements and other employees are expected to adhere to all applicable requirements.
 - a. Adhere to the Code of Ethics for North Carolina Educators.
 - b. Comply with all board policies regarding appropriate and/or prohibited behavior with students including electronic communications with students

- directly or through the internet. All school employees shall be held responsible for familiarizing themselves with board policies, state law, federal law, and program guidelines. Higher standards in board policies supersede minimum standards in the law or other regulations.
- c. Direct all complaints regarding the work environment to the appropriate supervisors and/or file grievances instead of acting to undermine or diminish the authority of co-workers and supervisors.
 - d. Avoid confrontations with co-workers, including, but not limited to, engaging in actions or conversations which the ~~teacher~~ employee knows or should know will result in an actual disruption.
 - e. Manage students' classroom behavior to minimize disruption to the educational environment and refer students, when necessary, to the administration for disciplinary action.
 - f. Respond to all parent inquiries, complaints, and/or concerns in a timely and professional manner.
 - g. Comply with all administrative directives in a timely and professional manner, including written directives regarding specific issues or behaviors.
 - h. Perform all assigned and/or accepted extracurricular and non-instructional duties in a timely and professional manner.
 - i. Participate in and complete any required professional development activities.
 - j. Participate in all required staff meetings and student academic meetings, including required meetings for students with special needs, in a professional manner.
 - k. Complete and transmit all required reports and other documentation in a timely and professional manner.
 - l. Arrive at school each day at an appropriate time designated by the principal ready and prepared to complete all assigned duties.
2. Many classes include lessons on history, civics, politics and current events. During these lessons, students are a captive audience and teachers should focus on the state and local curriculum standards and critical thinking skills. Teachers should not focus on their own personal beliefs or those of their students. Further, students and employees, should be able to attend school and school-related activities free from overt criticism, alienation or retaliation for their personal, political, social or religious beliefs. Assignments and materials shall be used in contexts that make it clear that Haywood County Schools does not sponsor or promote particular concepts or

resources related to race, sex or personal, political, social or religious beliefs.

All instructional activities shall focus on state or locally approved curriculum standards in assigned courses or classes that are age-appropriate and should not be used to influence or inculcate students with a particular belief. School employees shall not use their position to promote or impose their own personal, political, social or religious beliefs on students. School employees shall not criticize, humiliate, embarrass or discredit students for their race, sex or personal, political, social or religious beliefs.

Nothing in this section shall be construed as prohibiting (1) speech protected by the First Amendment of the U.S. Constitution and (2) accessing materials on an individual basis for the purpose of research or independent study.

3. Employee's Personal Life. The personal life of an employee will not be the concern nor warrant the attention of the administration or the board unless it directly prevents the employee from effectively performing assigned duties, poses a conflict of interest, or disrupts the educational environment.
4. Use of Communication Devices. The personal use of telephones, cell-phones, or other personal communication devices (PCD) by employees must be held to a minimum during regular school hours and used in a manner that is not disruptive to the school or work setting. The use of a PCD while in the presence of students is prohibited unless an emergency situation arises. Those employees who are required to use communication devices for conducting school business shall use these devices in a manner that is not disruptive to the school or work setting.

D. SANCTIONS

Violation of these standards shall subject an employee to investigation and disciplinary action by the State Board of Education and/or Haywood County Schools. An employee who fails or is unwilling to comply with the standards set forth in this policy shall be subject to one or more of the following sanctions depending on the severity of the violation:

1. Warning
2. Oral Reprimand
3. Written Reprimand
4. Transfer
5. Suspension with Pay
6. Suspension without Pay

7. Demotion
8. Dismissal; and/or
9. Other action as deemed necessary by law or by the board

E. DUE PROCESS

All personnel action resulting from the enforcement of this policy shall be subject to G.S. 115C-325. Employees must follow board policies 1750, 2500, 7220, 7930, and 7950 if they believe that a misapplication or misinterpretation of this policy has occurred. When an administrator communicates to an employee that a possible violation of this policy has occurred, the employee will be given a copy of this policy.

Legal References: G.S. 14-234 – 234.1; G.S. 115C-47(18); G.S. 133-32

Cross References:

Adopted: May 11, 1998

Revised: May 9, 2011; September 19, 2016; August 9, 2021