

Employees are responsible for conducting themselves in a professional and ethical manner and for treating coworkers and members of the public with respect and dignity. The intent of this policy is to make a clear statement that unprofessional and abusive behavior will not be tolerated in the workplace.

EDUCATOR ETHICS

Educators shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents and members of the community and shall safeguard academic freedom.

Education Code 21.041(b)(8); 19 TAC 247.1(b), (c)

PUBLIC SERVANTS

All TSD employees are “public servants” and are subject to Title VII of the Penal Code, regarding offenses against public administration, including restrictions on the acceptance of illegal gifts, honoraria and expenses and abuse of office

Penal Code 1.07(a)(41), Title VII [See DBD and BBFA]

STANDARDS

State law requires that all individuals observe certain standards of conduct, including restrictions on the acceptance of illegal gifts, honoraria and expenses, and abuse of office. All TSD employees shall perform their duties in accordance with state and federal law, School policy, and ethical standards.

All TSD employees shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the School.

Employees wishing to express concern, complaints, or criticism shall do so through appropriate channels.

The following standards of conduct shall apply:

1. No employee shall accept, or solicit, any gift, favor or service that might reasonably tend to influence the employee in the discharge of official duties, or that the employee knows, or should know, is being offered with the intent to influence official conduct.
2. No employee shall accept employment, or engage in any business or professional activity which the employee might reasonably expect would require, or induct the disclosure of, confidential information acquired by reason of the official position.
3. No employee shall accept other employment, or compensation, which could reasonably be expected to impair the employee’s independence of judgment in the performance of official duties.
4. No employee shall make personal investments which could reasonably be expected to create a substantial conflict between the employee’s private interest and the public interest.

5. No employee shall intentionally, or knowingly, solicit, accept, or agree to accept any benefit for having exercised the employee's official powers, or performed official duties in favor of another.

PROHIBITED USES OF
STATE APPROPRIATED
MONEYS, LOBBYING

The following prohibitions apply to the activities of the School and its individual officers and employees:

1. None of the moneys appropriated by the General Appropriations Act, regardless of their source or character, shall be used for influencing the outcome of any election, or the passage, or defeat, of any legislative measure. This prohibition shall not be construed to prevent any official, or employee of the School, from furnishing to any member of the legislature, or committee, upon request, or to any other state official, or employee, or to any citizen information in the hands of the employee, or official, not considered under law to be confidential information. Any action taken against an employee, or officer, for supplying such information shall subject the person initiating the action to immediate dismissal from employment at the School.
2. No funds under the control of the School, including but not limited to state appropriate funds, may be used directly, or indirectly, to hire employees, or in any other way fund, or support, candidates for the legislative, executive, or judicial branches of government of the State of Texas, or the government of the United States.
3. None of the funds appropriated by the Appropriations Act shall be expended in payment of the salary for full-time employment of any state employee who is also the paid lobbyist of any individual, firm, association, or corporation. None of the funds appropriated by this act shall be expended in payment of the partial salary of a part-time employee who is required to register as a lobbyist by virtue of the employee's activities for compensation by, or on behalf of, industry, a profession or association related to operation of the agency, or institution, for which the person is employed. A part-time employee may serve as a lobbyist on behalf of industry, a profession, or association, so long as such entity is not related to the agency with which he, or she, is employed.
4. No employee of the School shall use any state-owned automobile, except on official business of the state, and such employees are expressly prohibited from using such automobile in connection with any political campaign, or any personal, or recreational activity.
5. None of the moneys appropriated by the Appropriation's Act shall be paid to any official, or employee, who violates any of the above provisions.

General Appropriations Act, Article IX, Section 5.

DISTRIBUTION OF
POLICY

The Superintendent shall ensure that each school officer and employee receives a copy of this policy and provides the School with a receipt therefore.

USE OF SCHOOL
CREDIT CARDS

School officers and employees may not use School credit cards for personal expenses. School credit cards may only be used for legitimate School business expenses. Payment of charges on individual cases is the sole responsibility of the officer, or employee. The School shall not be responsible for the charges,

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regardless of the type of charge. Officers and employees may use School credit cards to charge items that, while they qualify as official business, are not fully reimbursable under State and/or School guidelines for reimbursement.

ACCEPTANCE OF HONORARIA

School officers and employees may not solicit, accept, or agree to accept an honorarium in consideration for services they would not have been asked to provide but for their official position, or duties. This prohibition includes a request for, or acceptance of, a payment made to a third party in exchange for such services.

School officers and employees may accept the direct provision of or meals, or lodging provided, or reimbursement of actual expenses incurred in connection with a speaking engagement at a conference, or similar event.

See Texas Penal Code §36.07

DUAL OFFICE HOLDING

School officers and employees may hold other positions of employment with agencies, boards, commissions, or other entities of government, so long as the holding of such positions is consistent with the prohibitions against dual office holding in the Texas Constitution. Consulting arrangements with federal, state, or local governmental agencies of a detached and independent advisory nature are not considered to be appointments with such agencies.

OUTSIDE EMPLOYMENT

Full-time School employees are expected to devote their time and talents on a full-time basis to their assigned duties and responsibilities. Employees may accept outside employment, if the employment:

1. Does not interfere with the quality of performance of the employee.
2. Is reasonable in the amount of time taken for outside employment and its related activities.
3. Avoids unfair competition with legitimate private enterprises.
4. Does not bring an employee into conflict with the interests of the State of Texas, or the School.
5. Does not depend on, or is not associated with, the employee's employment with the School.
6. Is approved under any guidelines the Superintendent may establish.

Texas Attorney General Opinion, JM93 (1983)

MISUSE OF AUTHORITY

It is a violation of state law for School officers and employees acting with the intent to obtain a benefit or, with intent to harm another, to intentionally, or knowingly, misapply any thing of value belonging to the government that comes into their custody, or possession, by virtue of their office, or employment.

USE OF STATE EQUIPMENT

TSD officers and employees may make occasional personal use of communications equipment, including but not limited to the telephone, telecommunication device for the deaf (TDD), cellular phone, pager, e-mail, computer, or facsimile machine during working hours as long as such use does not hinder the day-to-day operation of an office, department, or other area of the School.

Use of telephones, telecommunication device for the deaf (TDD), cellular phone,

pager, facsimile machines, photocopiers, computers, electronic mail and other means of communication is a prohibited use of state equipment if it results in additional costs to the School, including, but not limited to, unduly interfering with the officer's, or employee's, assigned responsibilities, long distance charges, or damage to the equipment. Misuse of state equipment may lead to disciplinary action, up to and including termination.

See Texas Ethics Advisory Opinion No. 372

USE OF WORKTIME Except as set forth above, employees may not engage in non-work related personal activities during time designated as work time. Administrators and supervisors are prohibited from requesting, or requiring, any employee, including any employee under their respective direction, to perform non-work-related personal activities for them during time designated as work time.

PROHIBITION AGAINST ILLEGAL AND FRAUDULENT ACTS AGAINST TSD School officers and employees are strictly prohibited under the law, and under this policy, from engaging in any illegal, improper, or dishonest, acts and /or practices that may involve the School.

Officers and employees who engage in such acts are subject to immediate termination of employment.

PURSUING LEGAL REMEDIES The School shall pursue available legal remedies against persons, or entities, including School officers and employees, who engage in fraudulent acts against the School. Remedies included, but are not limited to, terminating employment, requiring restitution, and forwarding of information regarding suspected fraud to the appropriate authorities for criminal prosecution.

SCOPE OF PROHIBITED ACTS Within this policy, illegal, improper and/or dishonest acts and/or practices include, but are not limited to:

1. Theft.
2. Fraud.
3. Embezzlement.
4. Bribery, rebate, and "kick-back".
5. Misappropriation, misapplication, destruction, removal, or concealment of property.
6. Conflicts of interest.

ADMINISTRATIVE RESPONSIBILITY Administrators of all School Departments shall be responsible for identifying potential areas of risk within their respective departments in which fraudulent activities might occur, and for implementing reasonable measures to prevent such fraudulent activities.

DUTY TO REPORT SUSPECTED FRAUD, WASTE AND ABUSE Any officer, or employee, who has reason to suspect that any person, including a school officer or employee, is engaging in any type of fraudulent activity against the School, including theft, fraud, embezzlement, bribery, rebate, kick-back, misappropriate, misapplication, destruction, and removal, or concealment, of School property, and conflict of interest, shall report the suspected fraudulent activity in accordance with procedures developed and implemented by the Superintendent. The officer, or employee, reporting any type of fraudulent activity against the School may make the report anonymously to the following:

State Auditor's Office's telephone hotline: 1-800-TX-AUDIT

State Auditor's Office's website for reporting fraud:

<http://sao.fraud.state.tx.us>

INVESTIGATIONS OF
REPORTS

Reports of fraudulent activities shall be investigated in accordance with procedures developed and implemented by the Superintendent. To the extent possible, the Superintendent shall investigate anonymous reports in the same manner as reports from a named person.

REPORTING
SUSPECTED
FRAUDULENT
ACTIVITIES

If the Superintendent has reasonable cause to believe, which is more than mere suspicion and based on particular facts which support the belief, that money received from the State by TSD, or a TSD contract may have been lost, misappropriated, or misused, or that other fraudulent, or unlawful, conduct has occurred in relation to the operation of TSD, the Superintendent shall report the reason and basis for the belief to the state auditor. The state auditor may investigate the report, or may monitor any investigation conducted by TSD.

Texas Government Code §321.022

VIOLATIONS OF
STANDARDS OF
CONDUCT

The report to the state auditor should include a description of the incident; the estimated value of the loss; the identity of all persons who may have involvement, or knowledge relating to the loss, and a description of such involvement or knowledge; a description of the evidence; and the name and telephone number of the agency employee responsible for resolving the incident. Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as TSD employees. Violation of any policies, regulations, or guidelines may result in disciplinary action, up to and including termination of employment.

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EDUCATOR ETHICS	<p>Educators shall comply with standard practices and ethical conduct, as set in policy DH (Exhibit), toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom.</p> <p>The State Board for Educator Certification (SBEC), or its equivalent, shall provide for the adoption, amendment, and enforcement of an educator's code of ethics. SBEC, or its equivalent, is solely responsible for enforcing the ethics code for purposes related to certification disciplinary proceedings.</p> <p>Education Code 21.041(8); 19 TAC 247.1, 247.2</p>
REPORT TO SBEC OF EDUCATOR MISCONDUCT	<p>A superintendent shall promptly notify SBEC, or its equivalent, in writing by filing a report with SBEC, or its equivalent, not later than the seventh day after the superintendent first learns about a criminal record or an alleged incident of misconduct, as described at DF, Termination of Contract, involving a certified educator.</p> <p>A superintendent shall include the name of a student or minor who is the victim of abuse or unlawful conduct by an educator, but the name of the student or minor is not public information under Government Code, Chapter 552. [See GBAA]</p> <p>Education Code 21.006; 19 TAC 249.14</p>
TOBACCO OR VAPOR PRODUCT USE	<p>The Board prohibits smoking or using tobacco or vapor products of any kind including those used for smoking, chewing, or as snuff, at any school-related or school-sanctioned activity on or off school property.</p> <p>This prohibition applies to all parts of TSD property including all indoor and outdoor educational and residential facilities on the TSD campus.</p> <p>Education Code 38.006(1)(2)</p>
FUND DRIVES	<p>There are occasional fund drives carried on at the School in which personnel may participate. Participation is on a voluntary basis in all cases.</p> <p>Informal department collections are not prohibited by this policy.</p>
ENFORCEMENT	<p>The Board shall ensure that School personnel enforce the policies on school property.</p> <p>Education Code 38.006(3)</p>
ALCOHOL AND DRUGS	<p>Employees shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while at school or at school-related activities during or outside of usual working hours:</p> <ol style="list-style-type: none">1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug,

- hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
 3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
 4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.

[Education Code 38.007\(a\)](#)

EXCEPTIONS

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

An employee who manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities, or who uses a drug authorized by a licensed physician prescribed for the employee's personal use shall not be considered to have violated this policy.

The Superintendent is authorized to waive subparagraph 2 above to allow an employee, in appropriate and reasonable circumstances, to distribute, dispense, possess or use alcohol or any alcoholic beverage during working hours while at school or at school-related activities during or outside of usual working hours.

NOTICE

Each employee shall be given a copy of the School's notice regarding drug-free schools. [See DI (EXHIBIT)]

A copy of this policy, a purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.

FEDERAL DRUG-FREE
WORKPLACE ACT

TSD agrees to provide a drug-free workplace by:

1. Publishing a statement notifying employees of the requirements of the federal Drug-Free Workplace Act (DFWA) and requiring that each employee be given a copy of the statement;
2. Establishing a drug-free awareness program for employees pursuant to the DFWA;
3. Notifying the granting agency within ten days after receiving notice that an employee has been convicted under a criminal drug statute;
4. Imposing a sanction on an employee who is convicted of such a violation, or requiring the employee's satisfactory participation in a drug abuse or rehabilitation program; and
5. Making a good faith effort to continue to maintain a drug-free workplace.

[41 U.S.C. 702\(a\)\(1\)](#)

DIETARY
SUPPLEMENTS

Except as provided at Education Code 38.011(b), a school employee may not:

1. Knowingly sell, market, or distribute a dietary supplement that contains performance-enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's duties; or
2. Knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance-enhancing compounds by a primary or secondary student with whom the employee has contact as part of the employee's duties.

An employee who violates items 1 or 2, above, commits a Class C misdemeanor offense.

[Education Code 38.011](#)

ELECTRONIC MEDIA

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), web logs (blogs), video logs (vlogs), electronic forums (chat rooms), video-sharing Web sites, editorial comments posted on the Internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, Video Phones, TTYs, IP Relays and Web-based applications.

USE WITH STUDENTS

In accordance with administrative regulations, a certified or licensed employee, or any other employee designated in writing by the Superintendent, Director or a principal, may use electronic media to communicate with currently enrolled students about matters within the scope of the employee's professional responsibilities. All other employees are prohibited from using electronic media to communicate directly with students who are currently enrolled in the School. The

regulations shall address:

- Exceptions for family and social relationships;
- The circumstances under which employees may use text messaging to communicate with students; and
- Other matters deemed appropriate by the Superintendent or designee.

PERSONAL USE

An employee shall comply with the School's requirements for records retention and destruction to the extent those requirements apply to electronic media.

Employees shall be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media violates state or federal law or School policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

SAFETY
REQUIREMENTS

All employees shall adhere to School safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

HARASSMENT OR
ABUSE

Employees shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees, See DIA; Freedom from Discrimination, Harassment and Retaliation.
2. Students. [See FFH; see FFG regarding child abuse and neglect]

While acting in the course of their employment, employees shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

RELATIONSHIPS WITH
STUDENTS

Employees shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a School employee is always prohibited, even if consensual.

ARRESTS,
INDICTMENTS,
CONVICTIONS, AND
OTHER
ADJUDICATIONS

Each School employee will report to his or her principal or immediate supervisor within three calendar days of when the employee becomes aware of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any misdemeanor offense against the person or the family; and any felony offense of which the employee has not previously notified his or her principal or immediate supervisor through written notification, records or employment application.

Notification is required of any misdemeanor, felony or offense involving moral turpitude, such as:

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a

- position as an educator;
3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
 4. Crimes involving moral turpitude, which include:
 - a. Dishonesty; fraud; deceit; theft; misrepresentation;
 - b. Deliberate violence;
 - c. Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
 - d. Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
 - e. Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or
 - f. Acts constituting abuse under the Texas Family Code.

Texas Penal Code, Title V and Title VI

DRESS AND GROOMING The dress and grooming of School employees shall be clean, neat, in a manner appropriate for their assignments, and in accordance with any additional standards established by their supervisors and approved by the Superintendent.

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