

## **Administrative Procedures for Employee Conduct and Reporting Requirements** (Attachment for Policy No. 317)

### **Purpose**

The School District of Philadelphia (“District”) adopts these procedures to effectuate Board of Education (“Board”) Policy 317, Employee Conduct and Reporting Requirements. The Board recognizes the need to outline the expected and prohibited conduct of employees during work hours as well as providing guidance about arrest/conviction reporting requirements for conduct outside of work hours that could warrant disciplinary procedures.

### **Definitions**

The following words and phrases, when used in these procedures, shall have the meaning given to them in this section:

**Certificate:** Any Commonwealth of Pennsylvania certificate, commission, letter of eligibility or permit issued under the Public School Code of 1949.

**Educator:** An employee who holds a certificate.

**Sexual Abuse or Exploitation:** Any of the following:

1. The employment, use, persuasion, inducement, enticement, or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:
  - a. Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
  - b. Participating in sexually explicit conversation either in person, in writing, or by any electronic devices for the purpose of sexual stimulation or gratification of any individual.
  - c. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
  - d. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting, or filming.
2. Any of the following offenses committed against a child: rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, institutional sexual assault, aggravated indecent assault, indecent assault, indecent exposure, incest, prostitution, sexual abuse, unlawful contact with a minor, or sexual exploitation.

**Sexual Misconduct:** Any act, including, but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, directed toward or with a child or student that is designed to establish a romantic or sexual relationship with the child or student; such acts include but are not limited to:

1. Sexual or romantic invitation.
2. Dating or soliciting dates.

3. Engaging in sexualized or romantic dialogue.
4. Making sexually suggestive comments.
5. Self-disclosure or physical disclosure of a sexual or erotic nature.
6. Any sexual, indecent, romantic or erotic contact with a child or student.

### **Required Reporting Procedures for Employees**

#### Arrest or Conviction Reporting Requirements

Any District employee who is arrested or convicted of any crime must report it to the Office of Employee and Labor Relations within seventy-two hours (72) of the occurrence by submitting an Arrest Report and Certification Form via email to the Office of Employee Relations at [employeerelations@philasd.org](mailto:employeerelations@philasd.org). The Arrest Report and Certification Form is available on the Pennsylvania Department of Education's at <https://www.education.pa.gov/documents/teachers-administrators/background%20Checks/arrest%20or%20conviction%20form.pdf> and in the Pennsylvania Bulletin.

#### Child Abuse Indication Reporting Requirements

Any District employee who is indicated as the perpetrator in a case of child abuse pursuant to the Child Protective Services Law must report it to the Office of Employee and Labor Relations within seventy-two hours (72) of the occurrence via email to the Office of Employee Relations at [employeerelations@philasd.org](mailto:employeerelations@philasd.org). Child abuse is defined in Board Policy 806, Child Abuse.

#### Educator Discipline Act

##### *Educator's Duty to Report:*

In addition to the reporting requirements described below, Educators, as defined above, have additional and separate reporting requirements to the Pennsylvania Department of Education under the Educator Discipline Act Pennsylvania School Code. All Educators who know of any action, inaction or conduct which may constitute sexual abuse or exploitation or sexual misconduct are now required to file a mandatory report with the Department using the [Mandatory Report Forms](#) available at <https://www.education.pa.gov/Educators/Misconduct/Pages/MandatoryReport.aspx> and shall report such misconduct to his or her chief school administrator and immediate supervisor.

##### *District's Duty to Report:*

The Superintendent or designee shall report to the Pennsylvania Department of Education on the required form, within fifteen (15) days of receipt of notice from an Educator or discovery of the incident, any Educator:

1. Who has been arrested or convicted of any crime that is graded a misdemeanor or felony;
2. Against whom there are any allegations of sexual misconduct or sexual abuse or exploitation involving a child or student;
3. Where there is reasonable cause to suspect that the Educator has caused physical injury to a child or student as the result of negligence or malice;

4. Who has resigned or retired or otherwise separated from employment after a school entity has received information of alleged misconduct under the Educator Discipline Act;
5. Who is the subject of a report filed by the school entity under 23 Pa. C.S. Ch. 63 (relating to child protective services); and
6. Who the school entity knows to have been named as a perpetrator of an indicated or founded report under 23 Pa. C.S. Ch. 63.

All reports submitted to the Pennsylvania Department of Education shall include an inventory of all information, including documentary and physical evidence in possession or control of the school relating to the misconduct resulting in the report.

#### Confidentiality Agreements

The District shall not enter into confidentiality or other agreements that interfere with mandatory reporting requirements.

#### Disciplinary Action for Failure to Meet Reporting Requirements

An employee's failure to accurately report the employee being named as a perpetrator in an indicated report of child abuse under the Child Protective Services Law, arrest, or conviction may subject the employee to disciplinary action, up to and including termination and may be subject to criminal prosecution under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

#### Maintenance Schedule

These Administrative Procedures will be reviewed annually by the Office of Talent and revised accordingly at such time, if needed. In the case of a triggering event, the policy and corresponding administrative procedure will be reviewed and revised to ensure appropriateness and relevance.

#### Related References:

[Board Policy 806 - Child Abuse](#)

[24 P.S. § 1-111](#). Criminal History of Employes and Prospective Employees; Conviction of Certain Offenses

[24 P.S. §§ 2070.1a, et seq.](#) Educator Discipline Act

[24 P.S. § 2070.9a](#). Mandatory Reporting

[23 Pa. C.S. § 6301](#). Child Protective Services Law