

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 317

SECTION: EMPLOYEES

TITLE: Employee Conduct
and Reporting Requirements

ADOPTED: June 15, 2017

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317 EMPLOYEE CONDUCT AND REPORTING REQUIREMENTS

Purpose

To facilitate an effective educational environment and provide role models of caring and supportive behavior, the Board of Education (“Board”) expects all employees to conduct themselves in a manner consistent with appropriate and orderly behavior. This policy provides guidance on what conduct is prohibited during work hours and certain employee reporting requirements for violations of Board policies, administrative procedures and rules, the School District of Philadelphia’s (“District”) Employee Code of Ethics, and the Pennsylvania Code of Professional Practice and Conduct for Educators, or other applicable law.

Authority

The Board requires District employees to conduct themselves in compliance with Board policies, administrative procedures and rules, the Employee Code of Ethics and the Pennsylvania Code of Professional Practice and Conduct for Educators, where applicable, and to report violations as required by Board policy or applicable law. [1][2][3]

Delegation of Responsibility

The Superintendent or designee from the Office of Talent shall develop and disseminate rules of conduct that apply to all District employees.

Mandatory Regulatory Procedures

The Board requires employees to maintain professional, moral, and ethical relationships with students, staff, families, and the community at all times.[2][3][4][5]

When engaged in assigned duties, District employees shall not participate in activities that include, but are not limited to, the following:[1]

1. Physical or verbal misconduct, or threat of harm, to anyone;
2. Nonprofessional relationships with students;[2][3][4][5]
3. Causing intentional damage to District property, facilities, or equipment;

4. Forceful or unauthorized entry to or occupation of District facilities, buildings, or grounds;
5. Use, possession, distribution, or sale of alcohol, drugs, or other illegal substances;[6]
6. Use of profane or abusive language;
7. Breach of confidential information;
8. Failure to comply with directives of District officials, security officers, or law enforcement officers;[7][8]
9. Carrying onto or possessing a weapon on school grounds without authorization from the appropriate school administrator.
10. Violation of Board policies, administrative procedures and rules, and the Employee Code of Ethics;[4][7]
11. Violation of federal, state, or applicable municipal laws or regulations;[7] and
12. Conduct that may obstruct, disrupt, or interfere with teaching, research, service, operations, administrative or disciplinary functions of the District, or any activity sponsored or approved by the Board.

Discipline related to employee violations of this Policy will be managed through due process, with possible penalties including, but not limited to, verbal warning, written warning, reprimand, suspension, demotion, dismissal, and/or pursuit of civil and criminal sanctions.[7]

When discipline, including demotion or dismissal charges are filed against a represented employee and/or professional employee, a hearing shall be provided as required by applicable law and collective bargaining agreements. Non-represented and/or non-professional employees may be entitled to a hearing under the PA School Code or applicable law.[8][9][10][11][12][13][14][15]

Pre-K Head Start

District employees providing services in the Prekindergarten Head Start program shall comply with the policies and procedures and standards of conduct for program staff in addition to the requirements set forth in this policy.[16]

Employee Reporting Requirements

Arrest or Conviction Reporting Requirements

An employee who is arrested or convicted of a crime shall report the arrest or conviction to the Superintendent or designee, within seventy-two hours (72) of the occurrence, in the manner prescribed in the designated procedures to this policy and applicable law.[17]

An employee shall be required immediately to submit new criminal history background checks if the Superintendent or designee has a reasonable belief that the employee was arrested or has been convicted of any criminal offense.[18]

Failure to accurately report such occurrences may subject the employee to disciplinary action, up to and including termination and criminal prosecution. [17][18]

Child Abuse Reporting Requirements

Employees shall report to the Superintendent or designee, in writing, within seventy-two (72) hours of notification, that the employee has been named as a perpetrator in a founded or indicated report pursuant to the Child Protective Services Law.[17][18][19]

An employee shall be required immediately to submit a new child abuse history certification if the Superintendent or designee has a reasonable belief that the employee was named as a perpetrator in a founded or indicated report or has provided written notice of such occurrence.[17][18][19]

Failure to accurately report such occurrences may subject the employee to disciplinary action, up to and including termination and criminal prosecution.[15][16][17][18][19]

No employee who has been named as a perpetrator in an indicated report under the Child Protective Services Law shall be eligible for continued employment unless that employee files a request for administrative review from the Department of Human Services and expunction of the report within twenty-one (21) days of receiving notice of the status of that report.[18][19]

An employee with a pending request with Department of Human Services for administrative review and expunction shall not be eligible for continued employment beyond eight months from the date that employee was named a perpetrator in an indicated report. However, the District retains the right to take personnel action on the basis of its own investigative findings at any time. An employee whose indicated status is reviewed and expunged may be eligible for re-employment.

Educator Discipline Act

An educator who knows of any action, inaction, or conduct which constitutes sexual abuse or exploitation or sexual misconduct under the Educator Discipline Act shall report such misconduct to the Pennsylvania Department of Education on the required form, and shall report such misconduct to the Superintendent and his/her immediate supervisor, within fifteen (15) days of discovery of such misconduct.[3]

District Reporting Requirements

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 who has been provided with notice of intent to dismiss or remove for cause, notice of removal from eligibility lists for cause, or notice of intent not to reemploy for cause.[3]

School officials shall cooperate with the Pennsylvania Department of Education during its review, investigation, or prosecution, and shall promptly provide the Pennsylvania Department of Education with any relevant information and documentary and physical evidence upon request. [3]

Confidentiality

Except as otherwise provided in the Educator Discipline Act, all information related to any complaint, any complainant, or any proceeding related to discipline shall remain confidential unless or until public discipline is imposed. [3]

Immunity

Any person who, in good faith, files a complaint or report, or who provides information or cooperates with the Pennsylvania Department of Education or Professional Standards and Practices Commission in an investigation or proceeding shall be immune from civil liability. The District also is immune from civil liability for the disclosure of information about the professional conduct of a former or current employee to a prospective employer of that employee. [3]

Legal References:

1. 24 P.S. § 5-510
2. 22 Pa. Code §§ 235.1, *et seq.* Code of Professional Practice and Conduct for Educators
3. 24 P.S. § 2070.1a, *et seq.* Educator Discipline Act
4. Policy 300 - Employee Code of Ethics
5. Policy 824 - Maintaining Professional Adult/Student Boundaries
6. Policy 351 - Alcohol, Drug and Substance Abuse
7. 24 P.S. § 11-1122
8. 24 P.S. § 11-1121
9. 24 P.S. § 11-1126
10. 24 P.S. § 11-1127
11. 24 P.S. § 11-1128
12. 24 P.S. § 11-1129
13. 24 P.S. § 11-1130
14. 24 P.S. § 11-1151
15. 24 P.S. § 5-514
16. 42 U.S.C. § 9837
17. 24 P.S. § 11-111
18. 23 Pa. C.S.A. § 6344.3
19. 23 Pa. C.S. § 6341(a)(2)

Related Information:

Philadelphia Home Rule Charter - 12-300

Philadelphia Home Rule Charter - 12-308

2 Pa. C.S.A. §§ 551, *et seq.*

23 Pa. C.S.A. §§ 6301, *et seq.*

24 P.S. § 2070.9a