

CHARLOTTE-MECKLENBURG SCHOOLS

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| POLICY Standards of Conduct | CMS/NEPN Code: GBEB Draft Revision 8/4/16 |
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I. General

By accepting employment with the Charlotte-Mecklenburg Board of Education, employees have a responsibility to the school system, to their fellow employees and to the students that they serve to adhere to certain standards of behavior, performance and conduct. No set of rules can address all forms of unacceptable behavior. However, generally speaking, the Board of Education expects each of its employees to act in a professional and responsible manner at all times. In addition, examples of some of the more obvious unacceptable behaviors that may subject an employee to disciplinary action (including termination) are set forth below.

II. Standards of Conduct

Although not all-inclusive, any of the following types of conduct by an employee is grounds for discipline, up to and including immediate termination.

- (1) Violation of any Board policy or administrative rule, procedure or regulation, including, but not limited to, any Board policy or administrative rule, procedure or regulation concerning sexual behavior, discrimination, harassment, alcohol, illegal drugs, unlawful behavior, security or safety.
- (2) Violation of any applicable State Department of Public Instruction policy, rule, procedure or regulation, including, but not limited to, any violation of the Code of Professional Practice and Conduct for North Carolina Educators contained in the North Carolina Administrative Code.
- (3) Violation of any applicable federal, state or local statute, regulation or ordinance governing public school employees.
- (4) Violation of any written rules or procedures published by schools or supervisors to Board employees, provided that such rules and procedures

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Previous CMS Policy #: 4111.2, 4119.4, 4120, 4130

Cross Reference: GB, GBA, GBAA, GBE, GBEA, GBEBB, GBEBD, GBED, GBGB, GBGD, GBI, GBJA, GBK, GBKA, GCFC, GCMB, GCMD, GCR, EEBA, EGA, EGD, JBA

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do not violate or conflict with any Board policy or administrative rule, procedure or regulation.

- (5) Engaging in any unlawful behavior (with the exception of minor traffic violations outside of work hours), whether on Board property, on student or vendor property, during work time, while in the course of Board business, or otherwise, and whether or not the employee is convicted for such behavior.
- (6) Any federal or state court felony criminal conviction, guilty plea, plea of nolo contendere/no contest, deferred prosecution or prayer for judgment continued (or similar criminal convictions, pleas, deferred prosecutions or prayers for judgment rendered in foreign jurisdictions). A conviction includes any finding or admission of guilt and/or any imposition of a fine, jail sentence, probation or other penalty.
- (7) Any federal or state court criminal conviction, guilty plea, plea of nolo contendere/no contest, deferred prosecution or prayer for judgment continued (or similar criminal convictions, pleas, deferred prosecutions or prayers for judgment rendered in foreign jurisdictions) of any kind, whether felony or misdemeanor, involving minors under 18 years of age or involving public or private school funds, property, employees, visitors or students. A conviction includes any finding or admission of guilt and/or any imposition of a fine, jail sentence, probation or other penalty.
- (8) Being under the influence or the manufacture, sale, distribution, possession, dispensation, transportation or use of alcohol during work time or on Board or student property; or being under the influence or the manufacture, sale, distribution, possession, dispensation, transportation or use of illegal drugs or the unlawful abuse of prescription drugs at any time.

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- (9) Possession of any unauthorized visible or concealed firearms, weapons or explosives during work time or on Board property or bringing such items onto Board property, including but not limited to weapons for which the owner has obtained a concealed handgun or weapons permit.
- (10) Failure to maintain appropriate licensure or certification required: (a) for the particular job(s) or duties being performed by an employee; or (b) to operate Board property or equipment necessary for the performance of an employee's work responsibilities.
- (11) Failure to report an on-the-job injury or accident to an immediate supervisor as soon as the employee has knowledge of such injury.
- (12) Failure to observe specified Board safety or security practices while on Board property, on student or vendor property, during work time, or while in the course of Board business.
- (13) Awareness of a safety or security hazard with respect to Board property, employees, visitors or students and not acting timely to report such hazard to appropriate administration, supervisory or outside officials or to correct such hazard where possible.
- (14) Awareness of damage or an accident on or involving Board property, employees, visitors or students and not acting timely to report such accident or damage to appropriate administration, supervisory or outside officials.
- (15) Harassment of fellow employees, visitors, students, or a student's parent or guardian at any time, whether on Board property, on student or vendor property, during work time, while in the course of Board business, or otherwise.

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- (16) Threatening, intimidating, provoking a fight, striking or in any way fighting with: (a) a fellow employee, visitor, student, or a student's parent or guardian at any time; or (b) with any other individual when representing the school system.
- (17) Gambling, betting or taking bets during work time or on Board property or with students at any time.
- (18) Behaving indecently or engaging in immoral or abusive conduct: (a) during work time or while in the course of Board business; or (b) on Board property or with students at any time.
- (19) Behaving in any unethical or lascivious conduct at any time, if there is a reasonable and adverse relationship between the underlying conduct and the continuing ability of the employee to perform any of his/her professional functions in an effective manner.
- (20) Falsification or inappropriate alteration of or making false statements or misrepresentations regarding information used or contained in any employment records, including but not limited to applications for employment, time cards, leave forms, payroll data, expense records, personnel file materials, government reports, and any other like documents.
- (21) Falsification or inappropriate alteration of or making false statements or misrepresentations regarding information used or contained in any student records, including but not limited to report cards, grades, attendance records, testing data, testing scores, drop-out summaries, transfer sheets, government reports, and any other like documents.
- (22) Falsification or inappropriate alteration of or making false statements or misrepresentations regarding information used or contained in any Board financial records, including but not limited to asset listings, ledgers,

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purchase orders, financial statements, deposit and withdrawal slips, grant data, government reports, and any other like documents.

- (23) Submitting false requests or claims to the Board or the administration, including, but not limited to, claims or requests relating to jury duty, leave, medical claims, supplies and expense reimbursements.
- (24) Dishonesty or making false statements or misrepresentations regarding any school or work-related matter.
- (25) Insubordination, including, but not limited to, intentional refusal to cooperate in any school system-related investigation or to follow and/or carry out work related instructions of a supervisor or any employee with administrative authority.
- (26) Interference with another employee's job performance.
- (27) Unauthorized use of Board property at any time, including, but not limited to, motor vehicles, software, information systems, communication systems, or other Board-owned, leased or rented equipment.
- (28) Engaging in personal business during work time, including, but not limited to, the use of Board property or equipment for personal profit.
- (29) Unauthorized possession, removal or use of Board equipment or property or use of Board facilities for any purpose other than official Board business.
- (30) Unauthorized possession, use or distribution of Board keys, access codes or passwords.

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- (31) Theft, embezzlement or misuse of Board, fellow employee, student, parent, supplier, visitor, or school club or organization funds or property or the removal of such funds or property without authorization.
- (32) Deliberate sabotage, destruction or damage of Board, fellow employee, student, parent, supplier, visitor, or school club or organization property or equipment, or the commission of acts intended to cause destruction or damage to such property.
- (33) Unauthorized disclosure or use of confidential Board information or records, including but not limited to violation of the Board of Education's or the State Department of Public Instruction's confidentiality policies, or administrative rules, procedures and regulations with respect to personnel, student and testing data.
- (34) Careless or reckless driving of any vehicle on Board property or while transporting Board employees or students, or careless or reckless driving of a Board vehicle at any time (whether owned, leased or rented).
- (35) Transporting students in personal vehicles without parental consent.
- (36) Smoking or use of other tobacco products at any time while on Board property (including, but not limited to, Board vehicles, whether owned, leased or rented).
- (37) Sleeping during work hours.
- (38) Failure to dress in a professional manner consistent with an employee's job duties.
- (39) Failure to notify an appropriate supervisor when leaving Board property before an employee's regularly scheduled quitting time or when arriving

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after the regularly scheduled starting time.

- (40) Failure to follow applicable Board policies, rules, procedures or regulations regarding the reporting or taking of absences from regularly scheduled duties, including but not limited to any rules or procedures established or published by schools or supervisors to Board employees.
- (41) Use of profanity or obscene or abusive language toward or in the presence of any student, or toward or in the presence of any fellow employee, visitor, or a student's parent or guardian.
- (42) Any form of unwelcome or inappropriate physical contact with a fellow employee, except for the purposes of self-defense.
- (43) Any form of unwelcome or inappropriate physical contact with a student, except for the purposes of appropriate instruction, self-defense or necessary and appropriate physical restraint.
- (44) Conducting or allowing a "strip" search of students by individuals other than federal or state public law enforcement personnel acting within the scope of their public duties (excluding reasonable requests for students to take off shoes, socks, hats or outer garments such as coats, scarves, gloves, etc.).
- (45) Any form of sexual, lascivious or romantic contact with or solicitation of a student, including, but not limited to, kissing (regardless of whether such activity is welcome or unwelcome).
- (46) Dating or attempting to date students, or engaging or attempting to engage in any activity designed to encourage or which does encourage an inappropriate relationship with students.

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- (47) Awareness of actual or potential: (a) unwelcome or inappropriate physical contact with a student by an employee (except for the purposes of appropriate instruction, self-defense or necessary and appropriate physical restraint); (b) sexual, lascivious or romantic contact with or solicitation of a student by an employee, regardless of whether such activity is welcome or unwelcome; or (c) dating or attempting to date students, or engaging or attempting to engage in any activity designed to create or which does create an improper relationship with students, and not acting to report such matters to appropriate administration or supervisory officials and/or, where required by law, to outside officials in a timely manner.
- (48) Failure to disclose the existence of a familial or intimate relationship as required by Policy GBEEA, which requires employees to disclose the existence of such a relationship with (a) another employee or Board of Education member who is the employee's direct or indirect supervisor, or (b) another employee who is directly or indirectly supervised by the employee.

III. Warnings

Except where in the discretion of supervisory or administrative personnel the conduct or performance of an employee warrants immediate termination, an employee should be warned about his/her unacceptable behavior. If the warning is prepared in writing, the warning should be provided to the employee, and a copy should be placed in the employee's personnel file.

The failure to give warnings, either orally or in writing, shall not prevent the discipline or termination of an employee under this policy or Board Policy GB.

IV. Suspension

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Subject to the requirements of N.C.G.S §115C-325(f) and (f1) for certain employees, suspension of employees, with or without pay, for any unacceptable behavior under this policy or otherwise or for inadequate performance, may occur:

- (1) Pending demotion or dismissal;
- (2) Pending the outcome of an ongoing investigation or inquiry;
- (3) When, in the discretion of applicable supervisory or administrative personnel, suspension is warranted as disciplinary action; or
- (4) As otherwise deemed appropriate by the Superintendent or other supervisory personnel, as applicable.

Employees may be suspended only with the approval of the Superintendent, the Assistant Superintendent for Human Resources or their respective designees.

V. Termination

Subject to the due process requirements of N.C.G.S §115C-325 for certain employees, termination of employees may occur in the discretion of applicable supervisory or administrative personnel under this policy and/or Board Policy GB.

Employees may be terminated only with the approval of the Superintendent, the Assistant Superintendent for Human Resources or their respective designees.

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