

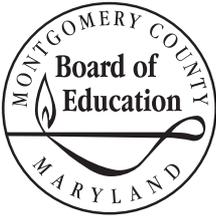
MONTGOMERY COUNTY PUBLIC SCHOOLS

EMPLOYEE *Code of Conduct*



ROCKVILLE, MARYLAND

SCHOOL YEAR 2016-2017



VISION

We inspire learning by providing the greatest public education to each and every student.

MISSION

Every student will have the academic, creative problem solving, and social emotional skills to be successful in college and career.

CORE PURPOSE

Prepare all students to thrive in their future.

CORE VALUES

*Learning
Relationships
Respect
Excellence
Equity*

Board of Education

Mr. Michael A. Durso
President

Dr. Judith R. Docca
Vice President

Mr. Christopher S. Barclay

Mr. Philip Kauffman

Mrs. Patricia B. O'Neill

Ms. Jill Ortman-Fouse

Mrs. Rebecca Smondrowski

Mr. Eric Guerci
Student Member

School Administration

Jack R. Smith, Ph.D.
Superintendent of Schools

Maria V. Navarro, Ed.D.
Chief Academic Officer

Kimberly A. Statham, Ph.D.
*Deputy Superintendent of
School Support and Improvement*

Andrew M. Zuckerman, Ed.D.
Chief Operating Officer

850 Hungerford Drive
Rockville, Maryland 20850
www.montgomeryschoolsmd.org



Dear Colleagues,

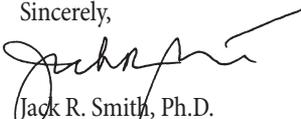
We have an exceptional workforce in Montgomery County Public Schools (MCPS) committed to the highest standards of ethical conduct and professionalism. Together, we work to ensure that we deliver high-quality education and services to our students to prepare them for successful and enriching lives beyond graduation. This *Employee Code of Conduct* is provided to make clear the expectations MCPS has for all employees in how we work together to ensure the safety and well-being of our students, fellow employees, and the broader community.

The *Employee Code of Conduct* was a new initiative developed for the 2015–2016 school year. We included an introduction to this document as part of trainings for staff and monitored its implementation throughout this past year. Staff members reported that the *Employee Code of Conduct* is a useful resource for their workplaces. Based on feedback, we have made several updates for the 2016–2017 school year. For instance, we have added references to two recently adopted MCPS regulations. First, MCPS Regulation ACH-RA, *Workplace Bullying*, establishes procedures to implement Montgomery County Board of Education Policy ACH, *Workplace Bullying*. Second, MCPS Regulation GCC-RA, *Staff Self-Reporting of Arrests, Criminal Charges, and Convictions*, includes a new requirement that all staff members must self-report if they are arrested or criminally charged for any offenses listed in this regulation. This requirement reflects MCPS's commitment to providing a safe learning environment.

The *Employee Code of Conduct* is a summary of the standards of conduct that MCPS, and the broader community, expect our employees to follow in carrying out their roles in the school system's mission. In addition, the *Employee Code of Conduct* summarizes the disciplinary procedures used to address situations where employees fall short of MCPS's expectations.

We will continue to work with our employee associations, staff, and stakeholders to ensure that this document reflects our values, contributes to a culture of respect in all our work locations, and clearly articulates the high expectations we have for employees. Thank you for your dedicated service to all of our MCPS students and families.

Sincerely,



Jack R. Smith, Ph.D.
Superintendent of Schools

Introduction

Montgomery County Public Schools (MCPS) is committed to an organizational culture that furthers our core values of Learning, Relationships, Respect, Excellence, and Equity. All employees must make every effort to create and maintain safe and healthy learning environments for all of our students. All employees are expected to interact with all students, parents/guardians, colleagues at all levels, and the community with the utmost integrity and professionalism.

This Employee Code of Conduct provides a general overview of the legitimate expectations and standards of conduct that MCPS and the broader community expect employees to follow in carrying out their important part of the district's mission. In addition, this Code of Conduct summarizes the disciplinary procedures that MCPS uses to address situations where employees fall short of our expectations and standards of conduct.

The Code of Conduct applies to all MCPS employees, both certificated and noncertificated, full- and part-time, as well as substitutes and others employed in a temporary or seasonal capacity. Many aspects of this Code of Conduct are based on applicable Montgomery County Board of Education policies and MCPS regulations and other guidelines (referred to hereafter as MCPS rules), as well as negotiated agreements and state and federal laws. This Code of Conduct is not intended to replace these resources, but rather to provide a one-document summary and reference point of appropriate items that would be useful to all employees. Please note that this Code of Conduct is not a contract, and the policy and legal requirements that it references are subject to change and supersede the statements contained in this publication.¹

Expectations for Employee Conduct

MCPS expects all employees to perform their work with the requisite skill and knowledge; maintain the highest standards of responsible and ethical conduct; and obey all applicable laws, policies, and regulations. Under no circumstances may any employee engage in any of the following activities or behavior: immorality, misconduct in office (which includes knowingly failing to report suspected child abuse or neglect), insubordination, incompetence, or willful neglect of duty.

Whenever employees face a matter that requires an ethical decision concerning their behavior, MCPS expects them to consider whether it might violate a law, policy, regulation, or professional standard of responsible and ethical conduct. Equally important, employees should refrain from any action or conduct that—

- threatens the safety of students, fellow employees, or the broader community;
- undermines the employee's professional integrity; and/or
- makes them unfit to perform their assigned duties.

The charts on the following pages provide specific examples of the standards of behavior that MCPS expects from all of its employees, as well as inappropriate or disruptive behavior that warrants correction or discipline. An employee's failure to perform expected behaviors, as well as an employee's performance of inappropriate behaviors (including, but not limited to, the "Do not's" listed on the following pages), may subject the employee to disciplinary action, up to and including suspension or termination.

Employees should understand that not all inappropriate, improper, or unethical conduct may be expressly referenced in this publication. Rather, the examples on the following pages are illustrative and nonexhaustive. Conduct that is not expressly listed nonetheless may warrant disciplinary action. For example, the charts do not attempt to list every standard of employee behavior grounded in common sense or commonly understood sound practices.

1. Ethical Conduct in the Work Environment

Employees are expected to behave honestly; diligently fulfill their job responsibilities; adhere to all laws, MCPS rules, and ethical standards governing their work; and comply with laws and MCPS rules outside of work where failure to do so affects their fitness to perform their job.

Selected examples of expected conduct:

- Complete work assignments in an appropriate, satisfactory, and timely manner and follow MCPS, department, and school procedures and guidelines, as well as the instructions, directions, and orders of supervisors and administrators.
- Report to work on time as scheduled, work as long as expected, follow leave procedures, and use work time for performance of MCPS responsibilities.
- Dress for work in a professionally appropriate manner.
- Follow legal requirements and MCPS rules on ethical behavior and avoid conflicts of interest.²
- Maintain the confidentiality of information you obtain through your work, including employee and student records.³
- Exercise due care and prudence when incurring expenses on behalf of MCPS and comply with all requirements for submitting any requests for reimbursement of travel and related expenses directly related to official MCPS business.⁴
- Complete all required reports on a timely basis and follow program and financial reporting guidelines.
- Attend and participate fully in all required MCPS professional learning opportunities, and complete all coursework and training to maintain valid certification/licensure required to hold the MCPS position to which you are assigned.
- Read and comply with the standards in the applicable Professional Growth System.
- Report known or suspected instances of fraud, false claims, false statements, bribery, theft, or embezzlement of MCPS funds or property.⁵
- Exercise fiscal responsibility with and properly account for MCPS funds, safeguard MCPS property, and respect other people's property.
- Follow legal requirements and MCPS rules prohibiting use of alcohol, tobacco, and other drugs⁶ on MCPS property.⁷
- Follow legal requirements and MCPS rules concerning school safety and security.

- Follow legal requirements and MCPS rules regarding appropriate use of MCPS websites, e-mail, and other communications technology,⁸ as well as test security and data reporting requirements.⁹
- Self-report criminal arrests, charges, or convictions when required to do so.¹⁰
- Follow MCPS rules and state election laws regarding participation in political campaigns, partisan election activities, and the distribution of political or partisan materials.¹¹
- Respond honestly to a work-related inquiry by MCPS, law enforcement, or other authorized investigative officials.
- Operate school-sponsored trips involving students within MCPS rules and with appropriate approval.¹²
- Conduct your private life activities (including social media activities) in a manner that is not prejudicial to your effectiveness as an MCPS employee and recognize that criminal, dishonest, and other inappropriate activities may have an adverse impact on your employment with MCPS.¹³

Selected examples of inappropriate conduct:

- Do not engage in conduct that endangers the safety of students, employees, parents/guardians, or the public.
- Do not abandon your job.
- Do not provide false information or make a material omission on a résumé or job application.
- Do not misuse leave or submit incorrect or fraudulent requests for reimbursement, expenses, or pay.
- Do not submit incorrect or fraudulent information to MCPS or on behalf of MCPS.
- Do not steal.
- Do not participate in decision making during the course of your work for MCPS in areas where you have a personal interest,¹⁴ or use your position as an MCPS employee, or information gained through your employment, for personal gain.
- Do not supervise a spouse, relative, in-law, or any employee with whom you have or have had an intimate personal relationship.
- Do not accept gifts unless permitted by MCPS rules.¹⁵
- Do not provide tutoring, before-school, after-school, or summer activities for compensation, except as allowed by MCPS policy or regulation.¹⁶
- Do not possess firearms or other weapons on MCPS property or at an MCPS-sponsored activity.¹⁷

2. Ethical Conduct with Students

It is expected that all employees will build positive relationships with students to support learning while adhering to standards of professional practice.

Selected examples of expected conduct:

- Treat all students fairly, equitably, and with respect, regardless of their race, color, ancestry, national origin, religion, gender, sex, gender identity, sexual orientation, age, marital status, familial status, socioeconomic status, physical attributes, physical or mental disability, or any other characteristic protected by applicable law.¹⁸
- Maintain high expectations for all students that are reasonable, clear, and age-appropriate.
- Use positive behavior intervention strategies and supports to guide student behavior and appropriate responsive strategies to maintain a safe and secure environment.
- Respect students' personal space.
- Immediately report abuse or neglect of children or vulnerable adults when observed or suspected and do not interfere with the making of reports of abuse or neglect.¹⁹
- Limit e-mail and social media communications with students to appropriate purposes directly related to instruction or your MCPS work responsibilities.

Selected examples of inappropriate conduct:

- Do not discriminate against students based on race, color, ancestry, national origin, religion, gender, sex, gender identity, sexual orientation, age, marital status, familial status, socioeconomic status, physical attributes, physical or mental disability, or any other characteristic protected by applicable law.²⁰
- Do not bully, harass, or intimidate students.²¹
- Do not engage in abuse or neglect of any child or vulnerable adult, including grooming behaviors through which an adult or a person in a position of authority builds an emotional connection with a child to gain their trust for the purposes of exploitation or other abuse.²²
- Do not engage or attempt to engage in a romantic or sexual relationship with an MCPS student, regardless of the age of the student.
- Do not meet with a student one-on-one in a room with the door locked or the lights off.
- Do not show pornography to MCPS students, or involve children in or with pornography.

- Do not introduce or view pornography on MCPS property or at any MCPS activity.
- Do not engage in inappropriate physical interactions with students, such as—
 - Hitting, tickling, or kissing;
 - Fondling any part of a student’s body;
 - Any type of massage given by or to a child; and
 - Sending offensive or sexually explicit pictures, notes, cartoons, or jokes.

NOTE: Certain touches may be appropriate in particular circumstances, such as a pat on the back or shoulder, handshakes, high fives, or holding the hand of younger children to guide or escort them.

- Do not engage in inappropriate verbal interactions with students, such as—
 - Name-calling or using profanity;
 - Discussing intimate details of one’s personal life;
 - Encouraging students to keep secrets from other adults;
 - Sexual or offensive humor;
 - Shaming, belittling, or derogatory remarks about a student, including negative comments about the student’s physique, body development, dress, or family; and
 - Harsh language that may threaten, degrade, or humiliate children.
- Do not have one-on-one interactions with MCPS students through social media, e-mail, or other electronic communication about subjects not directly related to instruction or your MCPS work responsibilities.
- Do not use personal e-mail accounts, social media networking sites, or other electronic communications to communicate or become “friends” with students.
- Do not transport a student in a personal vehicle without permission from a parent/guardian and a school administrator, and, if possible, arrange for a second adult to accompany the driver and the student.
- Do not give gifts to an individual student unless an administrator approves it in advance.
- Do not utilize corporal punishment, or other inappropriate student disciplinary practices, such as shaking, slapping, shoving, pinching, ostracizing, or withholding food, light, or medical care.²³
- Do not utilize physical restraints, or seclusion of students, except in very limited circumstances set forth in MCPS rules and district-sponsored training and guidance.²⁴

3. Ethical Conduct with Colleagues, Parents/Guardians, and the Community

Employees are expected to treat parents/guardians, other employees, and members of the community professionally and respectfully and comply with all nondiscrimination laws and policies in their relationships with other adults. It is equally critical that all employees have an awareness, understanding, and tolerance of others' interests, viewpoints, cultures, and backgrounds.

Selected examples of expected conduct:

- Practice civility in all interactions and seek and respect the opinions of others.
- Create a welcoming environment for parents/guardians and the school community.²⁵
- Communicate openly and respectfully.
- Use collaborative and interest-based strategies rather than positional or adversarial approaches.
- Provide and receive feedback constructively and respectfully.
- Provide appropriate supervision of visitors, volunteers, and contractors on MCPS property.²⁶
- Be respectful of diverse opinions and beliefs of other employees, parents/guardians, and others in the school community

Selected examples of inappropriate conduct:

- Do not engage in conduct that is rude or disrespectful to others.
- Do not discriminate against parents/guardians, coworkers, supervisors, or other citizens based on race, color, ancestry, national origin, religion, gender, sex, gender identity, sexual orientation, age, marital status, familial status, socioeconomic status, physical attributes, physical or mental disability, or any other characteristic protected by applicable law.²⁷
- Do not bully, harass, or intimidate MCPS employees or other adults.²⁸
- Do not retaliate against an employee or another person for taking any action or for reporting any facts or information related to real or perceived improper acts.

Application and Enforcement of the Employee Code of Conduct

This Code of Conduct is intended to incorporate and provide additional context regarding the variety of legal and other requirements and systems that govern expectations regarding the conduct of MCPS employees. These include but are not limited to the following:

1. The **Education Article of the Annotated Code of Maryland** and the **Code of Maryland Regulations (COMAR)** set forth expectations regarding the behavior of teachers, principals, assistant principals, and other public school employees whose positions require a professional certificate issued by the Maryland State Department of Education (MSDE)²⁹ and provide standards for suspension and dismissal when those certificated employees fail to adhere to these standards. In addition, if school vehicle operators and attendants breach certain expectations, state law disqualifies them from driving and/or employment.³⁰
2. **Other federal and state laws** establish requirements for MCPS employees in terms of the security of another's person, property or reputation; financial and program accountability; reporting child abuse and neglect; confidentiality of student and personnel records; and civil rights and nondiscrimination obligations.
3. **Negotiated collective bargaining agreements** with the Montgomery County Education Association (MCEA), Service Employees International Union Local 500 (SEIU), and the Montgomery County Association of Administrators and Principals/Business and Operations Administrators (MCAAP/MCBOA) set forth expectations regarding employee conduct, employee due process rights, and provisions that acknowledge that MCPS may discipline employees for "proper cause."³¹ This standard recognizes that employees should adhere to expected standards of behavior and failure to do so may constitute "proper cause" for discipline or discharge from employment.
4. The **Culture of Respect Compact** among MCPS, MCEA, MCAAP, and SEIU sets forth expectations for MCPS employees to promote a positive work environment that ensures the success of each employee, high student achievement, and continuous improvement in a self-renewing organization.³²

5. **Professional Growth Systems** for all MCPS employees, as provided by each collective bargaining agreement, identify in great detail expected standards of job performance, providing extensive examples of behavior that meets or does not meet those expectations. The Professional Growth Systems also define evaluation mechanisms intended to ensure compliance with those expectations.³³

6. **Board policies and MCPS regulations** govern subjects such as ethics, financial management, reporting of child abuse and neglect, and nondiscrimination and create expectations regarding employee behavior.³⁴ In addition, the Department of Transportation has an employee handbook, titled *Just Cause Standards for Bus Attendants and Bus Operators*.³⁵

It is the responsibility of all MCPS employees to ensure that their behavior conforms to these various standards. Failure to do so may result in use of the process for improvement in the Professional Growth System, the employee discipline provisions under the collective bargaining agreements, or, for certificated employees, the suspension and discharge procedures under Section 6-202 of the Education Article of the Annotated Code of Maryland as appropriate under the circumstances. In some instances, more than one approach may be appropriate. Such actions are initiated and determined on a case-by-case basis by MCPS, subject to review and appeal through grievance and appeal procedures provided by law, Board policies and MCPS regulations, and the collectively negotiated agreements. While this Code of Conduct focuses on actions that may subject an employee to discipline, there are certain instances that may, or should, be handled appropriately through the Professional Growth System.

Corrective and Progressive Discipline

MCPS is committed to fair and consistent treatment of employees in a disciplinary process that is both corrective and progressive.

1. **Nondisciplinary Corrective Actions.** In some circumstances, a supervisor or manager may determine that an employee's conduct does not warrant formal disciplinary action but does warrant a clarification as to expectations regarding future conduct. In such cases, the supervisor or manager may provide written guidance as to expectations regarding

future conduct. Such a document is not considered disciplinary in nature, but a confidential record will be maintained because it may provide context for future disciplinary action if the employee's conduct does not conform to the communicated expectations.

2. Disciplinary actions. Typical disciplinary actions include the following:

- Oral or written warning
- Written reprimand
- Suspension without pay
- Demotion
- Removal from position
- Termination

MCPS is not obligated to use any specific level of progressive discipline or to utilize the actions in the order listed above. Rather, the specific facts of each situation determine which of the listed disciplinary actions will be appropriate. In making a determination as to the appropriate level of disciplinary action in each case, consideration of mitigating factors (such as an employee's long history of good service with a clean record or an indication of less culpability on the part of the employee) or aggravating factors (such as placing others at risk of serious injury, demonstrating intentional wrongdoing, or indifference to the effect of an action or the outcome on others) may be considered. Lack of awareness or knowledge of this Code of Conduct, or applicable policies or regulations, is not a defense to a charge of misconduct.

Except for serious infractions, including but not limited to the prohibited criminal conduct discussed on the following pages, the lowest appropriate level of disciplinary action should be applied initially to focus on ensuring that an employee understands expectations and does not repeat the inappropriate conduct. In general, discipline should progress to a more severe level after a lesser disciplinary action has been implemented and proven to be ineffective. Nevertheless, a more serious infraction may warrant suspension or termination, even for a first-time offense, or repeated offenses, depending on the circumstances. This may be the case even when the infraction violates a standard of conduct that is not specifically enumerated in writing but involves common-sense application of governing principles or criminal law.

3. Process for cases involving suspected child abuse and other criminal activity. Cases involving suspected child abuse or neglect by an MCPS employee require immediate oral reporting to Child Welfare Services in the Montgomery County Department of Health and Human Services, commonly known as Child Protective Services (CPS), and, in cases of sexual abuse, to the Special Victims Investigations Division of the Montgomery County Police Department (MCPD) as well, as required by state law, Board Policy JHC, and MCPS Regulation JHC-RA. In every case of alleged abuse or neglect by an MCPS employee, the Office of Human Resources and Development (OHRD) will conduct an internal investigation consistent with all applicable Board policies and MCPS regulations and recommend appropriate discipline. OHRD will conduct an internal investigation even when CPS or MCPD screens out or closes the case without taking action and/or the Montgomery County State's Attorney's Office declines to bring criminal charges, because such cases may involve violations of Board policies, MCPS regulations, contracts, and/or other guidance. While any investigation by CPS, MCPD, or another external agency is pending, MCPS may not interview witnesses, alleged victims, or alleged perpetrators without prior agreement from and subject to any limitations recommended by the investigating agencies. In addition, MCPS must conduct all internal investigations in a manner that is fully cooperative with the external agencies that are investigating and that does not interfere with or jeopardize the external investigation.

Other critical incidents involving suspected criminal activity, such as drug distribution or use of weapons on MCPS property, require reporting to MCPD, pursuant to Board policy and the Memorandum of Understanding among MCPS, MCPD, and other county agencies involving the School Resource Officer Program and Other Law Enforcement Responses to School-Based Incidents.³⁶ In cases of suspected criminal activity, OHRD may conduct an internal investigation in a manner that is fully cooperative with the external agencies that are investigating and that does not interfere with or jeopardize the external investigation.

4. Process for cases involving other suspected misconduct. In other cases, and consistent with applicable law and MCPS rules, managers and supervisors should use professional judgment in reporting to OHRD. Managers and supervisors who feel that an employee's actions

may warrant a reprimand from a district official higher than the immediate supervisor, a suspension without pay, or termination from employment should refer the matter to the associate superintendent of OHRD through their own associate superintendent if the employee is a professional employee, or the employee's administrator or supervisor (frequently a department director) if the employee is a supporting services employee. OHRD will then review the information submitted, conduct or direct investigation as appropriate, and take or recommend any action that may be warranted by the information obtained. If the manager or supervisor has a question about whether an employee's conduct should be addressed through the professional growth system or the employee discipline process, the manager or supervisor should contact the Performance Evaluation and Compliance Unit (PECU) of OHRD. Cases involving unsatisfactory performance of an employee's job duties, due to lack of skill or knowledge, ordinarily will be addressed through the professional growth system, and may result in termination of employment if the employee is unsuccessful in achieving and sustaining a satisfactory level of performance. In instances that could be addressed under either the professional growth system or the discipline process, MCPS is not required to use one process prior to another. Employees who are members of one of the employee collective bargaining units may be entitled to representation during the investigation through their employee association, in accordance with the provisions of the respective collective bargaining agreements. If managers or supervisors have questions about the right to representation, they should contact either PECU or the Department of Association Relations for assistance and guidance.

- 5. Administrative leave.** Any suspicion of inappropriate behavior by an employee may be reason for placing him or her on administrative leave, pending an investigation into the allegations. Cases are reviewed on an individual basis, and the key factor is whether the employee's continued presence on the job poses a potential threat to students or staff, to the investigation of the allegedly inappropriate conduct, or to perpetuation of the allegedly inappropriate conduct (e.g., if the allegation is of financial malfeasance and the person handles MCPS funds). In accordance with MCPS Regulation JHC-RA, an MCPS employee who is the subject of allegations of child abuse or neglect will be placed on administrative leave, unless there is significant, credible information

that another course of action is warranted. When employees are placed on administrative leave, steps will be taken to limit their access to MCPS e-mail and other communications technology.

Prohibited Criminal Conduct

In addition to MCPS disciplinary procedures, an employee may face criminal prosecution for certain misconduct. These criminal proceedings may have consequences for the employee's continued employment with MCPS. For instance, under Section 6-113 of the Education Article of the Annotated Code of Maryland, MCPS may not knowingly hire or retain any employee who has been convicted of, or pled guilty or nolo contendere (no contest) to, a crime involving certain sexual offenses, child sexual abuse, and crimes of violence.³⁷ In addition, the Maryland State Superintendent of Schools is required to revoke the state-issued certificate of a teacher or other professional in certain circumstances involving criminal and other wrongdoing.³⁸

MCPS also requires that all staff members must self-report if they are arrested or criminally charged for any offenses listed in MCPS Regulation GCC-RA, *Staff Self-Reporting of Arrests, Criminal Charges, and Convictions*, as well as the disposition of any ensuing criminal proceeding. This self-reporting requirement reflects MCPS's commitment to providing a safe and secure environment for all students and staff, and promotes compliance with Maryland law, including Section 6-113 of the Education Article of the Annotated Code of Maryland. This requirement applies prospectively to arrests and criminal charges, as well as disposition of any criminal proceedings, that occur on or after October 1, 2016.

Questions and Further Information

If MCPS employees have questions about the meaning or interpretation of this Code of Conduct or how it applies to specific situations, they should consult with their principal or supervisor. If principals or supervisors have further questions, they should contact PECU/OHRD, at 301-279-3361, or the Department of Association Relations, at 301-279-3511.

Additionally, employees may contact their respective employee association staff for advice and assistance.

ENDNOTES

- ¹ Further information is available on the MCPS website, www.montgomeryschoolsmd.org. This Employee Code of Conduct is distinct from the MCPS Code of Conduct for students.
- ² For more information, see Board Policy BBB, *Ethics*, and MCPS Regulation GCA-RA, *Employee Conflict of Interest*.
- ³ For more information, see MCPS Regulation JOA-RA, *Student Records*.
- ⁴ For more information, see MCPS Regulation DIE-RA, *Travel for Montgomery County Public Schools (MCPS) Purposes*.
- ⁵ For more information, see MCPS Regulation GCB-RA, *Reporting and Handling Fraudulent Actions by MCPS Employees, Agents, or Contractors*. MCPS offers a hotline for anonymously reporting fraud, waste, or abuse, as an avenue for employees to raise concerns and reassurance that they will be protected from reprisals or victimization for whistleblowing in good faith. If employees feel that their anonymity is not required then they should share their concerns with their supervisor or other leaders in their school or department. More information is available at www.montgomeryschoolsmd.org/departments/fraudhotline/.
- ⁶ For more information, see Board Policy IGN, *Preventing Alcohol, Tobacco, and Other Drug Abuse in Montgomery County Public Schools*, and MCPS Regulation COF-RA, *Alcohol, Tobacco, and Other Drugs on MCPS Property*. Use of alcohol on MCPS property is prohibited except for very limited circumstances when it may be approved by the Board.
- ⁷ MCPS property includes any school or other facility, including grounds owned or operated by MCPS, buses and other MCPS vehicles, and the facility and/or grounds of any MCPS-sponsored activity involving students.
- ⁸ For more information, see MCPS Regulation IGT-RA, *User Responsibilities for Computer Systems, Electronic Information, and Network Security*.
- ⁹ For more information, see MCPS Regulation ILA-RA, *Assessments with Security and Reporting Requirements*.
- ¹⁰ MCPS requires that all staff members self-report if they are arrested or criminally charged for any offenses listed in MCPS Regulation GCC-RA, *Staff Self-Reporting of Arrests, Criminal Charges, and Convictions*, as well as the disposition of any ensuing criminal proceeding. This requirement applies prospectively to arrests and criminal charges, as well as disposition of any criminal proceedings, which occur on or after October 1, 2016.
- ¹¹ For more information, see Board Policy KEA, *Political Campaigns and Political Materials*, and MCPS Regulation KEA-RA, *Participation in Political Campaigns and Distribution of Campaign Materials*.
- ¹² For more information, see MCPS Regulation IPD-RA, *Travel-Study Programs, Field Trips and Student Organization Trips*.

- ¹³ For more information, see Article 22F of the MCAAP agreement, Article 111A of the MCEA Agreement, and Article 35C of the SEIU agreement.
- ¹⁴ For more information, see Board Policy BBB, *Ethics*, and MCPS Regulation GCA-RA, *Employee Conflict of Interest*.
- ¹⁵ For more information, see Board Policy BBB, *Ethics*, and MCPS Regulation GCA-RA, *Employee Conflict of Interest*.
- ¹⁶ For more information, see Board Policy BBB, *Ethics*, and MCPS Regulation GCA-RA, *Employee Conflict of Interest*.
- ¹⁷ For more information, see MCPS Regulation COE-RA, *Weapons*.
- ¹⁸ For more information, see Board Policies ACA, *Human Relations*, ACB, *Nondiscrimination*, and JHF, *Bullying, Harassment, or Intimidation*, and MCPS Regulation ACA-RA, *Human Relations*, and Regulation JHF-RA, *Bullying, Harassment, or Intimidation*.
- ¹⁹ For more information, see Board Policy JHC, *Child Abuse and Neglect*, and MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*.
- ²⁰ For more information, see Board Policies ACA, *Human Relations*, ACB, *Nondiscrimination*, and JHF, *Bullying, Harassment, or Intimidation*, and MCPS Regulation ACA-RA, *Human Relations*, and Regulation JHF-RA, *Bullying, Harassment, or Intimidation*. Additional information is available in MCPS's *Guidelines for Respecting Religious Diversity*, a publication designed to ensure our students have the right to express their religious beliefs and practices, free from discrimination, bullying, or harassment.
- ²¹ For more information, see Board Policy JHF, *Bullying, Harassment, or Intimidation*, and MCPS Regulation, *JHF-RA, Bullying, Harassment, or Intimidation*.
- ²² For more information see Board Policy JHC, *Child Abuse and Neglect*, and MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*. Please note that examples of inappropriate conduct listed in this Code of Conduct may constitute abuse or neglect, under certain circumstances. Under MCPS Regulation JHC-RA, abuse is defined as follows:
- Any physical injury, not necessarily visible, or mental injury of a child or vulnerable adult, by any person who has permanent or temporary custody or responsibility for the care or supervision of a child or vulnerable adult under circumstances that indicate that the health or welfare of the child or vulnerable adult is harmed or at substantial risk of being harmed.
 - Any sexual act or acts (whether physical injuries are sustained or not) involving sexual molestation or exploitation, including but not limited to incest, rape, or sexual offense in any degree, sodomy or unnatural or perverted sexual practices on a child or vulnerable adult by any person who has permanent or temporary custody or responsibility for the care or supervision of a child or vulnerable adult. Sexual

molestation or exploitation includes, but is not limited to, contact or conduct with a child or vulnerable adult such as exposure, voyeurism, sexual advances, kissing, fondling, sexual crime in any degree, rape, sodomy, prostitution, trafficking, or allowing, permitting, encouraging, or engaging a child or vulnerable adult in pornographic display, photographing, filming, or depiction of a child or vulnerable adult as prohibited by law, or allowing a child or vulnerable adult to reside with or be in the regular presence of a registered sex offender.

Under MCPS Regulation JHC-RA, neglect is defined as the leaving of a child or vulnerable adult unattended or other failure to give proper care or attention, or the provision of improper care or attention, to a child or vulnerable adult by any parent, guardian, adoptive parent, family or household member, neighbor, MCPS employee, volunteer or contractor, a person in a position of authority, or any other person who has permanent or temporary care or custody or responsibility for supervision of the child or vulnerable adult under circumstances that indicate—

- that the child's or vulnerable adult's health or welfare is harmed or placed at substantial risk of harm, or
- mental injury to the child or vulnerable adult or a substantial risk of mental injury.

²³ For more information, see Board Policies JGA, *Student Discipline*, and JFA, *Student Rights and Responsibilities*, and MCPS Regulations JGA-RA, *Classroom Management and Student Behavior Interventions*, JGA-RB, *Suspension and Expulsion*, JGA-RC, *Suspension and Expulsion of Students with Disabilities*, JFA-RA, *Student Rights and Responsibilities*, and the MCPS Student Code of Conduct.

²⁴ For more information, see MCPS Regulation JGA-RA, *Classroom Management and Student Behavior Interventions*.

²⁵ For more information, see Board Policy ABC, *Parent and Family Involvement*, and MCPS Regulation ABC-RA, *Parent and Family Involvement*.

²⁶ For more information, see MCPS Regulations ABA-RB, *School Visitors*, and IRB-RA, *Volunteers in Schools*.

²⁷ For more information, see Board Policies, ACA, *Human Relations*, and ACB, *Nondiscrimination*.

²⁸ For more information, see Board Policies ACF, *Sexual Harassment*, and ACH, *Workplace Bullying*, and MCPS Regulations ACF-RA, *Sexual Harassment*, and ACH-RA, *Workplace Bullying*.

²⁹ Under Section 6-202 of the Education Article of the Annotated Code of Maryland, certificated employees may be suspended or dismissed for one or more of five different reasons: immorality; misconduct in office, including a knowing failure to report suspected child abuse in violation of Section 5-704 of the Family Law Article; insubordination; incompetence; and willful neglect of duty. These five statutory grounds for suspension or dismissal of certificated

employees are broad in nature and therefore provide a basis (depending upon all relevant facts and circumstances) for adverse employment action resulting from, among many other things, convictions of criminal offenses stemming from either employment or non-employment-related activities.

³⁰ For more information, see COMAR 13A.06.07.07 (school vehicle operators) and COMAR 13A.06.07.08 (school vehicle attendants).

³¹ The Code of Conduct is not intended to supplant the common law of labor arbitration or bar a duly appointed arbitrator applying it in cases arising under district collective bargaining agreements.

³² The Compact is available at www.montgomeryschoolsmd.org/staff/respect/.

³³ For more information, see www.montgomeryschoolsmd.org/departments/professionalgrowth/.

³⁴ A full compendium of Board policies and MCPS regulations is available at www.montgomeryschoolsmd.org/departments/policy/.

³⁵ The Department of Transportation handbook is available at www.montgomeryschoolsmd.org/departments/transportation/about/jcsbabo.pdf, and is applied in conjunction with the collective bargaining agreement between the Board and SEIU.

³⁶ This Memorandum of Understanding is available at www.montgomeryschoolsmd.org/uploadedFiles/departments/security/SRO-Memorandum-2015.pdf.

³⁷ Section 6-113 of the Education Article of the Annotated Code of Maryland prohibits MCPS from knowingly hiring or retaining any employee who has been convicted of, or pled guilty or nolo contendere (no contest), to the following:

- a. A **sexual offense** in the third or fourth degree under §3-307 or §3-308 of the Criminal Law Article of the Maryland Code or an offense under the laws of another state that would constitute an offense under §3-307 or §3-308 of the Criminal Law Article if committed in Maryland;
- b. **Child sexual abuse** under §3-602 of the Criminal Law Article, or an offense under the laws of another state that would constitute child sexual abuse under §3-602 of the Criminal Law Article if committed in Maryland; or
- c. A **crime of violence** as defined in §14-101 of the Criminal Law Article, or an offense under the laws of another state that would be a violation of §14-101 of the Criminal Law Article if committed in Maryland, including: (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking; (11) armed carjacking; (12) sexual offense in the first degree; (13) sexual offense in the second degree; (14) use of a handgun in the commission of a felony or other crime of violence; (15) child abuse in the first degree; (16) sexual abuse of a minor; (17) an attempt to

commit any of the crimes described in items (1) through (16) of this list; (18) continuing course of conduct with a child under §3-315 of the Criminal Law Article; (19) assault in the first degree; (20) assault with intent to murder; (21) assault with intent to rape; (22) assault with intent to rob; (23) assault with intent to commit a sexual offense in the first degree; and (24) assault with intent to commit a sexual offense in the second degree.

³⁸ Under the Code of Maryland Regulations (COMAR) 13A.12.05.02, the Maryland State Superintendent of Schools is **required** to revoke a certificate issued by the Maryland State Board of Education to a teacher or other professional if an individual—

1. Pleads guilty or nolo contendere (no contest) with respect to, receives probation before judgment with respect to, or is convicted of, a crime involving—
 - a. Child abuse or neglect as defined in Criminal Law Article, §§3-601–3-603, Annotated Code of Maryland, or a comparable crime in another state, or
 - b. A crime of violence as defined in Criminal Law Article, §14-101, Annotated Code of Maryland, or a comparable crime in another state; or
2. Is dismissed or resigns after notice of allegations of sexual child abuse.

In addition, COMAR 13A.12.05.02 states that the Maryland State Superintendent of Schools shall either suspend or revoke a professional certificate on a number of other grounds, including if the certificate holder—

1. Pleads guilty or nolo contendere (no contest) with respect to, receives probation before judgment with respect to, or is convicted of, a crime involving—
 - a. Contributing to the delinquency of a minor;
 - b. Moral turpitude if the offense bears directly on the individual's fitness to teach; or
 - c. A controlled dangerous substance offense as defined in federal or state law, and the sanction for this offense committed in Maryland shall be imposed in accordance with Article 41, §§1-501–1-507, and Criminal Law Article §5-810, Annotated Code of Maryland;
2. Willfully and knowingly—
 - a. Makes a material misrepresentation or concealment in the application for a certificate,
 - b. Files a false report or record about a material matter in the application for a certificate, or
 - c. Commits a violation of the test security and data reporting policy and procedures set forth in COMAR 13A.03.04;

3. Fraudulently or deceptively obtains a certificate;
4. Knowingly fails to report suspected child abuse in violation of Family Law Article, §5-701, Annotated Code of Maryland;
5. Is dismissed or resigns after notice of allegation of misconduct involving a student in any school system or any minor, or allegation of misconduct involving any cause for suspension or revocation of a certificate provided in this regulation;
6. Has had a certificate suspended, revoked, or voluntarily surrendered in another state for a cause that would be grounds for suspension or revocation under this regulation.



Published by the Department of Materials Management
for the Office of the Chief Operating Officer
Copyright © 2016 Montgomery County Public Schools, Rockville, Maryland
0047.17 • Editorial, Graphics & Publishing Services • 8/16 • NP

