

EMPLOYEE STANDARDS OF CONDUCT

DH2
(REGULATION)

GENERAL
INFORMATION

1. The following information applies to reports of wrongdoing, unethical conduct, and other concerns in the District. See Reference (a):

DEFINITION

- a. Reports of wrongdoing, unethical conduct, and other concerns are defined as reports containing:
 - Complaints that bring attention to alleged wrongdoing or unethical conduct as prescribed in Board policy (e.g. misuse of District funds or property or misconduct involving moral turpitude as defined in Board policy). See Reference (a);
 - Information regarding violations of the Texas and United States Constitutions; State and Federal statutes (criminal and civil); Administrative Rules and Regulations including, but not limited to, the Texas Educators' Code of Ethics, State Board of Education rules, University Interscholastic League rules, and other similar regulations; and
 - Concerns regarding matters that affect the District's major initiatives.
- b. A report can be made by any of the following persons:
 - All District personnel (full and part-time);
 - Students and parents;
 - Patrons of the District; and
 - Members of the general public.

CONTENTS

- c. A report of wrongdoing, unethical conduct, or other concerns must be made in good faith. The individual making the report must have a reasonable belief that the report is accurate at the time the report is made. However, making a report does not require that the individual have first-hand knowledge of a violation. Reports may be made on the basis of second-hand information.

REPORTS MADE IN
BAD FAITH

- d. Employees who intentionally or knowingly make a bad-faith report containing false allegations are subject to disciplinary action, up to and including termination. Any employee terminated as a result of noncompliance with these procedures will be afforded due process in accordance with District's Board Policies and Procedures.

RECOGNITION OF
RIGHTS

- e. The guidelines and procedures in this memorandum are not intended to restrict any individual's right to free

speech as a private citizen on matters of public concern under the Texas and United States Constitutions, nor is it to inhibit the employee's right to participate in political affairs in the employee's community, state, or nation as provided by Reference (c). These rights must be exercised responsibly within the context of the District's right to maintain and secure an effective and efficient workplace and school operations free of disruptions that detract from the District's objective of educating children. All reports on matters of private concern must be submitted as indicated in this memorandum, and any reports made by employees on matters of public concern in a manner not indicated in this memorandum must not create a substantial disruption of the workplace or the educational process. [See DG]

CLASSIFICATIONS

2. Classifications for complaints of wrongdoing, along with designations of groups to lead investigations into each classification of complaint, are as follows. The nature of a complaint could, at any time, require a change in the investigative procedures and likewise the units conducting the investigation;

CRIMINAL

- a. The criminal classification involves misconduct that violates the Texas Penal Code or other criminal statutes (e.g. theft, sexual misconduct, and the like). The lead investigation will be handled by the District Police Department or the Office of Inspector General or jointly by the two, with assistance from Legal Services and the administration.

FRAUD/WASTE

- b. The fraud/waste classification involves financial misappropriation, misuse of District property, or flagrant misuse of District resources. The lead investigation will be handled by the Office of Inspector General with assistance from the District Police Department, Legal Services, and the administration.

EMPLOYEE
DISCIPLINE

- c. The employee discipline classification involves non-performance of job duties, inappropriate behavior, non-compliance with the Board policy and procedures, sexual harassment, or discrimination. See Reference (a). The lead investigation will be handled by the Office of Inspector General with assistance from the District Police Department, Legal Services, and the administration.

WORKPLACE
CONFLICTS

- d. The workplace conflicts classification involves employee and supervisor relationship issues or employment concerns. The lead investigation will be handled by Equal

Employment Opportunity with assistance from the administration.

SUBMITTING A
REPORT

3. District employees are encouraged to make reports through their first-line supervisors. If an employee chooses not to use that avenue, reports can be made through the following avenues. Non-employees must use one of the methods at OTHER METHODS, below.

EMPLOYEE
ALERTLINE

- a. The AlertLine service (1-800-455-9551) may be used to make reports. See Reference (b). Employees will be able to access this toll-free number 24 hours per day, seven days per week. The hotline number should be prominently posted in all work locations.

OFFICE OF
INSPECTOR
GENERAL

- b. Reports may be made directly to the inspector general who will serve as the clearinghouse for all complaints of misconduct. Reports may be made in person, by telephone conference, or in writing.

OTHER METHODS

- c. There are other methods by which students, parents, employees, and the community can pursue resolutions to complaints and concerns. These include:
- The dispute resolution process;
 - The consultation process;
 - The parent and student grievance process [See FNG];
 - The bid hearing process;
 - The discrimination complaint process;
 - The sexual harassment complaint process; and [See DIA or FFH]
 - Issues related to E-Rate matters. [See CAA]

RESPONDING TO A
REPORT

4. The District intends to investigate all complaints. Procedures and guidelines are as follows:

IMMEDIATE
SUPERVISORS

- a. When an employee brings to his or her immediate supervisor a concern, which is not covered by the dispute resolution process or any other District procedure, it is the responsibility of the supervisor to seek a resolution to the concern informally. The supervisor must evaluate the merits of the concern and determine to what extent an investigation is needed. All efforts to resolve the concern must be documented by the supervisor and reported immediately to the inspector general.

EMPLOYEE STANDARDS OF CONDUCT

DH2
(REGULATION)

APPEALS

- b. If the employee is not satisfied with the immediate supervisor's resolution, the employee should discuss the concern with the next level supervisor up to the Superintendent of Schools or a designee. Unlike the dispute resolution process, this process does not extend to the District Board of Education. Any resolution through this informal process is final with the Superintendent of Schools or a designee. This procedure does not preclude employees from reporting directly to the inspector general; utilizing the District AlertLine; or appearing before the Board at its public hearing of citizens.

INSPECTOR
GENERAL

- c. The inspector general is responsible for receiving, processing, and tracking the reports received through the District AlertLine and other avenues (e.g. telephone calls, written correspondence, and the like). The information from each report is recorded on a complaint form and then entered through a centralized Case Management and Tracking System. A code number is assigned to each case and referred by the inspector general to the appropriate investigative unit(s) for the initiation of a preliminary investigation. Upon determination of the merits of the report, the investigative unit will then determine to what extent a more detailed investigation is needed. Where appropriate, the inspector general will facilitate resolution through the appropriate department, up to and including the superintendent of schools.

CASE
MANAGEMENT AND
TRACKING SYSTEM

- d. The purpose of the Case Management and Tracking System is to ensure effective, timely investigations of reported complaints. Guidelines are as follows:
- Supervisors are required to submit any reports of wrongdoing within their areas of responsibility immediately. Cases that are deemed minor in nature and that are resolved through the informal process should be reported to the inspector general to become a part of the overall Case Management database. (Such cases will not be assigned for investigation.);
 - A case will be processed and assigned within 24 hours of receipt;
 - The unit(s) assigned a case will immediately initiate a preliminary investigation. The extent of the investigation will be unique to each case;

EMPLOYEE STANDARDS OF CONDUCT

DH2
(REGULATION)

- Status reports will be submitted weekly by the investigative unit(s) to the inspector general, and by the inspector general to the superintendent of schools for the duration of the investigation; and
 - After the investigation is completed, the individual making the complaint, if known, will be informed about the resolution of the complaint.
- ASSIGNING REPORTS TO INVESTIGATIVE UNITS
- e. Reports may be assigned to one of the following investigative units by the inspector general:
 - Employee Assistance Program;
 - Equal Employment Opportunity;
 - District Police Department;
 - Office of Inspector General Auditing Division;
 - Office of Inspector General Investigations Division; or
 - Appropriate law enforcement authorities.
- CONFIDENTIALITY
- f. To the extent possible and as permitted by law, every effort will be made to maintain confidentiality for the person submitting the report; however, under certain circumstances, the identity of the reporter may be required in order to prevent harm to the health, safety, or welfare of District students, employees, or property.
- PROHIBITION AGAINST RETALIATION
- 5. An employee will not be suspended, terminated, or otherwise discriminated against because the employee has made a report of wrongdoing, unethical conduct, or other concerns. An employee will not be suspended, terminated, or otherwise discriminated against because the employee has reported a violation of law to an appropriate law enforcement authority if the employee report has been made in good faith. A statement of this prohibition against retaliation will be posted in a prominent place in each District building.
- SUPERVISOR FAILURE TO REPORT MISCONDUCT
- 6. All work location supervisors who know of any serious act of misconduct within their areas of responsibility, either directly or indirectly, and who intentionally or knowingly fail to report such an incident or to comply with the guidelines and procedures herein, could be subject to disciplinary action, up to and including termination.
- CONSULTATION

EMPLOYEE STANDARDS OF CONDUCT

DH2
(REGULATION)

MAINTENANCE
RESPONSIBILITY

7. This regulation has been through consultation (Administrative: April 8, 2008; Instructional: April 3, 2008; Noninstructional: April 8, 2008).
8. The inspector general, Office of Inspector General, is responsible for maintenance of this regulation.

REFERENCES:

- (a) Board Policy DH(LOCAL)
 - (b) Board Policy CAA and Administrative Regulation CAA
 - (c) Texas Education Code 21.407(b)
-