



DANVILLE PUBLIC SCHOOLS (DPS)
EMPLOYEE CODE OF PROFESSIONALISM
2019-2020 School Year

Adoption Date: June 20, 2019

FOREWORD

The School Board of the City of Danville, Virginia, is responsible for the hiring, management, and supervision of employees of the School Board pursuant to Article VIII, § 7, of the Virginia Constitution and Title 22.1 of the Virginia Code. The School Board expects and anticipates that all of its employees will act in a professional, courteous and safe manner. To promote a safe and effective learning environment within the Danville Public Schools (DPS), the School Board recommended and approved standards for student conduct. To promote professional, courteous, and safe conduct by its employees, the School Board finds that this Employee Code of Professionalism also is appropriate. This Employee Code of Professionalism is intended to promote a professional and courteous attitude by School Board employees, provide a safe and healthy environment for employees and students, and provide a fair and balanced approach towards disciplining School Board employees who engage in conduct that violates this code of professionalism. This code of professionalism is intended to be a guideline for employees regarding appropriate conduct and a guideline for the administration and School Board in judging the conduct of DPS employees. This code of professionalism is not intended to be an all-inclusive set of violations and possible disciplinary consequences that may be imposed by the School Board. Nothing contained in this code of professionalism will prevent the Superintendent, his or her designee, or the School Board from determining that misconduct or poor performance, not specifically addressed in this code of professionalism, should be subject to discipline as they deem appropriate. This code of professionalism does not constitute an employment contract between the employee and the School Board and does not create an entitlement to continued employment. To the extent allowable under state law, all employees are at will.

The Danville Public Schools does not discriminate on the basis of race, color, national origin, sex, disability, age, religion, marital status, military or veteran status, sexual orientation, or genetic information in its programs or activities. The following person has been designated to handle inquiries regarding our nondiscrimination policies: Dr. Juliet C. Jennings, Chief Human Resources Officer.

DEFINITIONS

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| Alcohol | Intoxicating liquor containing alcohol; a chemical substance that alters the mind. Commonly referred to as an alcoholic drink, such as wine, beer, liquor, and liqueur; also including the abusive use of over-the-counter medications that contain alcohol. |
| Assault | A willful attempt or threat to inflict injury on another person or any threatening act that places another person in reasonable fear of imminent unwanted contact or touching. This offense shall include any assault of a student, parent, coworker, or other person by DPS personnel either on or off DPS property. |
| Battery | An actual and intentional touching or striking of another person against his or her will without excuse or justification, including but not limited to, when one individual physically attacks another individual, whether or not a weapon is used and whether or not the attack results in serious bodily harm to the victim. This offense shall include any battery of a student, parent, coworker, or other person by DPS personnel either on or off DPS property. |
| Bullying | Any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. Bullying includes cyber bullying. Bullying does not include ordinary teasing, horseplay, argument, or peer conflict. (Cross-reference: Danville School Board Policy 2080.02, <i>Bullying</i>) |
| Demeaning | Words, actions, conduct, or gestures directed towards another, especially a student, and intended to (i) lower that other person in dignity, honor, and/or standing; (ii) debase that other person; or (iii) humble or humiliate that other person. |
| Distribution of Controlled Substance | To give, sell, dispense or distribute a controlled substance or an imitation controlled substance. (This section shall not apply to school personnel who are authorized to dispense medication to students in accordance with DPS policy 2110.00, <i>Administering Medicines to Students.</i>) |
| Dress Code | An employee shall not dress, groom, or wear emblems, insignias, badges, or other symbols where the effect thereof is to distract the attention of students or otherwise cause disruption or interference with the operation of the school. Work attire is to be clean. The Superintendent or individual principals or supervisors may impose additional dress code requirements. |
| Drug Paraphernalia | All equipment, products and materials of any kind which are designed to contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body any controlled substance. |
| Drug Violation | The possession or use of any illegal controlled substance or imitation illegal controlled substance, or the improper possession or use of any legal controlled substance. |

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| Electronic Communications Devices | All personal electronic communications tools, including without limitation cell phones, smart phones (iPhones, Androids, etc.), iPads, tablets, any other similar devices or systems, and any similar technologies as they are developed. |
| Excessive Tardiness | Unexcused tardiness for the second time in a calendar year without a valid excuse. |
| False Fire Alarm | The willful or intentional activation of a fire alarm system, or the willful, intentional, and malicious reporting of a false fire. |
| Firearm | A weapon capable of expelling, propelling, or firing a missile or projectile, including, but not limited to, a pistol, rifle, shotgun, air rifle, BB gun, slingshot, and the like. |
| Forgery | The false making or altering of a document or written or electronic communication so as to defraud or be misleading, including without limitation, the making of a false or misleading statement in any written or electronic communication to another DPS employee or in any official school document, or the unauthorized use of another individual's signature. Forgery would include the misuse of another's e-mail signature or otherwise misrepresenting one's identity in electronic communications. |
| Harassment | Verbal or physical conduct directed towards another individual, especially a student, relating to or because of a trait or characteristic of that individual (including, but not limited to, the individual's age, sex, race, religion, creed, national origin, color, marital status, pregnancy, genetic information, sexual orientation, gender identification, and/or military or veteran status) that is intended to or may have the effect of creating an intimidating, hostile or offensive working and/or learning environment. Harassment shall also include any violation of the School Board's Harassment policy, including without limitation a request or demand of sexual favors in exchange for promotion or other work benefits or educational benefits. (Cross-reference: Danville School Board policy 4050.00*, <i>Harassment</i>) |
| Hazing | Method of initiation into any organization, group, club, etc., that is demeaning; which causes or is likely to cause bodily danger, harm, personal degradation, disgrace, humiliation or mental harm; or which constitutes harassment. |
| Insubordination | Failure to follow a supervisor's instructions, perform assigned work, or comply with established School Board policy and/or school or department procedures. Showing or demonstrating a lack of respect for supervisors or authority. Insubordination can also include the use of profane, offensive, obscene, or abusive language, materials, and/or gestures to or about a supervisor. |
| Profane, Offensive, Obscene, or Abusive Language/Materials/Gestures | The making of comments (oral or written) or gestures or the use of materials that are disrespectful or socially unacceptable and that tend to disrupt the orderly school environment or a school sponsored activity, including without limitation, slurs, gestures, |

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| | objects, or pictures of a sexual and/or ethnically and/or religiously insensitive nature. |
| Physical Confrontation | Showing disagreement by pushing and/or shoving or physically intimidating a student, parent, or another DPS employee. This offense includes any pushing, shoving, or physical intimidation of a student either on or off of DPS property. |
| School-Sponsored Activities | Any activity – sponsored or sanctioned by any individual school or the division – involving students or occurring on school property, including, but not limited to, field trips, Virginia High School League (VHSL) competitions, and extracurricular/co-curricular activities. |
| Sexual Interaction, Contact, or Intercourse with a Student | Sexual interaction with any DPS student including without limitation (i) sexual intercourse (e.g., oral, anal, or vaginal); (ii) any other physical contact of a sexual nature, whether consensual or not; and/or (iii) communication with a student of a sexual nature, whether consensual or not, and whether physical contact occurs or not. |
| Sexual Interaction, Contact, or Intercourse among Employees | Sexual interaction with any DPS employee on DPS property including without limitation (i) sexual intercourse (e.g., oral, anal, or vaginal) and/or (ii) any other physical contact of a sexual nature. |
| | <u>Note:</u> It is not the School Board’s intention to prohibit, police, or intrude in the personal relations of its consenting adult employees. DPS administration at the Superintendent and School Board levels retain the authority to reasonably apply discipline under this section depending on the circumstances of each case, such as when the relationship impacts the workplace, involves a superior and a subordinate, or when sexual acts occur on DPS property or during school-sponsored activities. |
| Sexual Assault/Rape | Sexual assault is sexual contact, either on or off DPS property, that (i) involves force upon a person without consent, or (ii) is inflicted upon a person who is incapable of giving consent (such as, because of age or physical or mental incapacity); or by a person who holds a position of trust or authority over the victim (such as a teacher over a student). Rape will include sexual penetration (e.g., oral, anal, or vaginal) without consent either on or off DPS property. This category also includes statutory rape, which is defined as sexual penetration with or without the consent of a minor. |
| Superintendent or his or her designee | The Superintendent or the Chief Human Resources Officer. |
| Tardiness | Late arrival to school or the employee’s work assignment. |
| Theft | The taking and carrying away of another person’s and/or the school division’s property with the intent to permanently deprive the owner and without his or her consent. |

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| Threatening/ Intimidating | To act in such a manner that could reasonably be expected to place another person in fear of bodily harm solely through menacing words or speech, or to force another person into an action, to deter another from some action, by inducing fear in that person. To be in violation of this section, the offender does not have to display a weapon nor does the offender have to subject the victim to actual physical harm or attack. |
| Unexcused Absence | Being absent from one's contracted work time without a valid excuse. |
| Unexcused Tardiness | Late arrival to school or the employee's work assignment without a valid excuse. |
| Valid Excuse | An excuse approved by an immediate supervisor/designee in advance of the absence or tardiness or an excuse approved after the absence or tardiness by an immediate supervisor/designee under circumstances that made advance notice and approval impracticable. |

Any term used in this code of professionalism that is not given a specific definition in this section shall be given its usual and customary meaning.

VIOLATIONS

Violations are grouped into five (5) levels. Under each level, some of the violations and possible disciplinary consequence(s) for that level are provided. The list of violations under each level is not all-inclusive. Other misconduct or poor performance not specified in this code of professionalism may warrant discipline at the level deemed appropriate by the administration or School Board. The levels of violations and the suggested disciplinary consequences listed below are guidelines and do not preclude a more strict or lenient discipline as the Superintendent, his or her designee, and/or the School Board determine(s) appropriate. The School Board shall retain its exclusive final authority over all matters concerning employment and supervision of its personnel.

LEVEL 1 VIOLATIONS

Level 1 violations and resulting disciplinary consequences are intended to address minor conduct violations and minor job performance issues. Level 1 violations should be remedied at the immediate supervisor/building level to ensure that such minor violations are not repeated.

VIOLATIONS:

- 1-A Unexcused Absence.
- 1-B Tardiness.
- 1-C Violation of Dress Code.
- 1-D Excessive Tardiness.

DISCIPLINARY CONSEQUENCES:

Oral warning, oral reprimand, and/or such other discipline commensurate with the violation.

LEVEL 2 VIOLATIONS

Level 2 violations and resulting disciplinary consequences are intended to address violations and performance issues of a more serious nature than Level 1 violations and to address a repeat of any Level 1 violation and/or the commission of multiple Level 1 violations.

VIOLATIONS:

- 2-A Within twelve months from the date of the most recent Level 1 violation, either the repeat of the same Level 1 violation or the commission of a different Level 1 violation.
- 2-B Failure to report to work [including, but not limited to, one's assigned work location(s)] or leaving the workplace without giving proper notification to one's immediate supervisor and without a valid excuse.
- 2-C Using language in the process of conducting School Board business that is profane, offensive, obscene, abusive, demeaning, and/or threatening/intimidating to another, including students.
- 2-D Use of tobacco or tobacco products as detailed in Danville School Board Personnel Policy 4090.30*, *Use of Tobacco or Tobacco Products*.
- 2-E Use of an employee's work time or work environment to promote a political candidate, a political issue, and/or any other issue that is not appropriate for the school environment or that interferes with the effective and efficient operation of

the school or student instruction. (Cross-reference: Danville School Board Personnel Policy 4110.00*, *Staff Participation in Political Activities*)

- 2-F Use by a teacher or member of the classified staff of a personal cellular phone or other electronic communications devices during school or work hours, where such use has not been authorized in advance by the teacher's or classified staff member's immediate/building level supervisor.
- 2-G Use by an administrator of a personal cellular phone or other electronic communications devices during school or work hours for personal purposes, where such use has not been authorized in advance by the administrator's immediate supervisor.
- 2-H Use, by an administrator, of a DPS-owned and provided cellular phone or other electronic communications devices during school or work hours for any purpose other than the conducting of school business.

DISCIPLINARY CONSEQUENCES:

Written reprimand and/or such other discipline commensurate with the violation.

LEVEL 3 VIOLATIONS

Level 3 violations and resulting disciplinary consequences are intended to address moderate conduct violations and performance issues, conduct that places student and/or employee safety at risk, and/or repetition of any Level 1 or 2 violations. Level 3 violations are also intended to address certain deliberate conduct by an employee.

VIOLATIONS:

- 3-A Within twelve months from the date of the most recent Level 1 or Level 2 violation, the repeat of a Level 2 violation, the commission of a different Level 2 violation, or the commission of two Level 1 violations.
- 3-B Insubordination.
- 3-C Violation of safety rules so as to endanger school property, employees, students, or visitors.
- 3-D Misuse and/or willfully and/or negligently damaging, defacing, or destroying DPS records and/or DPS, employee, and/or student property.
- 3-E Gambling on DPS property or at a school-sponsored activity.

- 3-F Inadequate or unsatisfactory job performance as defined by the employee performance evaluation system.
- 3-G Solicitation of goods and/or services for personal use that interferes with student instruction; buyer's participation must be voluntary and unforced.
- 3-H Harassment, Hazing, and/or Bullying of a fellow employee or employees and/or (an)other adult(s) on school premises or during a DPS-sponsored activity.
- 3-I False Fire Alarm.
- 3-J A conviction for a moving violation while driving a DPS vehicle or failure to notify supervisor of an accident involving a DPS vehicle.
- 3-K Unauthorized use of DPS property or records.
- 3-L Revealing confidential information, to include student information, to persons who do not need to know or have no right to know such information. Confidential information includes any information of a private, sensitive, personal, or proprietary nature that the employee knows or should know is not to be disclosed.
- 3-M Violation of DPS's *Acceptable Computer System Use Policy* (3135.00*).

DISCIPLINARY CONSEQUENCES:

Written reprimand, suspension in accordance with the provisions of Virginia Code Section 22.1-315, termination, and/or such other discipline commensurate with the violation.

LEVEL 4 VIOLATIONS

Level 4 violations and resulting disciplinary consequences are intended to address serious conduct violations, unacceptable job performance, and/or repetition of Level 1, Level 2, or Level 3 violations. Level 4 violations warrant more severe discipline and such violations may result in the immediate termination of one's employment with DPS.

VIOLATIONS:

- 4-A Within twelve months from the date of the most recent Level 1, Level 2, or Level 3 violation, the repeat of a Level 3 violation, the commission of a different Level 3 violation, or a combination of at least three Level 1 through Level 2 violations.
- 4-B Theft or unauthorized removal of DPS records or property.
- 4-C Submitting a request to be reimbursed with DPS funds for items purchased for personal use.

- 4-D Threatening/intimidating conduct or other coercion of employees or students.
- 4-E Giving false testimony during an official investigation conducted or sanctioned by the administration or the School Board.
- 4-F Physical Confrontation, Assault, Battery, or other acts of physical violence or fighting on the job or at a school-sponsored activity.
- 4-G Reporting to work or a school-sponsored activity under the influence of alcohol and/or consuming alcohol while at work or during a school-sponsored activity.
- 4-H Harassment, Hazing, and/or Bullying of a DPS student or students or (an)other minor(s) on school premises and/or during a DPS-sponsored activity.
- 4-I Reporting to work or a school-sponsored activity in possession of drug paraphernalia and/or under the influence of an illegal controlled substance, an imitation illegal controlled substance, or a legal controlled substance that has been misused.
- 4-J Failure of any DPS employee to immediately report to the local department of social services or other appropriate authority when the employee has reason to suspect that a child is an abused or neglected child, as required by Virginia Code §63.2-1509.

DISCIPLINARY CONSEQUENCES:

Suspension in accordance with the provisions of Virginia Code Section 22.1-315, termination, and/or such other discipline commensurate with the violation.

LEVEL 5 VIOLATIONS

Level 5 violations and the resulting disciplinary consequences address the most serious conduct violations and/or repetition of Level 1, 2, 3, or 4 violations. Level 5 violations warrant the most severe discipline and will not be tolerated.

VIOLATIONS:

- 5-A The commission of any Level 4 violation, the commission of a Level 2 violation and a Level 3 violation, or the commission of at least three Level 1 through Level 3 violations.
- 5-B Unauthorized possession or use of firearm(s), dangerous weapons, and/or explosives on DPS property or at a school-sponsored activity.
- 5-C Providing student(s) with and/or giving student(s) access to pornographic and/or sexually explicit materials and/or images.

- 5-D Providing student(s) with drugs, prescription or illegal, or drug paraphernalia.
Distribution of any controlled substance or providing alcohol to any student(s).
Any other drug violation.
- 5-E Criminal conviction for a felony, or a misdemeanor involving assault, battery, or moral turpitude (i.e., lying, cheating or stealing), whether the underlying criminal behavior occurs on or off DPS property.
(Some examples are felony assault, misdemeanor conviction of sexual assault, obscenity, possession of drugs, and physical or sexual abuse or neglect of a child.)
- 5-F Sexual assault or rape.
- 5-G Sexual interaction, contact, or intercourse with a student.
- 5-H Sexual interaction, contact, or intercourse with another employee or other adult while on DPS property or at a school-sponsored activity.
- 5-I Forgery.
- 5-J Failure to obtain and maintain a valid Virginia teaching or occupational license, for those employees whose positions require such.

DISCIPLINARY CONSEQUENCES:

Termination and/or such other discipline commensurate with the violation.

FAILURE TO ENFORCE EMPLOYEE CODE OF PROFESSIONALISM

If an employee, principal, supervisor, or other administrator is aware of a violation of the Employee Code of Professionalism but fails to report the violation or otherwise act to enforce the Code, disciplinary action may be taken against that employee, principal, supervisor, or administrator. For example, given DPS's obligation under Virginia Code § 22.1-291.4 to prohibit abusive work environments and create a bully-free environment, it will be considered a level 3 violation to fail to report assault, battery, harassment, hazing, bullying, or threatening/intimidating conduct on school premises to proper DPS authorities. There will be no retaliation or reprisals against employees who report, in good faith, alleged violations of the Employee Code of Professionalism or assist in the investigation of an alleged violation of the Code.

INVESTIGATIONS AND SUSPENSIONS

In certain situations, an allegation that an employee violated this code of professionalism may require an investigation. Investigations are to be conducted as confidentially as reasonably possible, but the School Board cannot guarantee that violations and related investigations will not become public knowledge. During the investigation, the employee may be placed on non-disciplinary, paid administrative leave.

An employee may be suspended during an investigation or following the completion of an investigation in accordance with the provisions of Virginia Code Section 22.1-315.

GRIEVANCE

GRIEVANCE PROCEDURES

The School Board has procedures by which grievances are processed in the Danville Public Schools. In general, the procedures provide a timely and fair method of resolving disputes between the School Board and its covered employees, providing progressively higher levels of review for a dispute that cannot be settled between an employee and the school administration. This progression begins with the principal or immediate supervisor and moves to the Superintendent and then to the School Board.

The full text of the grievance procedures is available in the School Board Policy Manual. Nothing in this Employee Code of Professionalism is intended to alter or broaden the scope, terms, or availability of the Danville Public Schools' grievance procedures.