

PERSONNEL

Standards of Conduct for Employees 5-36.6

All Lynchburg City Schools' employees, both classified and certificated staff, shall engage in activities and behaviors which promote the well being of the school division's students and which reflect the positive interactions of staff with their colleagues, students, parents, and the community. Additionally, staff shall not engage in activities or behaviors that reflect adversely upon the school division. Toward this end, the school board has developed and continues to monitor its administrative policies and regulations to ensure the efficient and safe operation of schools and offices. Violation of these policies and regulations could result in disciplinary actions up to and including the termination of the employment contract.

It is impractical to list every behavior that is inappropriate and unacceptable. The following is illustrative of conduct that the school system considers to be unacceptable and for which employees will be disciplined. This list is not exhaustive and is in addition to other policies and regulations governing employee conduct.

It should be emphasized that the purpose of this policy is to protect Lynchburg City Schools' employees and to further ensure safe and positive working environments. At no time during the development and/or deliberation of the policy was the school board interested in violating employees' civil rights or their rights of privacy. In fact, as part of that deliberation, the school board wanted assurances that the employees' rights were preserved and maintained. Furthermore, in adopting this policy, school board members did so believing that all Lynchburg City Schools' employees are professionals and conduct themselves in ways that present positive portraits of themselves and of the school division.

The following are examples of unacceptable behavior:

1. Poor job performance.
2. Failing to notify a supervisor in advance, or as soon as possible under the circumstances, if not reporting to work.
3. Unsatisfactory attendance and/or excessive tardiness.
4. Leaving the work site or duty-related activity without permission during work hours.
5. Failing to follow a supervisor's directions or failing to comply with the school division's policies.
6. Using obscene or profane language, gestures, pictures, objects, and/or images.
7. For employees in the department for maintenance, the department for transportation, or any employee who transports students, receiving a moving

PERSONNEL

Standards of Conduct for Employees (continued)

violation or the suspension of driving privileges and failing to notify/inform a supervisor of such violation or suspension by the next workday.

8. Violating driving and/or safety rules, when operating a vehicle for work-related responsibilities.
9. Unauthorized use or misuse, theft or unauthorized removal, and willful or negligent damage of school division property.
10. Falsifying or misuse of any records including, but not limited to, reports, student records, vouchers, time cards, leave records, or other official records.
11. Gambling on school property or during a school-related activity. Exceptions would apply to those activities noted in the Code of Virginia, § 18.2-334.2, bingo and raffles.
12. Possessing or using alcohol or controlled substances, firearms, other weapons, or explosives while on school property, including in vehicles, or at duty-related activities.
13. Threatening, harassing, and/or intimidating staff, parents, or students.
14. Physically or verbally assaulting others while on the job or at school/work-related activities.
15. Unauthorized disclosure of confidential information about a student, an employee, a parent, or a community member that was obtained during the course of employment.
16. Engaging in criminal, dishonest, or other misconduct prejudicial to the interest of the school division.
17. Reporting to work or to school/work-related activities after the consumption or use, or under the influence, or with the detectable presence of alcohol or any controlled substance.
18. Using tobacco products on school property.
19. Engaging in activities which may result in criminal charges or convictions for behaviors related to the job or convictions that may compromise the employee's effectiveness, or may threaten safety or security or be disruptive to students and employees.
20. Discriminating against any student, parent, community member or other employee on the basis of race, color, religion, gender, disability, and/or national origin.

PERSONNEL

Standards of Conduct for Employees (continued)

21. For any employee having official responsibility for a procurement transaction, soliciting, accepting, agreeing to accept, or demanding, from a bidder, offeror, contractor or subcontractor, any payment, loan, subscription, advance, deposit, money or services or anything of more than nominal or minimal value, or anything that might impair or appear to influence professional decisions.
22. Acting in an unprofessional manner in any dealings with students, parents, community members, or other employees while on the job or at a school/work-related event.
23. Violating the school division's internet/technology acceptable use policy.

Legal Reference

Code of Va., § 8.01-47. Immunity of school personnel investigating or reporting certain incidents. "In addition to any other immunity he may have, any teacher, instructor, principal, school administrator, school coordinator, guidance counselor or any other professional, administrative or clerical staff member or other personnel of any elementary or secondary school, or institution of higher learning who, in good faith with reasonable cause and without malice, acts to report, investigate or cause any investigation to be made into the activities of any student or students or any other person or persons as they relate to conduct involving bomb threats, firebombs, explosive materials or other similar devices as described in clauses (v) and (vi) of § [22.1-279.3:1](#), or alcohol or drug use or abuse in or related to the school or institution or in connection with any school or institution activity, shall be immune from all civil liability that might otherwise be incurred or imposed as the result of the making of such a report, investigation or disclosure."

(Code 1950, § 8-631.1; 1972, c. 762; 1977, c. 617; 1982, c. 259; 1988, c. 159; 1995, c. 759; 2000, c. 79; 2001, cc. 688, 820.)

Code of Va., § 22.1-307. Dismissal, etc., of teacher; grounds. "A. Teachers may be dismissed or placed on probation for incompetency, immorality, noncompliance with school laws and regulations, disability as shown by competent medical evidence when in compliance with federal law, conviction of a felony or a crime of moral turpitude or other good and just cause. No teacher shall be dismissed or placed on probation solely on the basis of the teacher's refusal to submit to a polygraph examination requested by the school board.

B. For the purposes of this article, "incompetency" may be construed to include, but shall not be limited to, consistent failure to meet the endorsement requirements for the position or performance that is documented through evaluation to be consistently less than satisfactory."

(Code 1950, § 22-217.5; 1968, c. 691; 1975, c. 308; 1980, c. 559; 1993, c. 498; 1996, c. 961.)

PERSONNEL

Standards of Conduct for Employees (continued)

Code of Va., § 22.1-308. Grievance procedure. “A. The Board of Education shall prescribe a grievance procedure which shall include the following:

1. Except in the case of dismissal or placing on probation, a first step which shall provide for an informal, initial processing of a grievance by the most immediate appropriate supervisor through a discussion;
2. A requirement that all stages of the grievance beyond the first step be in writing on forms prescribed by the Board of Education and supplied by the school board;
3. A requirement that in reducing the grievance to writing, the teacher shall specify the specific relief sought through the use of the procedure;
4. The right of the grievant and the respondent to present appropriate witnesses and be represented by legal counsel and another representative;
5. Reasonable time limitations, prescribed by the Board, for the grievant to submit an initial complaint and to appeal each decision through the steps of the grievance procedure which shall correspond generally or be equivalent to the time prescribed for response at each step;
6. Termination of the right of the grievant to further appeal upon failure of the grievant to comply with all substantial procedural requirements of the grievance procedure without just cause;
7. The right of the grievant, at his option, upon failure of the respondent to comply with all substantial procedural requirements without just cause, to advancement to the next step or, in the final step, to a decision in his favor;
8. A final step which shall provide for a final decision on the grievance by the school board;
9. The provisions of §§ [22.1-309](#) through [22.1-313](#).

B. Representatives referred to in subsection A 4 of this section may examine, cross-examine, question and present evidence on behalf of a grievant or respondent in the grievance procedure without being in violation of the provisions of § [54.1-3904](#).

C. Nothing in the procedure shall be construed to restrict any teacher's right to seek or a school division administration's right to provide customary review of complaints that are not included within the definition of a grievance.”

(Code 1950, § 22-217.5:2; 1979, c. 298; 1980, c. 559; 1992, c. 679.)

Code of Va., §22.1-309. Notice to teacher of recommendation of dismissal or placing on probation; school board not to consider merits during notice; superintendent required to provide reasons for recommendation upon request. “In the event a division superintendent determines to recommend dismissal of any teacher or the placing on probation of a teacher on continuing contract, written notice shall be sent to the teacher notifying him of the proposed dismissal or placing on probation and informing him that within fifteen days after receiving the notice the teacher may request a hearing before the school board as provided in § [22.1-311](#) or before a fact-finding panel as provided in § [22.1-312](#). During such fifteen-day period and thereafter until a hearing is held in accordance with the provisions herein, if one is requested by the teacher, the merits of the recommendation of the division superintendent shall not be considered, discussed or acted upon by the school board except as provided for herein. At the request of the

PERSONNEL

Standards of Conduct for Employees (continued)

teacher, the division superintendent shall provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview. In the event a teacher requests a hearing pursuant to § [22.1-311](#) or § [22.1-312](#), the division superintendent shall provide, within ten days of the request, the teacher or his representative with the opportunity to inspect and copy his personnel file and all other documents relied upon in reaching the decision to recommend dismissal or probation. Within ten days of the request of the division superintendent, the teacher or his representative shall provide the division superintendent with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal or probation. The division superintendent and the teacher or his representative shall be under a continuing duty to disclose and produce any additional documents identified later which may be used in the respective parties' cases-in-chief. The cost of copying such documents shall be paid by the requesting party.

For the purposes of this section, "personnel file" shall mean any and all memoranda, entries or other documents included in the teacher's file as maintained in the central school administration office or in any file on the teacher maintained within a school in which the teacher serves."

(Code 1950, § 22-217.6; 1968, c. 691; 1975, c. 308; 1979, c. 298; 1980, c. 559; 1985, c. 441; 1992, c. 679.)

Code of Va., § 22.1-313. Decision of school board; generally. "A. The school board shall retain its exclusive final authority over matters concerning employment and supervision of its personnel, including dismissals, suspensions and placing on probation.

B. In the case of a hearing before the school board, the school board shall give the teacher its written decision within thirty days after the hearing. A record of the proceedings shall be taken and made available as provided in subsection I of § [22.1-312](#). Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible. In the case of a hearing before a fact-finding panel, the school board shall give the teacher its written decision within thirty days after the school board receives both the transcript of such hearing, if any, and the panel's findings of fact and recommendations; however, should there be a further hearing before the school board, as hereafter provided, such decision shall be furnished the teacher within thirty days after such further hearing. The decision of the school board shall be reached after considering the transcript, if any, and the findings of fact and recommendations of the panel and such further evidence as the school board may receive at any further hearing.

C. A teacher may be dismissed, suspended or placed on probation by a majority of a quorum of the school board. In the event the school board's decision is at variance with the recommendations of the fact-finding panel, the school board shall be required to conduct an additional hearing which shall be public unless the teacher requests a private one. However, if the fact-finding hearing was held in private, the additional hearing shall be held in private. The hearing shall be conducted by the school board pursuant to subsection D of this section, except that the grievant and the division

PERSONNEL

Standards of Conduct for Employees (continued)

superintendent shall be allowed to appear, to be represented, and to give testimony. However, the additional hearing shall not include examination and cross-examination of any other witnesses. The school board's written decision shall include the rationale for the decision.

D. In any case in which a further hearing by a school board is held after a hearing before a fact-finding panel, the school board shall consider at such further hearing the transcript, if any, the findings and recommendations of the fact-finding panel and such further evidence, including that of witnesses having testified before the panel, as the school board deems appropriate or as may be offered on behalf of the grievant or the respondent. A school board may initiate any such hearing upon written notice to the teacher and the division superintendent within ten days after the board receives the findings of fact and recommendations of the panel and any transcript of any panel hearing. Such notice shall specify each matter to be inquired into by the school board. In any case in which a teacher may initiate any such hearing, the teacher shall request such hearing in writing within ten days after receiving the findings of fact and recommendations of the panel and any transcript of the panel hearing. Any decision by the school board shall be based solely on the transcript, if any, the findings of fact and recommendations of the panel, and any evidence relevant to the issues of the original grievance adduced at the hearing in the presence of each party. Such hearing shall be conducted as a hearing by the school board as provided in § [22.1-311](#).

E. The school board's attorney, assistants or representative, if he or they represented a participant in the prior proceedings, the grievant, the grievant's attorney or representative and, notwithstanding the provisions of § [22.1-69](#), the superintendent shall be excluded from any executive session of the school board which has as its purpose reaching a decision on a grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the school board's attorney or representative and the superintendent may join the school board in executive session to assist in the writing of the decision."

(Code 1950, § 22-217.8; 1968, c. 691; 1974, c. 18; 1979, c. 298; 1980, c. 559; 1983, c. 327; 1992, c. 679.)

Code of Va., § 22.1-315. Grounds and procedure for suspension. "A. A teacher or other public school employee, whether full-time or part-time, permanent, or temporary, may be suspended for good and just cause when the safety or welfare of the school division or the students therein is threatened or when the teacher or school employee has been charged by summons, warrant, indictment or information with the commission of a felony; a misdemeanor involving (i) sexual assault as established in Article 7 (§ [18.2-61](#) et seq.) of Chapter 4 of Title 18.2, (ii) obscenity and related offenses as established in Article 5 (§ [18.2-372](#) et seq.) of Chapter 8 of Title 18.2, (iii) drugs as established in Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2, (iv) moral turpitude, or (v) the physical or sexual abuse or neglect of a child; or an equivalent offense in another state. Except when a teacher or school employee is suspended because of being charged by summons, warrant, indictment or information with the commission of one of the above-listed criminal offenses, a division superintendent or appropriate central office designee

PERSONNEL

Standards of Conduct for Employees (continued)

shall not suspend a teacher or school employee for longer than sixty days and shall not suspend a teacher or school employee for a period in excess of five days unless such teacher or school employee is advised in writing of the reason for the suspension and afforded an opportunity for a hearing before the school board in accordance with §§ [22.1-311](#) and [22.1-313](#), if applicable. Any teacher or other school employee so suspended shall continue to receive his or her then applicable salary unless and until the school board, after a hearing, determines otherwise. No teacher or school employee shall be suspended solely on the basis of his or her refusal to submit to a polygraph examination requested by the school board.

B. Any school employee suspended because of being charged by summons, warrant, information or indictment with one of the offenses listed in subsection A may be suspended with or without pay. In the event any school employee is suspended without pay, an amount equal to his or her salary while on suspended status shall be placed in an interest-bearing demand escrow account. Upon being found not guilty of one of the offenses listed in subsection A or upon the dismissal or nolle prosequi of the charge, such school employee shall be reinstated with all unpaid salary and accrued interest from the escrow account, less any earnings received by the school employee during the period of suspension, but in no event shall such payment exceed one year's salary.

C. In the event any school employee is found guilty by an appropriate court of one of the offenses listed in subsection A and, after all available appeals have been exhausted and such conviction is upheld, all funds in the escrow account shall be repaid to the school board.

D. No school employee shall have his or her insurance benefits suspended or terminated because of such suspension in accordance with this section.

E. Nothing in this section shall be construed to limit the authority of a school board to dismiss or place on probation a teacher or school employee pursuant to Article 3 (§ [22.1-306](#) et seq.) of this chapter.

F. For the purposes of this section, the placing of a school employee on probation pursuant to the terms and conditions of § [18.2-251](#) shall be deemed a finding of guilt.” (Code 1950, §§ 22-72, 22-97, 22-217.8:1; 1954, cc. 289, 291; 1956, Ex. Sess., c. 60; 1959, Ex. Sess., c. 79, § 1; 1966, c. 691; 1968, c. 501; 1970, c. 71; 1971, Ex. Sess., c. 161; 1972, c. 511; 1975, cc. 308, 328; 1978, c. 430; 1979, c. 298; 1980, c. 559; 1987, c. 328; 1993, c. 498; 1996, c. 960; 1997, c. 721; 2001, cc. 430, 450.)

Code of Va., § 2.2-4371. (Effective October 1, 2001) Prohibition on solicitation or acceptance of gifts; gifts by bidders, offerors, contractor or subcontractors prohibited.

“A. No public employee having official responsibility for a procurement transaction shall solicit, demand, accept, or agree to accept from a bidder, offeror, contractor or subcontractor any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal or minimal value, present or promised, unless consideration of substantially equal or greater value is exchanged. The public body may recover the value of anything conveyed in violation of this subsection.

B. No bidder, offeror, contractor or subcontractor shall confer upon any public employee having official responsibility for a procurement transaction any payment, loan,

PERSONNEL

Standards of Conduct for Employees (continued)

subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is exchanged.”

(1982, c. 647, §§ 11-75, 11-77; 2001, c. 844.)

Civil Rights Act of 1964, as amended.

Equal Employment Act of 1972, Education amendments of 1972.

Age Discrimination in Employment Act.

Americans with Disabilities Act of 1990, as amended.

Title VII, Civil Rights Act of 1964, as amended.

Adopted by School Board: August 6, 2002