



# Monument Academy

## *Board of Directors Governance and Policy*

|                |                                |
|----------------|--------------------------------|
| Policy Name:   | Staff Conduct                  |
| Policy Number: | GBEB-MA                        |
| Original Date: | 9/12/2024                      |
| Reviewed:      | 9/12/2024                      |
| Approved       | 9/12/2024                      |
| Category:      | Personnel                      |
| Author:        | Dir of Human Resources/ExecDir |
| Approval:      | MA Board of Directors          |

All staff members, regardless of their position, have a responsibility to make themselves familiar with and to abide by federal and state laws as these affect their work, and the policies and regulations of the Monument Academy (School).

Monument Academy exists to educate all students in the journey of becoming well-rounded, flourishing individuals. Passion and engagement permeate our school community and instill a joy for life and learning. We value security, character, connections, growth, and excellence.

All staff members are responsible for modeling behaviors that advance the development of local, national, and global stewardship for students. In scholastic and athletic activities and in all written and oral communications, staff should exemplify appropriate adult professional behaviors. At no time may any staff member engage in behavior that may be deemed otherwise (including but not limited to profanity, inappropriate jokes or gestures, sexist or racist comments, and electronic harassment or cyberbullying). Staff members must maintain professional boundaries in accordance with this policy's accompanying regulation. Staff members are encouraged to support their colleagues in adhering to this expectation. Supervisory and administrative personnel are responsible for the maintenance and enforcement of this policy.

A supervisor notified of a staff member's inappropriate behavior must consult with personnel services to determine the appropriate course of action. Violations of the policy may result in disciplinary action up to and including termination.

### **Additional rules of conduct**

Each staff member must observe rules of conduct established in law, which specify that a school employee must not:

1. Disclose or use confidential information acquired in the course of employment to substantially further personal financial interests.
2. Accept a gift of substantial value or substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in the position to depart from the faithful and impartial discharge of the staff member's duties, or which the staff member knows or should know is primarily for the purpose of a reward for action taken.
3. Engage in a substantial financial transaction for private business purposes with a person whom the staff member supervises.
4. Perform an action which directly and substantially confers an economic benefit tantamount to a gift of substantial financial interest or is engaged as counsel, consultant, representative, or agent.

*The phrase "economic benefit tantamount to a gift of substantial value" includes a loan at a rate of interest substantially lower than the prevailing commercial rate and compensation received for private services rendered at a rate substantially exceeding the fair market value.*

All staff members are expected to carry out their assigned responsibilities with conscientious concern.

It is not considered a breach of conduct for a staff member to:

1. Use school facilities and equipment to communicate or correspond with constituents, family members or business associates on an occasional basis.
2. Accept or receive a benefit as an indirect consequence of transacting School business.

Essential to the success of ongoing school operations and the instructional program are the following specific responsibilities which must be required of all personnel:

1. Faithfulness and promptness in attendance at work.
2. Enforcement of policies of the Board and regulations of the school administration in regard to students.
3. Diligence in submitting required reports promptly at the times specified.
4. Care and protection of school property.
5. Concern and attention toward the safety and welfare of students.

### **Child abuse**

All School employees who have reasonable cause to know or suspect that any child is subjected to abuse or to conditions that might result in abuse or neglect must immediately upon receiving such information report such fact in accordance with Board policy and state law.

The Executive Director is authorized to conduct an internal investigation or to take any other necessary steps if information is received from a county department of social services or a law enforcement agency that a suspected child abuse perpetrator is a school employee. Such information must remain confidential except that the Executive Director must notify the Colorado Department of Education of the child abuse investigation.

### **Felony/misdemeanor convictions**

If, subsequent to beginning employment with the School, the School has good cause to believe that any staff member has been convicted of, pled *nolo contendere* to, or received a deferred or suspended sentence for felony or misdemeanor other than a misdemeanor traffic offense or infraction, the School must make inquiries to the Department of Education for purposes of screening the employee.

In addition, the School must require the employee to submit a complete set of fingerprints taken by a qualified law enforcement agency, an authorized School or BOCES employee, or any third party approved by the Colorado Bureau of Investigation. Fingerprints must be submitted within 20 days of receipt of written notification. The fingerprints must be forwarded to the Colorado Bureau of Investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing the records of the Colorado Bureau of Investigation and the Federal Bureau of Investigation. When the results of the fingerprint-based criminal history record check reveal a record of arrest without a disposition, the School must require the employee to submit to a name-based criminal history record check. Criminal history record information must be used solely for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities.

Disciplinary action, which could include dismissal from employment, may be taken against personnel if the results of fingerprint processing and/or name-based criminal history record check provide relevant information. Non-licensed employees must be terminated if the results of the

fingerprint-based or name-based criminal history record check disclose a conviction for certain felonies, as provided in law.

### **Unlawful behavior involving children**

The School may make an inquiry with the Department of Education concerning whether any current employee of the School has been convicted of, pled *nolo contendere* to, or received a deferred sentence or deferred prosecution for a felony or misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children. Disciplinary action, including termination, may be taken if the inquiry discloses information relevant to the employee's fitness for employment.

### **Notification concerning arrests**

School employees must notify the School when they are arrested for specific criminal offenses, in accordance with this policy's accompanying regulation.

The School must notify students' parents/guardians when School employees are charged with specific criminal offenses, as required by state law and in accordance with applicable Board policy.

Personnel addressing health care treatment for behavior issues

School personnel are prohibited under state law from recommending or requiring the use of psychotropic drugs for students. They are also prohibited from testing or requiring testing for a student's behavior without giving notice to the parent/guardian describing the recommended testing and how any test results will be used and obtaining prior written permission from the student or from the student's parent/guardian. See the Board's policy concerning survey, assessment, analysis or evaluation of students. School personnel are encouraged to discuss concerns about a student's behavior with the parent/guardian and such discussions may include a suggestion that the parent/guardian speak with an appropriate health care professional regarding any behavior concerns school personnel may have.

Reference: [1530 Parent Notification of Alleged Criminal Conduct by a School Employee \(Oct 2018\)](#)

LEGAL REFS.:

28C.F.R. 50.12 (b) (notification requirements regarding fingerprints)

C.R.S. 18-12-105.5 (*unlawful carrying/possession of weapons on school grounds*)

C.R.S. 18-12-214 (3)(b) (*school security officers may carry concealed handgun pursuant to valid permit*)

C.R.S. 19-3-308 (5.7) (*child abuse reporting*)

C.R.S. 22-1-130 (*parent notification of employee criminal charges*)

C.R.S. 22-2-119.3 (6)(d) (*name-based criminal history record check – definition*)

C.R.S. 22-32-109 (1)(ee) (*duty to adopt policy prohibiting personnel from recommending certain drugs for students or ordering behavior tests without parent permission*)

C.R.S. 22-32-109 (1)(pp) (*annual employee notification requirement regarding federal student loan repayment programs and student loan forgiveness programs*)

C.R.S. 22-32-109.1 (8) (*policy requiring inquiries upon good cause to department of education for purpose of ongoing screening of employees*)

C.R.S. 22-32-109.7 (*duty to make inquiries prior to hiring*)

C.R.S. 22-32-109.8 (6) (*requirement to terminate non-licensed employees for certain felony offenses*)

C.R.S. 22-32-109.9 (*licensed personnel – submittal of fingerprints and name-based criminal history record check*)

C.R.S. 22-32-110 (1)(k) (*power to adopt conduct rules*)

C.R.S. 24-18-104 (*government employee rules of conduct*)

C.R.S. 24-18-109 (*local government employee rules of conduct*)

C.R.S. 24-18-110 (*voluntary disclosure*)

CROSS REFS.:

JLC, Student Health Services and Records

JLDAC, Screening/Testing of Students (And Treatment of Mental Disorders)

JLF, Reporting Child Abuse/Child Protection

1530 Parent Notification of Alleged Criminal Conduct by a School Employee (October, 2018)

KFA, Public Conduct on District Property