

EDMONTON PUBLIC SCHOOLS

October 14, 2008

TO: Board of Trustees

FROM: Trustee D. Fleming, Planning and Policy Committee
Trustee G. Gibeault, Planning and Policy Committee
Trustee K. Shipka, Planning and Policy Committee

SUBJECT: Proposed Board Policy GBCB.BP – District Staff Code of Conduct

ORIGINATOR: B. Tams, Assistant Superintendent

RESOURCE
STAFF: David Fraser, Mark Liguori, Ellen Ogilvy

RECOMMENDATION

1. That proposed Board Policy GBCB.BP District Staff Code of Conduct (Appendix I) be introduced.
2. That proposed Board Policy GBCB.BP District Staff Code of Conduct be considered for the first time.
3. That proposed Board Policy GBCB.BP District Staff Code of Conduct be considered for the second time.

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Rationale

Board Policy GBCB.BP District Staff Code of Conduct is recommended for approval. Edmonton Public Schools is one of the few large organizations that has not had a formal staff code of conduct or a requirement that staff members be protected if they report perceived wrongdoing within the District. The proposed policy sets out the code of conduct for our staff. The administrative regulation (Appendix II) which will be recommended to the Superintendent, further delineates expectations for behaviour, includes a process for reporting suspected misconduct, and provides for protection of staff members who make such a report in good faith.

Background

As a result of discussions at Audit Committee meetings over the past two years, the Board directed the administration to develop a “whistleblower” policy. District staff in

Personnel reviewed such policies from other school districts and large organizations (e.g., Calgary Public Board of Education, University of Alberta, City of Edmonton). This research showed that most organizations either embed a whistleblower process in a broader staff code of conduct policy or have a whistleblower policy as a companion document to a code of conduct. Although the District has not had a formal code of conduct policy, many of the requirements that are found in such codes are outlined in the District's "Basic Beliefs, Commitments Framework for Supporting Teaching and Learning, and Expectations" and in several policies and administrative regulations (e.g. the Respectful Learning and Working Environments, and policies which deal with financial matters). It seemed timely to develop a code of conduct policy which would clearly outline expectations for behaviour of employees. The whistleblower component, requiring staff to report incidents of misconduct or inappropriate behaviour (whistleblower section), has been included in Section I and J of the accompanying administrative regulation.

The proposed policy and administrative regulation on the District Staff Code of Conduct were submitted for review and feedback to a large number of stakeholders at various points during the developmental work. These stakeholders included the Personnel Services Principal Support Group, various Principal Support Groups, Managing Directors and Directors Support Group, General Counsel, Liaison Committees for ATA Local 37 (Teachers), CUPE Local 474 (Custodial), CUPE Local 3550 (Support), CUPE Local 784 (Maintenance) and exempt staff. Member Services of the provincial ATA was also consulted. A summary of the feedback from these individuals and groups is attached (Appendix III).

Information was also gathered from 143 stakeholders via the District web survey. A summary of this information is attached (Appendix IV); these comments have helped to shape the policy, the administrative regulation, and a guidebook which has been developed to provide staff with additional information and illustrative examples.

The key components of the policy are

- All staff members are to conduct themselves in an ethical manner
- Staff members shall adhere to legal agreements and administrative regulations
- Staff members shall not engage in activities which would compromise the reputation of the District
- Staff members shall avoid activities that would constitute a conflict of interest
- The Superintendent's decision in the matter is final
- Breaches of the policy or regulation may be subject to sanctions.

Next steps

October 14 and 28, 2008	Presentation of the board policy at public board for consideration and approval through 1st, 2nd, and 3rd readings
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October 29, 2008	Submission of Administrative Regulation to the Superintendent for approval
October 2008	Finalization of specific guidelines for staff
October-December 2008	Presentation of the policy, administrative regulation and guidebook to EPSB administrators and staff members

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APPENDIX I	Board Policy GBCB.BP District Staff Code of Conduct (pages 4 – 5)
APPENDIX II	Administrative Regulation GBCB.AR District Staff Code of Conduct (pages 6 – 10)
APPENDIX III	Summary of Responses from District Stakeholders (pages 11 - 12)
APPENDIX IV	Summary of Responses from Web Survey (pages 13 – 14)

DRAFT POLICY: DISTRICT STAFF CODE OF CONDUCT

Edmonton Public Schools maintains high standards for the ethical conduct of its staff members. Such standards contribute to making our organization healthy, respectful and effective. The manner in which staff members carry out their work reflects on the District as a whole. The District Staff Code of Conduct is intended to provide staff members with clarity in these matters, and to be a guide for conduct in specified areas. It is not intended to be exhaustive, or to provide specific guidance in every circumstance. Common sense, good judgment and discretion shall prevail in application of this policy; if staff are in doubt about a situation, they should seek clarification.

1. Staff members shall:
 - a. adhere to the policies, regulations and guidelines of the board and the administration
 - b. fulfill their responsibilities within Edmonton Public Schools in an honest, diligent and lawful manner
 - c. treat all people with dignity, respect and consideration in carrying out their duties.
2. Staff members shall adhere to the legal agreements between the District and other organizations e.g. CUPE Locals 3550, 474, 784, Alberta Teachers' Association, City of Edmonton, Provincial Government, etc.
3. Staff members shall not engage in any activity which they know or ought to know undermines the good faith that must exist between the staff member and the District, or which is dishonest, abusive or detrimental to the interests or reputation of the District.
4. Staff members who engage in activities or employment external to the District shall not knowingly conduct themselves in a manner which would result in ethical, legal or financial conflict of interest.
5. Breach of the policy or administrative regulation relating to the District Staff Code of Conduct may result in a range of sanctions being imposed on the staff member, up to and including termination of employment.
6. The Superintendent's decision in the matter shall be final.

References:	The School Act
	EPSB Principles of Board Operation,
	ACA.BP Respectful Learning and Working Environments
	ACA.AR Respectful Learning and Working Environments
	AE.AR Basic Beliefs, Commitments and Expectations
	DFG.AR School Generated Funds
	DFGB.AR Administration of School-Collected Funds
	DJA.AR Expenditure of Public Funds

EDC.AR	Publication and Authorization for Use of District Owned Materials
EFA.AR	School Cafeteria Services
FM.BP	Alcoholic Beverages and Smoking on District Premises and at District-Sponsored Functions
KC.AR	Appropriate Use of District Technology

DRAFT ADMINISTRATIVE REGULATION: DISTRICT STAFF CODE OF CONDUCT

Edmonton Public Schools holds its staff members to a high standard of ethical conduct. This administrative regulation is intended to outline general guidelines for conduct, and a process for reporting allegations of misconduct. It cannot provide for every situation or circumstance. It is expected that staff members will behave in a manner which reflects common sense, good judgment, and discretion, and will adhere to all Board Policies, Administrative Regulations and Guidelines.

A. General

1. Staff members shall adhere to the policies, regulations and guidelines of the District, and not knowingly violate the collective agreements between the District and its unions or staff groups, or any other legal agreement between the District and an outside agency.
2. Staff members shall be respectful in all their interactions with students, parents, community members, other District employees and contractors.
3. Staff members shall conduct their employment responsibilities in an honest, faithful and diligent manner.
4. Private endeavors must not provide the appearance of an opportunity for wrongdoing or unethical conduct. Private endeavors include aspects of a staff member's activity outside those connected with official District duties. These may include:
 - i. Financial interest;
 - ii. Paid and unpaid activities beyond official duty; and
 - iii. Relationships with third parties who may be
 - Employed by the District
 - Doing business with the District
 - Seeking employment or benefits from the District
5. Staff members shall disclose to their supervisor/principal any financial, business or commercial interest which may conflict with their duty to the District or the proper execution of their duties. Where potential conflict is identified by the supervisor, the matter will be forwarded to Director of Personnel Staff Relations & Support Services for review.
6. These principles are intended to complement any Code of Ethics that a staff member would follow because of his or her professional affiliation e.g. the ATA Code of Professional Conduct, CUPE Equality Statement and Oath of Obligation, or a professional association code of conduct.

B. Roles and Responsibilities

1. All staff members are responsible for adhering to the District Staff Code of Conduct.
2. The Superintendent or his or her designate is responsible for compliance with the policy. He or she reviews any investigative report and accompanying responses, and determines what, if any, action is to be taken.
3. Assistant superintendents, managing directors, directors and principals are responsible for ensuring that staff are informed about the code of conduct.
4. The Director of Personnel Staff Relations & Support Services is responsible for process of managing complaints, including providing information to parties and arranging for investigations.

C. Conflict of Interest

Staff members of the District shall not without the prior approval of the Superintendent's or designate:

- a. use information or materials (see section E) belonging to the District to gain financial benefit either directly or indirectly;
- b. enter into a contract with the District, either personally or through a third party.

D. Gifts, Payments and Rewards

Staff members shall not accept a gift, payment, favour or service from any individual or organization in the course of their assigned duties if that gift, payment, favour or service:

- a. is other than a normal exchange of hospitality between people doing business, or
- b. affects the fair and unbiased evaluation or acquisition of the materials or services offered to the District.

E. Use of Board Property

1. District property, including vehicles, equipment and material, shall not be used for personal benefit or non-district purposes without district approval.
2. The Superintendent of Schools or designate may authorize the use of supplies or equipment by district staff if they feel that such use will assist staff members in their assigned work. It may be required that some staff regularly retain board-owned supplies or equipment in their possession.

3. A written record of the authorization of the use of supplies or equipment shall be maintained indicating the time of release, the signature of the user, and the date on which the item is returned.
4. Staff members are responsible for exercising all reasonable care to prevent abuse to, excessive wear of, or loss of District-owned equipment or material entrusted to their care.

F. Use of Time

Staff members are expected to use work time for work purposes.

G. Employment External to the District

1. If a staff member takes supplementary employment, including self-employment, it shall not:
 - a. appear to be an official act or to represent an opinion of the District, or
 - b. interfere with, negatively influence or affect the performance of their duties for the District.
2. a. Staff members who author or create print or non-print courseware, software or any other instructional or educational resource material are deemed to be the owners of this material only if the development of such materials is not part of the staff member's assigned duties and the materials are developed on the staff member's own time and without the use of District resources.
 - b. Staff members are advised that they should seek approval from their principal or decision unit supervisor prior to the commencement of the work.
 - c. Approval should also be obtained if any District resources are to be used in the development of the materials.

H. Criminal Conduct

1. Staff members shall be expected to notify the District of all criminal charges at the time the charge is issued, except for minor traffic violations.
2. Conviction of any criminal offence may result in termination of employment with the District.
3. Applicants for employment are required to disclose all criminal charges and convictions.

I. Reporting of Allegations of Misconduct

1. Any staff member who has reasonable grounds for believing that another staff member has engaged in conduct that is dishonest, abusive or detrimental to the interests or reputation of the District shall report the conduct to that staff member's immediate supervisor or the Director of Personnel Staff Relations & Support Services as soon as possible.
2. Teachers making such an allegation against another teacher should seek advice on how to address the situation from a staff officer in Member Services, Alberta Teachers' Association, to ensure they are in compliance with the ATA Code of Professional Conduct. Similarly, CUPE members may contact their union representatives to ensure compliance with the CUPE Equality Statement and Membership Oath of Obligation. Exempt staff members may wish to contact their professional organizations for assistance; advice is also available through Personnel Staff Relations & Support Services.

Note: Where the conduct involves imminent threat or danger to any person or property of the District a staff member should report the conduct immediately.

3. A staff member shall only make a report under section I.1 in good faith.
4. A supervisor or principal who receives a report under section I.1 shall inform the Director of Personnel Staff Relations & Support Services as soon as possible.
5. The Director of Personnel Staff Relations & Support Services shall determine the action to be taken.
6. The Superintendent's decision regarding the outcome of an investigation will be final.

J. Protection for Reporting an Allegation of Misconduct

1. If an allegation is made in good faith, and is not found to be vexatious, the staff member making the allegation will not be disciplined, regardless of the outcome of the investigation
2. The staff member making the allegation and anyone who provides information will be protected from any form of retaliation related to their employment from either co-workers or superiors under this policy.
3. A staff member who has encountered retaliation may submit a complaint in writing within six months to the Director of Personnel Staff Relations & Support Services. Teachers must be mindful of their responsibilities under the Code of Professional Conduct.
4. The complaint will be investigated as per the District process.

5. Any staff member who makes an allegation of misconduct that is not in good faith or who retaliates against a staff member for making a report of misconduct in good faith shall be subject to disciplinary action, up to and including termination.

SUMMARY OF RESPONSES FROM STAKEHOLDERS

The original draft policy and regulation were shared with all staff groups through Liaison Committees, the Personnel Services Principal Support Group, various Principal Support groups, General Counsel, the Managing Directors and Directors Support Group and the provincial ATA Member Services branch. Additional feedback was provided via the District web survey and is summarized in appendix IV.

The feedback received on the District Staff Code of Conduct was largely positive. Criticisms were thoughtful, and considered seriously by the administration. There was recognition that it was appropriate for our District to have a code of conduct, with provision for reporting of wrongdoing and protection for those who made such reports. Stakeholders were pleased that the code was part of the larger initiative of organizational health, rather than a standalone document. Suggestions focused on the need for examples which would provide clarification of the policy and regulation, on choices of words or phrases, points of clarification and addition of specific information.

Suggestions for Changes in the Policy:Adopted:

- Differentiation of an employer staff code of conduct from the ATA Code of Professional conduct by naming the employer policy as the District Staff Code of Conduct
- Addition of “know or ought to know” to statement 3 in the policy
- Description of misconduct as ‘conduct that is dishonest, abusive or detrimental to the interests or reputation of the District’ in statement 3
- Addition of ‘not knowingly’ to statement 4 in the policy
- Replacement of ‘pecuniary’ with ‘financial’ in statement 4
- Statement that the Superintendent’s decision in the matter shall be final.

Suggestions for Changes in the Regulation

- Addition of ‘negatively influence’ in section G.I.b Employment External to the District.
- Inclusion of other professional codes of conduct and reference to where exempt staff might seek support in section I.2. Reporting of Allegations of Misconduct
- Replacement of ‘misuse’ with ‘use’ in description of ‘time’ and ‘District property’
- Clarification of roles and responsibilities
- Specific mention of the ATA Code of Professional Conduct, CUPE Statement of Equality, and codes of conduct for other professions.
- Inclusion of use of materials belonging to the District as well as information to gain financial benefit in section C Conflict of Interest.

- Description of misconduct as ‘conduct that is dishonest, abusive or detrimental to the interests or reputation of the District’
- Provision or a general statement about the investigation process to allow for investigations to be suited to the allegation.
- Statement that the Superintendent’s decision in the matter shall be final.

Not adopted in either the Policy or the Regulation:

- Specific parameters for behaviour. Guidelines and examples are included in the guidelines document.
- Deletion of Section H.1 Criminal Conduct. There was a concern that the reporting of charges might carry a stigma which would last even if the charges were eventually dropped. General Counsel notes that the District is a public institution with a legal obligation to ensure that our students are provided a safe and caring environment.
- Provision of a definition of ‘work day’, specifically for teaching staff.
- Recommendation to specifically mention use of technology (e.g. cell phones, computers). This information is included in the guidelines where more specific examples are given, and there is a link to the *Guidelines for Appropriate Use of District Technology*.
- Provision of a definition of what would constitute damage to the reputation of the District.
- Specific description of when one would be in the realm of financial conflict of interest.

DISTRICT STAFF CODE OF CONDUCT
SUMMARY OF RESPONSES FROM WEB SURVEY

Question 1

Please select the one identifier that best describes the perspective from which you are providing feedback.

Total Respondents	143
Parents	11
Community Members	2
Union Representatives	1
Principals/DU	
Administrators	19
Staff members	103
Non-identified	7

Question 2

Are there aspects of this policy which require clarification? If yes, please indicate below.

- Seventy-six per cent of the respondents indicated that there were no aspects of the policy which required further clarification.
- Of the 34 respondents who indicate additional clarification was needed, nine referred to the policy as vague or not specific enough, four asked for clarification about external employment. The other responses commented on a variety of individual concerns.
- Much of the clarification requested is found in the administrative regulation and the guidebook which will be shared with staff.

Question 3

Are there additional elements that should be added to this policy? If yes, please specify.

- Eighty-one per cent of the respondents did not feel additions were necessary.
- Of those who felt additions should be made, four comments referred to the need for consequences, three referred to the need for guidelines/protection for both staff and parents in situations where there is conflict, and three noted a need for something about confidentiality. The remainder of the suggestions included a number of different ideas.
- The administrative regulation and the guidebook address most of these issues.

Question 4

Are there elements that should be deleted from this policy? If yes, please specify below.

- Ninety-four per cent of the respondents indicated nothing should be deleted
- Eight respondents suggested deletions. The comments were all of an individual nature with no common ‘thread’.