



GBEA - EMPLOYEE CONDUCT AND ETHICS, CONFLICT OF INTEREST, AND FAMILIAL AND PERSONAL RELATIONSHIPS

All employees have a responsibility to familiarize themselves with and comply with all work-related state and federal laws, Board and District policies, regulations, administrative guidelines, and procedures. Employees are expected to carry out their assigned responsibilities with care and attention.

As representatives of the District and role models for students, all employees are expected to demonstrate and uphold high professional, ethical, and moral standards. Employees are expected to conduct themselves in a manner that is consistent with the educational mission of the District, including maintaining appropriate and professional boundaries.

Definitions

For the purposes of this policy, these terms have the following meanings:

“Dating relationship” includes two or more District employees who are romantically, intimately, and/or sexually involved with each other, regardless of whether they live in the same household.

“Economic benefit tantamount to a gift of substantial value” includes without limitation: (1) 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; or (2) the acceptance by an employee of goods or services for the employee’s own personal benefit offered by a person who is at the same time providing goods or services to the District under a contract or other means by which the person receives payment or other compensation from the District, as applicable, unless the totality of the circumstances attendant to the acceptance of the goods or services indicates that the transaction is legitimate, the terms are fair to both parties, the transaction is supported by full and adequate consideration, and the employee does not receive any substantial benefit resulting from their official or governmental status that is unavailable to members of the public generally.

“Honorarium” includes any payment, fee or other compensation given to an employee for services that are not related to their official duties, when that compensation is made as gratuity or an award of honor. Examples of honoraria include payment made to a guest speaker or lecturer as a “thank you” and gesture of good will and appreciation or payment for writing an article.

“Immediate family” means a person who is related by blood, marriage, civil union, or adoption.

Familial and Personal Relationships

No immediate family member of an employee or individual in a dating relationship with an employee will be denied employment with the District and no current employee will be denied a promotion, demotion or transfer solely on the basis of their relationship with a current District employee, except for the instances described below:

1. When an employee would directly or indirectly exercise supervisory, appointment, disciplinary action, or dismissal authority over an immediate family member or an individual with whom they have a dating relationship.
2. When one immediate family member or individual in a dating relationship would work on the same shift and at the same regular worksite; unless proper internal controls are approved and implemented by the District’s Human Resources Department.
3. When an employee may audit, verify, receive, or be entrusted with moneys received or handled by a member of the employee’s immediate family or individual with whom they have a dating relationship.
4. When an employee would have access to the District’s confidential information concerning a member of the employee’s immediate family or an individual with whom they have a dating relationship, including payroll and personnel records, unless such access may be restricted or monitored without hindering the employee’s ability to perform their job duties.

If marriage, civil union, or a dating relationship between employees causes a potential violation of this policy, one of the employees must secure employment in another department and/or worksite. If an alternate employment opportunity is not available and/or neither employee is qualified to secure an alternate open role within the District, the employee with the least amount of tenure with the District must resign within ninety (90) calendar days from the date of the event causing the potential violation of this policy. Failure of an employee to divulge an immediate family relationship or dating relationship may be subject to disciplinary action in accordance with this policy and any related administrative guidelines or procedures.

Professional Boundaries with Students

In a professional employee/student relationship, employees maintain boundaries with students that are consistent with their professional code of conduct and obligations. All District employees are expected to observe and maintain proper professional boundaries.

A violation of professional boundaries with a student may include, but is not limited to: any type of inappropriate physical contact with a student or any other conduct that might be considered harassment; furnishing alcohol, drugs or tobacco to a student or being

present when any student is consuming those substances; singling out a particular student for personal attention or friendship beyond the ordinary professional employee-student relationship; initiating or extending contact with a student beyond the school day or outside of class times for the employee's personal purposes; giving gifts or money to a student; exchanging interactions on social media; or romantic or intimate acts.

Rules and Responsibilities for All Employees

No District employee shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts with, or raises a reasonable question of conflict with the employee's duties and responsibilities in the school system. Employees are expected to perform the duties of the position to which they are assigned and to observe rules of conduct and ethical principles established by state law and District policies and regulations.

It shall be understood that all confidential information an employee is aware of as a result of District employment shall be kept strictly confidential. Employees shall not utilize information solely available to them through school or District sources to engage in any type of work outside the District. This includes information concerning potential customers, clients, or employers.

An employee shall not sell any books, instructional supplies, school apparatus, musical instruments, equipment, or other school supplies or materials, including athletic supplies, custodial or office supplies, to any student or to the parents/guardians/caregivers of a student who attends the school served by the employee unless prior approval has been obtained from the Board.

Employees shall observe rules of conduct established in law which specify that school employees shall not:

1. Disclose or use confidential information acquired in the course of their employment to further substantially their personal financial interests.
2. Accept a gift of substantial value or a substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in their position or which they know or should know is primarily for the purpose of rewarding them for action taken in which they exercised discretionary authority.
3. Engage in a substantial financial transaction for their private business purposes with a person whom they supervise.
4. Perform any action in which they have discretionary authority, which directly and substantially confers an economic benefit on a business or other undertaking in which they have a substantial financial interest or in which they are engaged as a counsel, consultant, representative, or agent.

Employees may not accept outside financial compensation for services rendered on behalf of the District. Any honorarium or compensation from an outside organization given to the employee representing the District must be returned to the District. However, if an employee uses personal time and is performing services as a private individual, honorarium or compensation may be retained by the individual. If an employee has a question about whether it is proper to accept a gift, honorarium, or other compensation or financial benefit, then the employee should contact the Human Resources Department for guidance on the matter.

It is permissible for an employee to receive:

1. An unsolicited item of trivial value.
2. A gift with a fair market value or aggregate actual cost of \$75 or less, or the current amount set and contemporaneously updated for inflation, which amount is identical to the amount of the gift limit under Section 3 of Article XXIX of the Colorado Constitution. This does not include gifts given by an individual who is a relative or personal friend of the employee on a special occasion.
2. A non-monetary award publicly presented by a nonprofit organization in recognition of public service.
3. Payment or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which the employee is scheduled to participate.
4. Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is not extraordinary when viewed in light of the employee's position.
5. Items of perishable non-permanent value, including but not limited to meals, lodging or travel expenses.

It shall not be considered a breach of conduct for an employee 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 district business. An example of this includes accepting a discount at a restaurant for being an employee of a school district.

Inquiry Procedure

This policy outlines some of the common conflicts of interest District employees may confront. This policy is not meant to be exhaustive. Determining whether a conflict of

interest exists is not always straightforward. If an employee is not sure whether a course of action might create a conflict of interest within the meaning of this policy, the employee should avoid that course of action or present a written inquiry to the Human Resources Department.

Felony, Misdemeanor, and Other Potential Disqualifiers

Prior to beginning paid employment with the District, candidates must submit a complete set of fingerprints taken by a qualified law enforcement agency, an authorized District or BOCES employee, or any third party approved by the Colorado Bureau of Investigation. Fingerprints must be submitted within 20 days after 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 District will 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. If the results of the fingerprint processing and/or name-based criminal history record check provide relevant adverse information, the District may rescind a job offer from a candidate.

In addition, for licensed employees, the District will make inquiries to the Department of Education for purposes of screening the employee.

If the District has good cause to believe that any current employee has been convicted of, pled guilty to, pled nolo contendere, or has received a deferred sentence, deferred prosecution, or deferred judgment for a felony or misdemeanor (not including misdemeanor traffic offenses or infractions), the District will require the employee to submit a complete set of fingerprints taken by a qualified law enforcement agency, an authorized district or BOCES employee, or any third party approved by the Colorado Bureau of Investigation. Fingerprints must be submitted 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 District will 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 department, related agencies, or other authorized entities. Employees shall not be charged fees for processing fingerprints under these circumstances.

The District may, as appropriate, take disciplinary action, up to and including dismissal from employment based on the results and analysis of the fingerprint-based and/or name-based criminal history record check. Non-licensed employees must be dismissed

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

Notification Concerning Arrests/Convictions

In an effort to keep the District apprised in a timely manner of potentially concerning behavior by its employees, an employee who is charged with any of the following criminal offenses shall provide written notice to the chief human resources officer or director of human resources no later than five (5) calendar days after the charge is filed.

Charges are merely accusations, and an individual is presumed innocent until, and unless, proven guilty. However, upon receiving notification of the charge, the District may conduct further investigation as it deems necessary and/or refer the matter to the Colorado Department of Education. The District may place an employee on a leave or take other disciplinary measures, as deemed appropriate, in accordance with applicable law, District policy and agreements with the District's employee associations.

The required notice applies to the following criminal offenses:

1. felony or misdemeanor child abuse;
2. a crime of violence;
3. a felony involving unlawful sexual behavior;
4. sexual exploitation of a child;
5. felony domestic violence;
6. felony indecent exposure; or
7. a level 1 or level 2 felony drug offense.

The District must notify students' parents/guardians/caregivers when District employees are charged with specific criminal offenses, as required by state law.

Child Abuse

The superintendent is authorized to conduct an internal investigation or to take any other necessary steps if they receive information from a county department of social services or a law enforcement agency that a suspected child abuse perpetrator is a school district employee. Such information shall remain confidential except for those district employees possessing a legitimate need for said information. The superintendent shall notify the Colorado Department of Education of the investigation.

Any school official who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect, or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect, as defined by statute, shall immediately report or cause a report to be made in accordance with District policies or procedures and state law.

Unlawful Behavior Involving Children

The District may make an inquiry with the Colorado Department of Education concerning whether any current employee of the District has been convicted of, pled nolo contendere to, or received a deferred or suspended sentence or deferred prosecution for a felony or misdemeanor crime involving unlawful sexual behavior, an allegation of a sexual act involving a student who is eighteen years of age or older, regardless of whether the student consented to the sexual act, or unlawful behavior involving children. Disciplinary action, up to and including dismissal of employment, may be taken if the inquiry discloses information relevant to the employee's fitness for employment.

Possession of Deadly Weapons on District Property

The provisions of District Policy KFA – Public Conduct on District Property regarding public possession of deadly weapons on District property or in school buildings also shall apply to employees of the District. However, the restrictions shall not apply to employees who are required to carry or use deadly weapons in order to perform their necessary duties and functions.

Employees Addressing Health Care Treatment for Behavior Issues

District employees 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/caregiver 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/caregiver. For additional information, see District Policy JLDAC – Screening/Testing of Students. District employees are encouraged to discuss concerns about a student's behavior with the parent/guardian/caregiver, and such discussions may include a suggestion that the parent/guardian/caregiver speak with an appropriate health care professional regarding any behavior concerns.

Disciplinary Consequences

Any violation of this policy will subject the employee to disciplinary action, up to and including dismissal from employment. Any employee who has knowledge of any violation of this policy shall promptly report such violation to the Human Resources Department.

Adopted: April 1972

Revised: November 1975

Revised: August 1976

Revised: April 1977

Revised: March 1989

Revised: September 1991
Revised: January 8, 1996
Revised by Board: May 28, 2024

CROSS REFERENCES:

DDA - Federal Procurement and Fiscal Requirements
DKC - Expense Authorization/Reimbursement (Mileage and Travel)
JLDAC – Screening/Testing of Students
KFA - Public Conduct on School Property

LEGAL REFERENCES:

28 C.F.R. 50.12(b) (notification requirements regarding fingerprints)
Constitution of Colorado, Article X, Section 13 (felony to make a profit on public funds)
C.R.S. 2-4-401 (definition of immediate family)
C.R.S. 14-15-101 et seq. (Colorado Civil Union Act)
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 (non-licensed personnel – submittal of fingerprints and name-based criminal history record check)
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. 22-63-204 (teachers receiving money for items sold to students/parents without written consent from Board)
C.R.S. 24-18-104 (government rules of conduct)
C.R.S. 24-18-109 (local government employee rules of conduct)
C.R.S. 24-18-110 (voluntary disclosure)
C.R.S. 24-18-201 through -205 (standards of conduct)
C.R.S. 24-34-402(1) (discriminatory and unfair employment practices)
C.R.S. 24-34-402(1)(h) (nepotism provisions)