



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

September 8, 2016

TO: All Department of Education Employees

FROM: 
Kathryn S. Matayoshi
Superintendent

SUBJECT: **Code of Conduct**

The Department of Education (Department) has established a Code of Conduct that is effective September 8, 2016. The Code of Conduct applies to all employees, contractors, and volunteers.

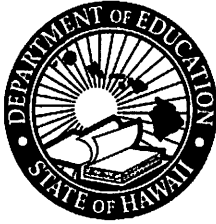
The Code of Conduct establishes and explains the Department's expectation that we serve as positive role models for students and that we engage in conduct and behavior contributing to an appropriate learning environment and a professional workplace.

The Department's Code of Conduct supplements existing statutes and policies, and all Department personnel are reminded that we will also strictly adhere to the Hawaii State Code of Ethics and the Code of Ethics for public employees as prescribed in Chapter 84 of the Hawaii Revised Statutes.

This Code of Conduct is issued pursuant to Board of Education Policy 201.1, "Ethics and Code of Conduct" that appears in the Opening of the School Year Packet for School Year 2016-2017. Please read the Code of Conduct and keep it with your copy of the Opening of the School Year Packet.

Board of Education Policy 201.2, "Accountability of Employees" also applies to the Code of Conduct. Board of Education Policy 201.2 is also in your Opening of the School Year Packet for School Year 2016-2017.

KSM:ND:vs
Attachment



State of Hawaii Department of Education Code of Conduct

Purpose

The purpose of this *Code of Conduct* (Code) is to establish standards of conduct for all employees, contractors, and volunteers of the Hawaii Department of Education (DOE). The Board of Education (Board) recognizes that these individuals play an important role in the educational achievements of students. Accordingly, they must exhibit the highest standards of honesty, morality, and fairness. The DOE and Board expect each employee, contractor, and volunteer to serve as a positive role model for students and to engage only in conduct and behavior that will contribute to an appropriate learning environment.

Policy Statement

It is the policy of the Board of Education that all employees, contractors, and volunteers of the public school system, public library system, and Board of Education shall conduct themselves in an ethical manner and comply with federal and state laws, rules, regulations, and departmental policies, procedures, regulations, rules, and guidance to promote public trust and confidence in public education. The Board's policy requires that all personnel strictly adhere to the Hawaii State Code of Ethics and the Code of Ethics for public employees of the State as prescribed in Chapter 84 of the Hawaii Revised Statutes.

Application

This Code of Conduct shall apply to all individuals employed by the DOE, including temporary and casual hires. It also applies to the DOE's contractors and volunteers, in connection with their duties and responsibilities to the DOE.

Guiding Principles

- Employees, contractors, and volunteers shall maintain high standards of honesty, integrity, and impartiality.
- The educational and developmental interest of students shall be a priority for employees, contractors, and volunteers. Employees, contractors, and volunteers should conduct themselves in a manner that promotes and supports the development of good character by teaching, enforcing, advocating and modeling ethical principles and values.
- Employees, contractors, and volunteers shall not use, or attempt to use, their official position for personal gain, preferential treatment, or confidential information for personal advantage.

Standards of Ethical Conduct

All employees, contractors, and volunteers are expected to conduct themselves professionally in order to carry out their duties and responsibilities, as well as to serve as positive role models for students, parents, and the community. The DOE expects all employees, contractors, and volunteers to adhere to these standards of ethical conduct, including but not limited to the following:

A. Adhere to Generally Recognized Professional Standards

The employee, contractor, or volunteer shall practice the professional standards of federal, state, and local governing bodies. Any act in deliberate disregard or abandonment of generally recognized

professional standards, in the course of any of the following professional practices, shall be prohibited:

- 1) Service as a positive role model for students, parents, and the community;
- 2) Assessment, treatment, instruction, or supervision of students;
- 3) Employment or evaluation of personnel; and
- 4) Management of funds or property.

B. Honesty

The employee, contractor, or volunteer shall maintain honesty in all professional dealings. The employee, contractor, or volunteer shall not engage in conduct involving any form of dishonesty, falsification, deception, misrepresentation or cheating.

C. Representation of Information in the Course of Professional Practice

The employee, contractor, or volunteer shall not deliberately falsify, misrepresent, or omit material information concerning any of the following:

- 1) Statement of professional qualifications;
- 2) Application or recommendation for employment, promotion, or licensure;
- 3) Representation of completion of education, training, certification or professional development credits;
- 4) Completion of any official DOE forms and/or records;
- 5) Evaluation or grading of students;
- 6) Evaluation of employees;
- 7) Financial or program compliance reports submitted to state, federal, or other governmental agencies;
- 8) Any information provided during the course of an internal investigation or an official inquiry by which an employee, contractor, or volunteer is the subject of the investigation, where that employee, contractor, or volunteer shall be given adequate notice of the allegations and (for employees) may be represented by his/her union representative.

It is noted that it is a criminal offense to falsify Government records.

D. Ethics & Conflicts of Interest

- 1) An employee, contractor, or volunteer shall not engage in, directly or indirectly, any actions, activities, practices, political activities, or other employment or conduct which conflicts with his/her duties and responsibilities in the DOE.
- 2) The employee, contractor, or volunteer shall not solicit any current students or parents of students to purchase equipment, supplies, or services in a private remunerative capacity.
- 3) A teacher shall not tutor for remuneration students currently assigned to his or her class(es).
- 4) No employee, contractor, or volunteer may accept gifts from any person or group desiring to do or doing business with the DOE if it can be reasonably inferred that the gift is intended to influence the individual in the performance of his/her official duties, or is intended as a reward for any official action on the part of the employee, contractor or volunteer.
- 5) The above section D.4. shall not apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents, or other persons in recognition or appreciation of service, as long as it cannot be reasonably inferred that the gift is intended to influence the individual in the performance of the individual's DOE-related duties, or as a reward for any official action.
- 6) An employee, contractor, or volunteer must disclose to his or her immediate supervisor or contracting officer, as applicable, any situation in which there may be a conflict of interest, or a potential conflict of interest.
- 7) The DOE's hiring and personnel decisions will be fair and objective. Due to the potential for perceived or actual conflicts, employees and volunteers are restricted from hiring and supervising immediate family members. "Immediate family member" is defined as one of the following: parent, child, grandparent, grandchild, brother, sister, husband, wife, partner, and cohabitating couples. The hiring supervisor is responsible for ensuring compliance. No exception to this Code

of Conduct will be made without the written consent of the Superintendent or the Superintendent's designee prior to any personnel action in question.

E. Appropriate Interaction with Students

The DOE is committed to providing a caring environment conducive to the physical, mental, social, and emotional well being of students while they are participating in school activities. Therefore, employees, contractors, and volunteers who interact with students will maintain appropriate teacher/student and adult/child relationships.

- 1) The employee, contractor, or volunteer shall not commit any abusive act or sexual exploitation with, to, or in the presence of a student, whether or not that student is or has been under the care or supervision of that employee, contractor, or volunteer, as defined below:
 - a) Any use of inappropriate language that is considered profane, vulgar or demeaning;
 - b) Any sexual act;
 - c) Any solicitation of a sexual act, whether written, visual, verbal, or physical;
 - d) Any act of child abuse, as defined by law;
 - e) Any act of sexual harassment, or any other type of discrimination, as defined by law;
 - f) Any intentional solicitation, encouragement, or consummation of a romantic or physical relationship with a student, or any sexual contact with a student. The term "romantic relationship" shall include dating a student.
- 2) No DOE employee, contractor, or volunteer is authorized to conduct a strip search of a student.
- 3) No physical punishment of any kind may be inflicted upon any student. An employee, contractor, or volunteer may only use force when the force is reasonable to restrain a student from hurting himself/herself or any other person or property.
- 4) An employee, contractor, or volunteer is strictly prohibited from discriminating against, including harassing, any student based on his/her race, color, national origin, sex, disability, and/or age.
- 5) The DOE also prohibits any employee, contractor, or volunteer from harassing or bullying a student for any reason, including, but not limited to gender identity and expression, socio-economic status, physical appearance and characteristic, and sexual orientation.

F. Confidential Information

The employee, contractor, or volunteer shall maintain the confidentiality of all information considered confidential, including but not limited to student information, student records, personnel information, and employee information, unless disclosure is required pursuant to the Freedom of Information Act, Family Education and Privacy Rights Act, state or federal law, or is necessary for the personal safety of the student or others.

G. Non-Discrimination and Anti-Harassment

The DOE is committed to maintaining a workplace free from discrimination and harassment. Therefore, employees, contractors, and volunteers shall not discriminate against or harass a person because of his/her race, sex, including gender identity or expression, sexual orientation, age, religion, color, ancestry, national origin, disability, marital status, arrest and court record (except as permitted by law, including determining whether a person is suitable for working in close proximity to children, as permitted by HRS section 302A-601.5), domestic or sexual violence victim status if the employer has received notice or has knowledge of such status, income assignment for child support, national guard absence, breastfeeding, citizenship status, veteran's status, or any other basis protected by federal or state law.

H. Anti-Bullying

The DOE will not tolerate bullying behavior. Bullying is defined as inappropriate behavior, either direct or indirect, whether verbal, physical, psychological or otherwise, conducted by one or more persons against another or others, which is repeated over time. It is noted that isolated or one-time incidents of intentional inappropriate behavior may not fall within the definition of bullying; however, it may still be considered inappropriate and subject to corrective action.

I. Mandatory Reporting

The employee, contractor, or volunteer shall make all reports required under *Chapter 19, Student Misconduct (HAR §8-19)* and any other federal or state laws or DOE policies or procedures which require mandatory reporting of child abuse or neglect.

J. Drug and Alcohol Free Workplace

The unlawful manufacture, distribution, possession, sale or use of any illegal drug, any inappropriately used prescription drug, or any alcohol by employees, contractors, and volunteers of the DOE is strictly prohibited on school premises, in DOE offices, and/or as part of any DOE-sponsored activity, whether or not the activity is performed on campus. Reporting for duty, remaining on duty or performing services to the DOE while under the influence of, or impaired by any illegal substance, inappropriately used prescription drug, or alcohol is also prohibited.

K. Safe Workplace & Safe Learning Environment

All employees, contractors, and volunteers are responsible for maintaining a safe and harmonious work environment. Workplace violence will not be tolerated under any circumstances. Workplace violence includes but is not limited to acts involving physical attack, property damage, as well as verbal statements that a reasonable person would perceive as expressing or suggesting intent to cause physical or mental harm to another person.

The DOE is also committed to maintaining a safe and healthy learning environment for students. Intimidation, bullying, harassment and discrimination of students under any program, service, or activity of the DOE are prohibited.

L. Appropriate Use of DOE Funds and Property

The employee, contractor, or volunteer shall not misuse any funds or property of government, school, school-related, or the organization, or the funds or property of any employee, volunteer or contractor.

M. Authorized Professional Practice

The employee, contractor, or volunteer shall not perform any act for the DOE as an employee, contractor, or volunteer in a position for which licensure is required during any period in which the employee's, contractor's, or volunteer's license has been suspended or revoked.

N. Non-Retaliation

The employee, contractor, or volunteer shall not threaten, harass, punish or discriminate against any individual who in good faith reports, discloses, divulges, or otherwise brings to the attention of the DOE management any practices or actions believed to be inappropriate under this Code, or in violation of any DOE policies or procedures, or state or federal laws.

O. Appropriate Use of Electronic Communication, Technology, and Internet

All employees, contractors, and volunteers shall limit access to the DOE's Internet connections and use of DOE-issued technology such as cellular phones, wireless devices, computers, and software to business transactions and business communications necessary to conduct their duties as a DOE employee, contractor, or volunteer. DOE networks and Internet connections shall be used in accordance with the DOE Acceptable User Guidelines and procedures.

Responsibility to Comply

It is each employee's, contractor's, and volunteer's responsibility to ensure compliance with all provisions of this Code and seek guidance where necessary from their supervisor, manager, Office of Human Resources or contracting officer. To "do the right thing" and ensure the highest standards of integrity is each employee's, contractor's, and volunteer's personal responsibility. When in doubt, employees, contractors, and volunteers should look to the Guiding Principles stated at the beginning of this Code. Any failure to comply with this Code may result in disciplinary action, including the possibility of termination or other cessation of services and, if warranted, legal proceedings or criminal sanctions.

Reporting Violations

Employees, contractors, and volunteers shall report any practices or actions believed to be inappropriate under this Code, or any illegal practices, to their supervisor, manager, contracting officer or the DOE Fraud & Ethics Hotline. If it is appropriate, in view of the nature of the reported matter, reports of violations may be made directly to higher levels including the Complex Area Superintendent, Assistant Superintendent, Deputy Superintendent, or the Superintendent. The DOE prohibits retaliation against any individual for such reports made in good faith. Attempts to use the DOE's processes to libel, slander, or otherwise harm another individual through false accusations, malicious rumors, or otherwise irresponsible actions are prohibited.

Investigations of Suspected Violations

The manager, principal, complex area superintendent, other appropriate manager or contracting officer will review complaints. If warranted, an investigation will be conducted. Each employee, contractor, and volunteer is expected to cooperate in the investigation of suspected violations.

Hotline Access

To make a confidential report, please contact:

DOE Fraud & Ethics Hotline
Telephone: (855) 233-8085
To file online: reportlineweb.com/hidoe

REFERENCES

- Board of Education Policy 301.7 (formerly 1200-1.19) *Employee Electronic Communication and Technology Use and Access*
- Board of Education Policy 201.1 *Ethics and Code of Conduct* (formerly 1200-1.41 *Employee, Contractor, and Volunteer Ethics and Conflict of Interest* and 5511 *Employee Code of Ethics*)
- Board of Education Policy 201.2 (formerly 1200-1.42) *Accountability of Employees*
- Department of Education 2170.1 *Internet Access Regulations*
- Board of Education Policy 305.1 (formerly 4200) *Student Safety and Welfare*
- Board of Education Policy 305.10 (formerly 4211) *Anti-Harassment, Anti-Bullying, and Anti-Discrimination Against Student(s) by Employees*
- Board of Education Policy 500.21 (formerly 4610) *Student Information and Confidential Records*
- Department of Education Drug-Free Workplace Statement
- Hawaii Administrative Rules, Title 8, Chapter 19 *Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism*
- Hawaii Revised Statutes, Chapter 84 *Standards of Conduct*
- *Family Educational Rights and Privacy Act (FERPA)* (20 U.S.C. § 1232g; 34 CFR Part 99)
- Hawaii State Ethics Commission, telephone: (808) 587-0440, email: ethics@hawaiiethics.org

Note: This Code of Conduct is not intended to alter, and does not alter, the terms of applicable collective bargaining agreements, state or federal laws, Hawaii Administrative Rules, or contract terms.