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900 Purpose

The purpose of the 900 policies is to assist employees in avoiding situations that may create a conflict of interest, and to inform employees and the public of the limitations placed on District employees. All ASD employees are defined as municipal employees in the Anchorage Municipal Code of Ethics and are therefore subject to the code. This policy will follow said Code except where the Code has provided for specific ASD exclusions.

910 Administrative Procedures Development, Implementation and Review

The Superintendent or designee shall develop administrative procedures and standards to implement this policy. These procedures shall include an appeal process. The Superintendent or designee shall ensure that employees are informed of the provisions of this policy and applicable portions of the Municipal Code of Ethics.

Additionally, certificated employees are bound by the Code of Ethics and Teaching Standards adopted by the Professional Teaching Practices Commission.

920 Adult/Student Boundaries

- a. Employees of the Anchorage School District are expected to conduct themselves in a professional and appropriate manner when dealing with students. Appropriate adult/student boundaries are crucial to the success, well being, and safety of students.
- b. All employees are expected to be professional in their attitude and behavior toward students, parents, and fellow workers and to abide by the Code of Ethics of the education profession adopted by the Professional Teaching Practices Commission and the Municipality of Anchorage Code of Ethics.
- c. The District will investigate and respond to any act or allegation of inappropriate adult interactions with students. Employees whose behavior is found to be in violation of this policy will be subject to discipline, up to and including discharge, suspension, or other appropriate action. Other individuals whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or Board.

930 Contemporaneous Service

930.1 Guidelines for Contemporaneous Service

- a. It is the intent of the Board that employees may engage in outside activities to the full extent permitted by law so long as the activities are not incompatible or in conflict with the proper performance of the employee's duties and the policies of the Anchorage School District.
- b. Employees shall not engage in activities related to contemporaneous service or employment during scheduled work hours. Outside activities of employees shall not have a material negative impact on the learning environment.

930.2 Reporting of Contemporaneous Service

- a. Regular employees who have or intend to have contemporaneous service or employment, including self-employment, must report that service or employment pursuant to the procedures adopted by the Superintendent or designee. Regular employees for purposes of this policy are defined as non-temporary employees and long-term substitutes. However, the following need not be reported unless there is a potential that the contemporaneous service or employment may violate any other provision of this policy.
 1. Service or employment that is in a profession, skill, or trade different from any profession, skill or trade the employee performs as part of his or her job duties for the District.
 2. Service or employment that is performed entirely outside of the employee's scheduled work year.
- b. In reporting contemporaneous service, the employee may describe, or the superintendent or designee may note any conditions or precautions reasonably necessary to avoid actual conflict of interest between the contemporaneous employment and District service. If the superintendent or designee concludes that actual conflict cannot reasonably be voided, the employee shall not engage in the contemporaneous employment.
- c. Any employee covered by these policies who is engaged in contemporaneous employment that is excluded from routine disclosure under this section, must nevertheless report contemporaneous employment that has a potential for actual conflict of interest under these policies.

- d. Regardless of whether the service or employment is reported, employees are still subject to 930.1 and the Anchorage Municipal Code of Ethics.

930.3 Private Services to Students (formerly 539.1 Tutoring)

Employees and coaches may not provide services for compensation to a pupil who is under the individual's direct supervision or for whom the individual provides services in the individual's official capacity. This restriction does not apply to tutoring provided as part of state-approved Supplemental Educational Services of other District or state-authorized tutoring programs. However, in no case may an employee recruit the employee's own pupil or athlete for services or participation in a program for which the employee receives compensation. No employee may charge a pupil a fee for any service rendered the pupil on the premises, or for any service connected with the school system.

- a. On those occasions where a teacher has been tutoring a child who transfers to a new school or class or advances to a higher grade and the child becomes a student in the class being taught by his/her tutor, a request for waiver may be applied for by the teacher in accordance with the request for waiver provisions found in Board Policy.
- b. In the event of a transfer of either a student or employee that creates a conflict that otherwise would not have existed, the employee may apply for a conflict of interest waiver in accordance with the request for waiver provision found in section 725.43.
- c. A waiver under (a) or (b) above shall be granted only if the service provided is compatible with the proper discharge of the employee's duties and will not adversely affect the employee's independence of judgment in performing his or her duties.
- d. The status of all waiver requests under this provision will be reported to the School Board quarterly. Waivers granted under this provision will be for the entire school year, subject to revocation by the Superintendent or designee if it is determined that the private service has not been compatible with the employee's professional duties.
- e. If the Conflict of Interest condition continues into a subsequent school year, a new Request for Waiver shall be filed at the beginning of that school year.

- f. A teacher does not need to request a waiver to provide tutoring services as part of state-approved Supplemental Education Services or a District or state-authorized tutoring program.

940 Municipal and District Contracts

A District employee shall not participate in an official action in which the employee or a member of the employee’s immediate family has a substantial financial or private interest. Employees who obtain or intend to obtain an interest in a contract with the Municipality of Anchorage or the District, or where a member of the employee’s household obtains or intends to obtain such an interest, must comply with the provisions of the Anchorage Municipal Code of Ethics.

950 Restrictions on Use of District Resources

Employees shall not use facilities, equipment, data, or supplies of the District or Municipality to support an employee’s personal endeavors, including contemporaneous service or employment, except to the extent the general public has the same access to use.

960 Gifts

Employees are governed by the provisions of the Anchorage Municipal Code of Ethics concerning the receipt and disclosure of gifts. An employee may not solicit or accept a gift that benefits the employee’s personal or economic interest if it can be reasonably inferred that the gift is intended to influence the employee’s independence of judgment in the exercise of official duties. Where the Ethics Code requires that a gift be reported, the report must be filed with the employee’s designated supervisor and with the Municipal Clerk within 10 working days of receipt. Where the 10 day time period includes summer, winter, or spring break, the report must be filed within 10 days, excluding Saturday, Sunday, and state or national holidays.

970 Political Activity

Employees are governed by the provisions of the Anchorage Municipal Code of Ethics. To the extent permitted by the Ethics Code and other applicable restrictions, employees are encouraged to be informed participants in political, civic, and community activities as positive role models for District Students.

Employees are encouraged to participate actively in community life to an extent consistent with their professional obligations. Students are also encouraged to participate in community activities as appropriate.

Employees are encouraged to accept invitations to appear at community organizations as observers and speakers.

971 Political Action Privileges (formerly 539.5)

- a. While District staff members are generally prohibited from engaging in partisan or religious activity in the work place during regular work hours and while on official duty, they are entitled to express their personal views or opinions on political, religious and other matters, providing this expression does not interfere with the rights of others, cause disruption in the work place, or extend into areas utilized by students. (ASD Policy 841.11) Policies and procedures regarding the posting of materials in work place locations shall be followed. (ASD Policy 264.4)
- b. Every staff member in the District shall have the unabridged right - as do other citizens in the community - to be associated as a candidate, supporter or worker, with any legally recognized political party or with any group of citizens engaged in political activity designed to modify, improve, or enhance the educational, social or economic welfare of the community, including School Board elections and school revenue issues. The same rights may be exercised by the employee associations representing employees in individual schools or in the school system.

In pursuing these rights, no employee may engage in any act prohibited by the Municipal Ethics Code (AMC Section 1.15.025(I)). Including the following:

- 1. using their position over another employee to encourage or discourage a campaign contribution, endorsement, or other support for a political candidate;
- 2. engaging in campaigning, political endorsement, or campaign fundraising while on duty;
- 3. suggesting, expressly or by implication, that they are acting in their professional capacity, are representing the District, or have District endorsement while engaging in political activity during non-work hours;

4. using their official position to discourage or inhibit others from exercising their voting rights: or
 5. using or depicting District property or facilities in a manner unavailable to the public.
- c. A District employee elected to the School Board or to a state or federal government position shall immediately resign from district employment.
 - d. Work as an independent contractor through a competitive solicitation by the District is not considered District employment for the purposes of this section. In all cases, though, there must be compliance with the disclosure and reporting requirements of the Municipal Ethics Code and Board policies.
 - e. It is expected that the exercise of such rights as detailed above will not adversely affect the ability of teachers to carry out the tasks for which they are employed. It shall be the function of the Superintendent to develop procedures concerning the implementation of this policy including any details concerning the use of school property (such as auditoriums) for political activities.

980 Soliciting, Selling or Collecting (formerly 539.2 and 671)

No employee may use the name or reputation of a school, the District, or its employees in a way that suggests District endorsement in order to solicit, sell or collect money or items for personal benefit or profit. No employee shall solicit or sell any product, entertainment, or service during school hours when such solicitation or sale involves personal benefit or profit unrelated to the employee's professional duties. No employee may sell to students any goods or equipment of any kind for profit. No supervisor may use an employee to solicit, sell or collect money or items for that supervisor's personal gain.

990 Whistleblower Protections

990.1 Employee Protections

- a. An employee who, in good faith, reports or is about to report to the District or other public body on a matter of public concern shall not be subject to retaliation or adverse employment action as a result of making or planning the report. Any employee who retaliates against another employee who reports a concern in good faith will be subject to appropriate discipline.
- b. Employees who participate in good faith in a court action, investigation, hearing, or other inquiry by a public body on a matter of public concern shall not be subject to retaliation or adverse employment action as a result of such participation.
- c. Employees are encouraged to report matters of “public concern.” “Public concern” includes matters involving a substantial waste of funds, gross mismanagement, clear abuse of authority, dangers to public health or safety, and other matters of public concern as defined by the Alaska Whistleblower Act, or by any other applicable federal or state law.
- d. Reports of public concern may be made to a variety of municipal, state and federal agencies or to school district personnel at a supervisory level or to the School Board. Written reports are encouraged to assure a clear understanding of the issues raised, but reports may be made orally. All reports should contain as much specific information as possible to allow for proper assessment of the nature, extent, and urgency of the concern.
- e. Prior to reporting on a matter of public concern to an agency other than the Anchorage School District, the employee is encouraged but is not required to file a report concerning the matter with his or her supervisor, the Executive Director of his or her department, the Superintendent, or the School Board.

- f. For reports made to the District, the District will maintain confidentiality of the person making the report when reasonably possible, but the identity of the reporter may have to be disclosed to conduct an investigation, comply with the law, or to provide accused individuals their rights of defense.
- g. The right of protection against retaliation applies to the making of a report on a matter of public concern, or to participation in the investigation or enforcement process. The District may take appropriate disciplinary action against any employee, including the reporting employee, for misconduct related to the matter of public concern, for reports made in bad faith, or for misconduct during the investigation or enforcement process. Disciplinary action for such misconduct is not retaliation.
- h. An employee who reports or is about to report to the District or other public body on a matter of public concern is entitled to the protections of the Alaska Whistleblower Act, subject to the same limitations as provided in that Act. Employees may also be entitled to protections under other municipal, state, or federal laws depending on the circumstances and the concern reported. This policy is intended to provide notice to employees of existing law and neither expands nor restricts the protections provided by the Alaska Whistleblower Act, or other applicable laws.

990.2 Contractors and other Members of the Public

The District encourages all individuals to report matters of public concern as defined in policy section 990.1 to the District or any other public agency. The District may not retaliate against any individual who makes a report in good faith on a matter of public concern.

990.3 Receipt of Reports

All reports of a matter of public concern as defined in policy section 990.1 shall be promptly forwarded to the Superintendent. The Superintendent will designate the person(s) or agency responsible for investigating and coordinating corrective action.

Note: The Alaska Whistleblower Act is found at AS 39.90.100-AS 39.90.150.

(990-Added October 03, 2011)