

CHESTER COUNTY
 INTERMEDIATE
 UNIT 24

SECTION: EMPLOYEES

TITLE: CONDUCT/DISCIPLINARY
 PROCEDURES

ADOPTED: JULY 21, 2010

REVISED: OCTOBER 21, 2020

<p>1. Purpose</p> <p>1. Authority</p> <p>SC 964</p> <p>SC 963, 1121, 1122, 1126, 1127, 1128, 1129, 1130 2 Pa. C.S.A. Sec. 551 et seq</p>	<p style="text-align: center;">317. CONDUCT/DISCIPLINARY PROCEDURES</p> <p>The Board adopts this policy to promote the integrity of the education profession and to create a climate within schools that fosters ethical conduct and practice.</p> <p>All employees are expected to conduct themselves in a manner consistent with appropriate and orderly behavior. Effective operation of Intermediate Unit programs and services requires the cooperation of all employees working together and complying with a system of Board policies, administrative regulations, rules and procedures, applied fairly and consistently.</p> <p>The Board directs that all Intermediate Unit employees shall be informed of conduct that is required and is prohibited during work hours and the disciplinary actions that may be applied for violation of Board policies, administrative regulations, rules and procedures.</p> <p>The Board requires certificated employees to comply with the Code of Professional Practice and Conduct and the requirements of the Educator Discipline Act.[1][2]</p> <p>When demotion or dismissal charges are filed against a certificated employee, a hearing shall be provided as required by applicable law. Noncertificated employees may be entitled to a Local Agency Law hearing, at the employee’s request.</p> <p>All Intermediate Unit employees shall comply with Board policies, administrative regulations, rules and procedures; attempt to maintain order; perform assigned job functions; and carry out directives issued by supervisors.</p> <p>When engaged in assigned duties, Intermediate Unit employees shall not participate in activities that include but are not limited to the following:</p> <ol style="list-style-type: none"> 1. Physical or verbal abuse, or threat of harm, to anyone. 2. Causing intentional damage to Intermediate Unit property, facilities or equipment.
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<p>Pol. 351</p>	<p>3. Forceful or unauthorized entry to or occupation of Intermediate Unit facilities, buildings or grounds.</p> <p>4. Use, possession, distribution, or sale of alcohol, drugs or other illegal substances.</p> <p>5. Use of profane or abusive language.</p>
<p>SC 1122</p>	<p>6. Failure to comply with directives of Intermediate Unit officials, security officers, or law enforcement officers.</p> <p>7. Carrying onto or possessing a weapon on Intermediate Unit or school grounds without authorization from the appropriate administrator.</p>
<p>SC 1122</p>	<p>8. Violation of Board policies, administrative regulations, rules or procedures.</p>
<p>SC 1122</p>	<p>9. Violation of federal, state, or applicable municipal laws or regulations.</p> <p>10. Conduct that may obstruct, disrupt, or interfere with teaching, research, service, operations, administrative or disciplinary functions of the Intermediate Unit, or any activity sponsored or approved by the Board.</p>
<p><u>Definitions</u></p>	<p>Educator - shall mean a person who holds a certificate.[3]</p> <p>Certificate - shall mean any Commonwealth of Pennsylvania certificate, commission, letter of eligibility or permit issued under the School Code.[3]</p> <p>Sexual Abuse or Exploitation - shall mean any of the following:[4]</p> <ol style="list-style-type: none"> 1. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following: <ol style="list-style-type: none"> a. Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual. b. Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual. c. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual. d. Actual or simulated sexual activity for the purpose of producing

<p>2. Delegation of Responsibility SC 1122, 1151</p>	<p>visual depiction, including photographing, videotaping, computer depicting or filming.</p> <p>2. Any of the following offenses committed against a child: rape; statutory sexual assault; involuntary deviate sexual intercourse; sexual assault; institutional sexual assault; aggravated indecent assault; indecent assault; indecent exposure; incest; prostitution; sexual abuse; unlawful contact with a minor; or sexual exploitation.</p> <p>Sexual Misconduct - any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or student that is designed to establish a romantic or sexual relationship with the child or student, such acts include but are not limited to:[3]</p> <ol style="list-style-type: none"> 1. Sexual or romantic invitation. 2. Dating or soliciting dates. 3. Engaging in sexualized or romantic dialog. 4. Making sexually suggestive comments. 5. Self-disclosure or physical disclosure of a sexual or erotic nature. 6. Any sexual, indecent, romantic or erotic contact with a child or student. <p>All Intermediate Unit employees shall comply with state and federal laws and regulations, Board policies, administrative regulations, rules and procedures. Intermediate Unit employees shall endeavor to maintain order, perform assigned job functions and carry out directives issued by supervisors. All Intermediate Unit employees shall comply with mandatory legal requirements for current criminal history and child abuse background checks.</p> <p>The Executive Director or designee shall develop and disseminate disciplinary rules for violations of Board policies, administrative regulations, rules and procedures that provide progressive penalties, including but not limited to verbal warning, written warning, reprimand, suspension, demotion, dismissal, and/or pursuit of civil and criminal sanctions.</p> <p><u>Duty to Report</u></p> <p>The Executive Director or designee shall report to the Pennsylvania Department of Education on the required form, within fifteen (15) days of receipt of notice from an educator or discovery of the incident, any educator:[5]</p>
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<p>SC 111 24 P.S. Sec. 2070.9a</p> <p>23 Pa. C.S.A. Sec. 6344.3</p>	<ol style="list-style-type: none"> 1. Who has been provided with notice of intent to dismiss or remove for cause, notice of nonrenewal for cause, notice of removal from eligibility lists for cause, or notice of intent not to reemploy for cause. 2. Who has been arrested or indicted for, or convicted of any crime that is graded a misdemeanor or felony. 3. Against whom there are any allegations of sexual misconduct or sexual abuse or exploitation involving a child or student. 4. Where there is reasonable cause to suspect that s/he has caused physical injury to a child or student as the result of negligence or malice. 5. Who has resigned or retired or otherwise separated from employment after a school entity has received information of alleged misconduct under the Educator Discipline Act. 6. Who is the subject of a report filed by the school entity under 23 Pa. C.S. Ch. 63 (relating to child protective services).[6] 7. Who the school entity knows to have been named as a perpetrator of an indicated or founded report under 23 Pa. C.S. Ch. 63. <p>An educator who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual misconduct under the Educator Discipline Act shall report such misconduct to the Pennsylvania Department of Education on the required form, and shall report such misconduct to the Executive Director and his/her immediate supervisor, within fifteen (15) days of discovery of such misconduct.[5]</p> <p>All reports submitted to the Pennsylvania Department of Education shall include an inventory of all information, including: documentary and physical evidence in possession or control of the school relating to the misconduct resulting in the report.[5]</p> <p><u>Arrest Or Conviction Reporting Requirements</u></p> <p>Employees shall use the designated form to report to the Executive Director or designee, within seventy-two (72) hours of the occurrence, an arrest or conviction required to be reported by law.</p> <p>Employees shall also report to the Executive Director or designee, in writing, within seventy-two (72) hours of notification, that the employee has been listed as a perpetrator in the Statewide database, in accordance with the Child Protective</p>
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<p>SC 111</p> <p>Guidelines</p>	<p>Services Law.</p> <p>An employee shall be required to submit a current criminal history background check report if the Executive Director or designee has a reasonable belief that the employee was arrested or has been convicted of an offense required to be reported by law, and the employee has not notified the Executive Director or designee. Failure to accurately report such arrests and convictions may subject the employee to disciplinary action up to and including termination and criminal prosecution.</p> <p><u>Investigation</u> School officials shall cooperate with the Pennsylvania Department of Education during its review, investigation, or prosecution, and shall promptly provide the Department with any relevant information and documentary and physical evidence upon request.[10]</p> <p>Upon receipt of notification in writing from the Pennsylvania Department of Education, the Executive Director or designee shall investigate the allegations of misconduct as directed by the Department and may pursue its own disciplinary procedure as established by law or by collective bargaining agreement.[10]</p> <p>Within ninety (90) days of receipt of notification from the Pennsylvania Department of Education directing the Intermediate Unit to conduct an investigation (extensions may be requested), the Executive Director or designee shall report to Department the outcome of its investigation and whether it will pursue local employment action. The Executive Director or designee may make a recommendation to the Department concerning discipline. If the Intermediate Unit makes a recommendation concerning discipline, it shall notify the educator of such recommendation.[10]</p> <p><u>Title IX Sexual Harassment and Other Discrimination</u> Whenever the allegations underlying a report of educator misconduct include conduct that appears to constitute harassment or other discrimination, including Title IX sexual harassment, subject to policies and procedures specific to such conduct, the Title IX Coordinator shall be promptly notified and shall respond to such allegations as provided in the applicable Board policies. Whenever an investigation by the Intermediate Unit of educator misconduct reveals indications of conduct by any person that appears to constitute harassment or other discrimination, including Title IX sexual harassment, the Title IX Coordinator shall be promptly notified and shall respond to such allegations as provided in policies specific to such discrimination. To the extent feasible, investigations pursuant to discrimination policies shall be conducted jointly with investigations by the Intermediate Unit of educator misconduct.[11][12]</p> <p><u>Confidentiality Agreements</u> The Intermediate Unit shall not enter into confidentiality or other agreements that interfere with the mandatory reporting requirement.[10]</p>
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Confidentiality

Except as otherwise provided in the Educator Discipline Act, all information related to any complaint, any complainant, or any proceeding related to discipline under the Educator Discipline Act shall remain confidential unless or until public discipline is imposed.[\[13\]](#)

Immunity

Any person who, in good faith, files a complaint or report, or who provides information or cooperates with the Pennsylvania Department of Education or Professional Standards and Practices Commission in an investigation or proceeding shall be immune from civil liability. The Intermediate Unit also is immune from civil liability for the disclosure of information about the professional conduct of a former or current employee to a prospective employer of that employee.[\[14\]](#)

References:

School Code – 963, 964, 1121, 1122, 1126, 1127, 1128, 1129, 1130, 1151

Local Agency Law – 2 Pa. C.S.A. Sec. 551 et seq.

Educator Discipline Act – 24 P.S. Sec. 2070.1a et seq.

Child Protective Services Law – 23 Pa. C.S.A. Sec. 6301 et seq.

Board Policy – 000, 351

History:

Adopted: July 21, 2010

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October 21, 2020