

THE SCHOOL DISTRICT OF PHILADELPHIA EMPLOYEE CODE OF ETHICS

All persons employed by the School District of Philadelphia including members of the School Reform Commission and the Board of Education, regardless of their particular job or role, are part of one of the nation's most important public educational institutions. As such, they have special legal and ethical obligations ensuing from two distinct disciplines: government service and education.

The governmental dimension of these responsibilities imposes duties inherent in public service including the promotion and protection of public trust and confidence, avoidance of conflicts of interest and appearances of impropriety, as well as careful and informed management of the public fisc. These duties must at all times guide the conduct of all employees who serve the School District.

The educational responsibilities of School District employees require that the educational and developmental interests of students must be of the highest priority. All School District employees should conduct themselves in a manner that promotes and supports the development of good character by teaching, enforcing, advocating and modeling ethical principles.

CORE PRINCIPLES

The first and greatest concern of an employee shall be to promote the School District's mission to provide students with a quality education in a safe setting that also reflects the District's commitment to the highest ethical standards.

All School District employees are expected to acknowledge and accept responsibilities stated in this Code and interpret and to apply them so as to create an environment that fosters public and collegial trust, personal and institutional integrity, high levels of competence and accountability and a positive atmosphere characterized by integrity, fairness, respect and caring. As such, in carrying out the functions of their position, all employees are expected to:

- a) Be honest;
- b) Treat all persons with respect;
- c) Take responsibility and demonstrate accountability for their actions;
- d) Strive to be fair in all matters;
- e) Pursue excellence;
- f) Obey all laws and regulations;
- g) Avoid conflicts of interest or any appearance of impropriety;
- h) Work in co-operation with others to protect and improve the School District community and advance the well-being of students;
- i) Represent the School District in a manner that engenders public trust in its integrity and competence.

APPLICATION OF CODE OF ETHICS

This Code of Ethics applies to members of the School Reform Commission, the Board of Education, and all employees. Unless otherwise stated, the term "employee" is used to refer to all these groups. All employees are expected to read and sign an acknowledgement that they

have read and understand the Code of Ethics. A failure or refusal to sign the acknowledgement does not release an employee from compliance with the provisions of the Code of Ethics.

INTERPERSONAL RELATIONSHIPS

Honesty and Integrity. School District employees must conduct themselves in a manner that engenders respect and justifies trust in their integrity, competency and devotion to the mission of the School District. School District employees shall demonstrate personal trustworthiness by being honest and avoiding any form of falsification, misrepresentation, deception, or cheating.

Atmosphere of Integrity. A School District employee must strive to establish and uphold an atmosphere of integrity that encourages honesty and discourages all forms of dishonesty, deception or academic cheating. A School District employee shall assure that all official actions affecting students and co-workers, including but not limited to the assignment of grades; conclusions and recommendations incorporated in formal assessments, determinations of eligibility for special programs; accessibility to particular classes, teachers and programs; and inclusion or exclusion from sports or other co-curricular activities, shall reflect adherence to the highest standards of integrity and fairness.

Fairness. A School District employee shall be fair, open-minded and impartial in exercising the employee's authority. A School District employee shall strive to assure that all actions promote fairness and equity for all employees, students and others affected.

Maintaining a Respectful Environment. The ability to resolve problems and work effectively as team members is often necessary to promote effectiveness. The cornerstone to a good working environment is respect. A School District employee shall strive to create and sustain a respectful, fair and caring environment by treating all persons including other District employees, students and parents with a high degree of respect by being civil and courteous and avoiding conduct that can reasonably be construed as abusive, rude or inappropriate.

Exploitative or Abusive Conduct. A School District employee shall strive to protect and safeguard the physical and mental well being of all persons in the working environment. A School District employee shall treat students and other School District employees with respect, never engaging in conduct that could reasonably be construed as exploitative, physically intimidating, discriminatory, harassing (in a sexual nature or otherwise), or abusive. Language that relates to race, ethnicity, religion, national origin, sexual orientation, age, sex, or disability in a profane or joking way shall not be used in any job-related situation.

Candor Regarding Working Relationships. School District employees shall demonstrate a high degree of accountability by being candid and forthright in giving timely, complete and accurate information to help their superiors, co-workers and members of the School Reform Commission and Board of Education to make informed and intelligent decisions.

IMPROPER CONDUCT

Avoiding Appearances of Impropriety Regarding Public Power or Resources. School District employees are entrusted with stewardship over the Philadelphia public school system. In order to justify and maintain public trust and confidence in the integrity and

competency of the School District, employees shall not engage in any conduct that involves misuse of funds, facilities, property, time or other public assets.

Improper Use of Position. School District employees shall use the authority, discretion, powers and resources arising from their public position only to advance public interests and not to attain personal or private gain or advantage for themselves or any other person. In dealing with personal matters, a School District employee shall not use official letterhead, title, or badge or otherwise refer to their position with the School District to induce or intimidate persons to resolve disputes more favorably, provide preferential treatment, or give gratuities, discounts, favors or provide other unwarranted personal or private benefits.

Unauthorized Use of District Facilities, Equipment, Supplies, and Mailing Lists.

A School District employee shall not use nor allow others to use for non-District purposes, District equipment, supplies or mailing lists nor engage in or allow conduct resulting in the unauthorized use of any District resource. Except for occasional and limited personal use that does not interfere with the performance of official duties or create an appearance of impropriety, a School District employee shall not use nor allow others to use District facilities, equipment, supplies or mailing lists for personal purposes.

Misuse of Time. The time and services of all School District employees during working hours are assets of the District that should be used only for School District business. A School District employee shall avoid conducting personal business on District time.

Misuse of Personnel. A School District employee shall not direct, cause, induce or permit another District employee to perform personal services or confer a private benefit on District time. Employees who are asked or instructed to perform improper personal services shall refuse to do so and report the request or instruction to any supervisor with whom the employee feels comfortable or to the Director of Human Resources. Supervisors who receive such reports shall report the matter to the Director of Human Resources.

Misuse of Technology Resources. A School District employee shall not make improper use of computer and internet technology. Unacceptable uses of technology are detailed in the District's "Computing and Internet Acceptable Use Policy."

Examination of Records. The School District reserves the right to review records to determine abuse of privileges relating to the use of District-owned telephones (including cellular phones), pagers, computers (including internet access), copy machines, automobiles and/or transportation vehicles.

CONFLICTS OF INTEREST

School District employees shall employ independent objective judgment in performing their duties, deciding all matters on the merits, free of partiality or prejudice and unimpeded by conflicts of interest or other improper influences. No School District employee shall engage in conduct that constitutes a Conflict of Interest, which shall be defined as use by an officer or employee of the authority of his or her office or the use of any confidential information received through his or her employment for the private pecuniary benefit of the employee, a member of the employee's immediate family (which includes for the purposes of this Code of Ethics the employee's spouse, domestic partner, parent, sibling and child), or a business with which the employee or a member of the employee's immediate family is associated.

Financial Interest. A School District employee shall not engage, or have any interest, financial or otherwise, direct or indirect, in any business, transaction or professional entity, either as a director, officer, partner, trustee, employee, or manager in that entity which conflicts with or impairs the proper discharge of official duties or which could bring disfavor or disrespect upon the employee of the School District.

Contracting Decisions. A School District employee shall not recommend, vote or otherwise participate in the decision to make any contract valued at \$1,000 or more between the School District, including Student Activity Funds, and any business or entity in which the employee has a personal or financial conflict of interest.

School District employees shall be deemed to have a financial conflict of interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect on:

- a) The employee's immediate family distinguishable from its effect on the public generally;
- b) Any business entity in which the employee or a member of the employee's immediate family has a direct or indirect investment worth \$1,000 or more or in which the employee or a member of the employee's family is a director, officer, partner, trustee, employee, or holds any position of management;
- c) Any real property in which the employee or a member of the employee's immediate family has a direct or indirect interest worth \$1,000 or more;
- d) Any source of income for the employee or the employee's immediate family of \$1,000 or more.

A School District employee who has a financial conflict of interest because of their relationship with a business must recuse him or herself from any decision concerning that entity including any decision to contract or not to contract with the entity and the administration of the contract.

Honoraria. A School District employee shall not accept an honorarium which represents a payment in recognition of published works, appearances, speeches and presentations and which is not intended as consideration of the value of such services which are non-public, occupational or professional in nature.

Tutoring. A School District employee shall not tutor or counsel as a private enterprise, for compensation, pupils assigned to any class of the officer's or employee's school. Officers or employees may tutor or counsel pupils enrolled in other schools unless such private enterprise conflicts with or impairs the proper discharge of official duties.

Personal Advertisements. A School District employee shall not advertise business or professional activities on School District property or use School District work hours, property or services to perform or promote personal or commercial enterprises or to campaign or raise money for any candidates for political office.

Employee Publications. A School District employee shall not participate in the review and approval of publications or materials for School District purchase if the officer or employee is the author/editor of or has any financial interest in the sale of such publications or materials.

Referrals. A School District employee shall not refer a parent or student to a service, service provider or product in return for anything of value. Officers or employees making referrals as part of their official duties shall make referrals to more than one provider of the service or product. For example, school counselors shall refer parents or students to more than one counselor or provider of medical services.

Outside Income. School District employees shall not accept any outside earned income in any situation where a reasonable person in the community could conclude that the receipt of the income would be inconsistent, incompatible or in conflict with their official duties.

General Limitation On Solicitation. A School District employee shall not solicit, directly or indirectly any payments or other benefits under circumstances that would create in the mind of a fair-minded, reasonable person the belief that such payments or benefits were provided with the intent to improperly influence the employee's actions.

Gifts and Gratuities. The acceptance of gifts, payments or other benefits from those with whom the School District does business can be improper. A gift is defined as anything of value which is provided to the extent that payment or consideration of equal or greater value is not received in return including but not limited to, tickets to sporting or cultural events, items of food, meals, use of facilities, forgiveness of debts, interests in real property, investments, or merchandise, or a rebate or discount (unless the rebate or discount is normally given to any member of the public). School District employees who are in the position to make or influence a decision to spend District funds shall not solicit or accept any personal gifts, favors or benefits of more than nominal value during a calendar year from any single person or organization that might benefit from the employee's decision. This provision does not apply to: (a) Meals provided at an event at which the employee participates in a seminar or similar activity; (b) Travel expenses and meals paid for by a local, state, federal or foreign government agency; (c) Items received from a union representing the employee.

Statement of Financial Interest. In accordance with Pennsylvania law, the School District requires each member of the School Reform Commission (or Board member) and employee at the level of Director and above to file a Statement of Financial Interest with the Office of Human Resources by May 1 of each year for the immediate prior year. The Executive Director of Human Resources may require any employee whose duties require the exercise of discretion or judgment to file a Statement of Financial Interest.

Conflict of Interest Resolution. In the event that a question of Conflict of Interest or the appearance of Conflict of Interest arises, the matter shall be referred to and investigated by the Director of Human Resources who will report the results of the investigation to the Chief Executive Officer or Superintendent. Where appropriate, the Chief Executive Officer or Superintendent shall call all instances involving Conflict of Interest to the attention of the

School Reform Commission or Board of Education with a recommendation as to how the conflict situation might best be resolved.

PERSONNEL MATTERS

Hiring and Promotion Decisions. A School District employee who is in a position to make or influence hiring or promotion decisions shall strive to select the person whose job-related competency and character most closely matches the need of the work site/district as demonstrated by qualifications, experience and work history and performance in official District selection processes.

Supervising Relatives. There is no prohibition on immediate family members from working at the same facility or program. Nevertheless, where immediate family members work with each other in superior-subordinate situations, there can be an appearance of impropriety and serious morale issues can result. Accordingly, the hiring, appointment or transfer of an employee which creates such a situation is prohibited. Furthermore, no School District employee shall directly or indirectly recommend or advocate any personnel action that affects any immediate family member employed at the School District or directly or indirectly cause or permit the employment of an immediate family member employed at the School District to be a consultant or employee at the School District.

Voting Affecting a Close Relative. A School District employee shall not vote on any expenditure that would result in a direct financial benefit to an immediate family member.

Negotiations for Future Employment. In order to avoid conflicts of interest and appearances of impropriety, a School District employee shall not discuss or negotiate the possibility of future employment with any person or organization (other than a government agency) that might be directly or indirectly benefited in a substantial way by any official action the employee might take while employed by the School District.

Post Employment Restrictions; Revolving Door Limits; Contract Restrictions. After leaving the District by resignation, retirement or termination, School District employees are restricted from providing certain types of services for a period of twelve (12) months. These restrictions are designed to prevent an unfair competitive advantage to companies hiring former School District employees. Upon separating from School District employment, former School District employees are restricted as follows from representing any individual or business entity before the School District for a period of one year:

- a) Former School District employees may not register as lobbyists and lobby the District for one (1) year after leaving District employment.
- b) The District shall not contract with former employees who, within the preceding twelve months, held a position of substantial responsibility in the area of service to be performed by the contract or participated in any way in developing the contract or its specifications.
- c) For the twelve months after a School District employee has left School District Employment, the District shall not contract with a business where the former School District employee serves as an officer, principal, partner, major shareholder or has been identified as a key personnel and

where the former School District employee held a position of substantial responsibility in the area of service to be performed by the contract or participated in any way in developing the contract or its specifications.

- d) School District employees shall not contract with a business which has a subcontractor which employs a current employee or a former School District employee who has left the District within the previous twelve months, and where the former School District employee serves as an officer, principal, partner, major shareholder or has been identified a key personnel and where the former School District employee held a position of substantial responsibility in the area of service to be performed by the contract or participated in any way in developing the contract or its specifications.

PROCUREMENT PROTOCOL

School District employees must discharge their duties impartially so as to assure fair competitive access to School District procurement by responsible contractors. They should conduct themselves in such a manner as to foster public confidence in the integrity of the School District's procurement process.

Procurement Information. A School District employee who has access to confidential information relating to contracts, construction, or procurement must maintain the confidentiality of such information and not disclose or use it for any purpose other than in the proper performance of the employee's job.

Misrepresentations Prohibited. No School District employee having official responsibility for a procurement transaction shall knowingly falsify, conceal, or misrepresent a material fact; knowingly make any false, fictitious or fraudulent statements or representations; or make or use any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry.

Proscribed Participation by School District Employees in Procurement Transactions. No School District employee having official responsibility for a procurement transaction shall participate in that transaction on behalf of the School District when the employee knows that:

- a) The School District employee or a member of the employee's immediate family have a financial interest pertaining to the procurement;
- b) A business or organization in which the School District employee, or a member of the School District employee's immediate family has a financial interest pertaining to the procurement; or
- c) Any other person, business, or organization with whom the School District employee or a member of the School District employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

Solicitation or Acceptance of Gifts. No School District employee having official responsibility for a procurement transaction shall solicit, demand, accept, or agree to accept from a bidder, offeror, contractor or subcontractor any payment, loan, subscription, advance,

deposit of money, services or anything of more than nominal or minimal value, present or promised, unless consideration of substantially equal or greater value is exchanged.

Gifts by bidders, Offerors, Contractors or Subcontractors. No bidder, offeror, contractor or subcontractor shall confer upon any public employee having official responsibility for a procurement transaction any payment, loan, subscription, advance, deposit or money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is exchanged.

Kickbacks Prohibited. It shall be a breach of ethical standards for any person to offer, give, or agree to give any School District employee or former School District employee, or for any School District employee or former School District employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefor.

Contemporaneous Employment Prohibited. It shall be a breach of ethical standards for any School District employee who is participating directly or indirectly in the procurement process to become or be, while such an School District employee, the employee or agent of any contractor contracting with the School District.

Disclosure of Subsequent Employment. No School District employee or former School District employee having official responsibility for a procurement transaction shall accept employment with any bidder, offer, or contractor with whom the employee or former employee dealt in an official capacity concerning procurement transactions for a period of one year from the cessation of employment by the public body unless the employee or former employee provides written notification to the Chief of Procurement of the School District prior to commencement of employment by that bidder, offer or contractor.

IMPROPER CONDUCT REGARDING STUDENTS

Improper Influence. A School District employee shall not engage in nor cooperate with any conduct intended to improperly influence the actions, grades or assessments of any central, regional or local administrator, teacher, counselor, coach or other employee who makes decisions affecting students. For example, money or personal favors should not be offered in exchange for a decision affecting a student's grades.

Cheating and Improper Assistance. A School District employee shall not engage in nor cooperate with any conduct intended to improperly aid students in their performance on exams or participate in or allow actions designed to alter or falsify tests or grades.

Avoiding Appearances of Impropriety Regarding Students. School District employees are entrusted with the physical and emotional safety and well being of School District students. To justify and maintain this trust, School District employees shall not engage in any conduct that is likely to create in the minds of reasonable, impartial observers the perception that a relationship

or interaction with one or more students is abusive, exploitative or otherwise improper. Dating relationships between employees and students are improper and are strictly prohibited.

Student Records and Personnel Files. A School District employee must not use or disclose confidential, private or sensitive information acquired in the course of official duties relating to student performance and records, personnel files or other District records except in the proper performance of the employee's job and in accordance with existing law and school policy.

REPORTING IMPROPER CONDUCT

School District employees shall protect students and safeguard the public's trust by reporting unethical, illegal or dangerous conduct to any supervisor with whom the employee feels comfortable or to the Director of Human Resources. Supervisors who receive such reports shall report the matter to the Director of Human Resources. This obligation to report misconduct arises whenever a School District employee has personal knowledge that another employee's conduct constitutes: (a) a violation of the law or this code; (b) gross mismanagement; (c) a significant waste of funds; (d) an abuse of authority; (e) a substantial and specific danger to public health or safety; (f) other conduct that could injure the reputation of the District or subject it to liability.

A School District employee shall not file frivolous or unsubstantiated complaints regarding misconduct of other employees, nor shall they abuse the process by which misconduct may be reported.

Prohibition of Retaliation. School District employees shall not use or threaten to use official authority or influence to discourage, restrain or interfere with any other employee from reporting facts believed to constitute improper, unethical or illegal conduct nor shall they harass, punish or retaliate against any employee who has made a good faith complaint.

CONFIDENTIALITY

Confidential Information. School District employees shall abide by all laws and District policies concerning confidential information. A School District employee shall not disclose confidential information concerning property, personnel matters, or affairs of the District or its employees, without proper authorization, or use such information to advance the financial or other private interests of the officer, employee or others. Nothing in this provision shall be interpreted as prohibiting the practice of "whistle-blowing."

Confidentiality of Meetings. A School District employee must honor confidentiality agreements and policies concerning the content and source of comments and actions occurring during staff, faculty, parent and School Reform Commission or Board of Education meetings.

COMPLIANCE

A School District employee shall uphold all laws and regulations of the United States and the Commonwealth of Pennsylvania and all other applicable government entities, and the policies, procedures, rules and regulations of the School District, including applicable collective bargaining agreements.

ENFORCEMENT

Violations of this Code of Ethics may result in administrative or disciplinary actions including suspension or dismissal as well as referral to appropriate authorities for civil and/or criminal prosecution. Determinations made with respect to potential violations of the Code of Ethics shall in no way preclude or replace any other any legal action or grievance procedures under any applicable collective bargaining agreement that may be warranted by the conduct.

ACKNOWLEDGEMENT
(To be Filed in Personnel File)

I acknowledge that I have fully read, understand and have in my possession a copy of the School District of Philadelphia Code of Ethics.

Date: _____ Name (Print): _____

Signature: _____

- OR -

School District employee, _____, refused to sign the Code of Ethics.

Date: _____

Name of Human Resources Representative: _____

Signature: _____