EMPLOYEE
Code of Conduct
VISION
We inspire learning by providing the greatest public education to each and every student.

MISSION
Every student will have the academic, creative problem solving, and social emotional skills to be successful in college and career.

CORE PURPOSE
Prepare all students to thrive in their future.

CORE VALUES
Learning
Relationships
Respect
Excellence
Equity

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Dear Colleagues,

We have an exceptional workforce in Montgomery County Public Schools (MCPS) that is strongly committed to the highest standards of ethical conduct and professionalism. Our employees work tirelessly every day to ensure that we deliver the highest quality education for our students to prepare them for success beyond graduation. Nevertheless, as an organization committed to the Malcolm Baldrige principles of performance excellence and continuous improvement, we can always improve our operational processes. The creation of this new Employee Code of Conduct is an effort to make clearer the expectations of employees in how we all work together to ensure the safety and well-being of all of our students, fellow employees, and the broader community.

The Montgomery County Board of Education authorized staff to develop the Employee Code of Conduct as part of its updates to Policy JHC, Child Abuse and Neglect, in June 2015. This Code of Conduct is far broader than the requirements around recognizing and reporting suspected child abuse. As part of our long-standing efforts to promote a culture of respect in all of our workplaces, this Code of Conduct seeks to bring together in one document a summary of the legitimate standards of conduct that MCPS and the broader community expect employees to follow in carrying out their important roles in the school system’s mission. In addition, the Code of Conduct summarizes the disciplinary procedures that we use to address situations where employees fall short of our expectations.

I deeply appreciate the collaboration and input from the broad range of stakeholders who contributed to the development of this Employee Code of Conduct. During this school year, we will monitor the implementation of the Code of Conduct and continue to gather feedback so we can identify any clarifications or revisions that should be incorporated going forward.

We hope you find the Employee Code of Conduct informative. Thank you for your dedicated service to MCPS students and families.

Respectfully,

Larry A. Bowers
Interim Superintendent, Montgomery County Public Schools
Introduction
Montgomery County Public Schools (MCPS) is committed to an organizational culture that furthers our core values of Learning, Relationships, Respect, Excellence, and Equity. All employees must make every effort to create and maintain safe and healthy learning environments for all of our students. All employees are expected to interact with all students, parents/guardians, colleagues at all levels, and the community with the utmost integrity and professionalism.

This Employee Code of Conduct provides a general overview of the legitimate expectations and standards of conduct that MCPS and the broader community expect employees to follow in carrying out their important part of the district’s mission. In addition, this Employee Code of Conduct summarizes the disciplinary procedures that MCPS uses to address situations where employees fall short of our expectations and standards of conduct.

The Employee Code of Conduct applies to all MCPS employees, both certificated and noncertificated, full- and part-time, as well as substitutes and others employed in a temporary or seasonal capacity. Many aspects of this Code of Conduct are based on applicable Montgomery County Board of Education policies, MCPS regulations, and negotiated agreements, as well as state and federal laws. This Code of Conduct is not intended to replace these resources, but rather to provide a one-document summary and reference point of appropriate items that would be useful to all employees. Please note that this Code of Conduct is not a contract, and the policy and legal requirements that it references are subject to change and supersede the statements contained in this publication.1
Expectations for Employee Conduct

MCPS expects all employees to perform their work with the requisite skill and knowledge; maintain the highest standards of responsible and ethical conduct; and obey all applicable laws, policies, and regulations. Under no circumstances may any employee engage in any of the following activities or behavior: immorality, misconduct in office (which includes knowing failure to report suspected child abuse or neglect), insubordination, incompetence, or willful neglect of duty.

Whenever an employee faces a matter that requires an ethical decision concerning his or her behavior, MCPS expects the individual to consider whether it might violate a law, policy, regulation, or professional standard of responsible and ethical conduct. Equally important, the employee should refrain from any action or conduct that—

- threatens the safety of students, fellow employees, or the broader community;
- undermines the employee’s professional integrity; and/or
- makes the employee unfit to perform his or her assigned duties.

The charts on the following pages provide specific examples of the standards of behavior that MCPS expects from all of its employees, as well as inappropriate or disruptive behavior that warrants correction or discipline. An employee's failure to perform expected behaviors, as well as an employee's performance of inappropriate behaviors (including, but not limited to, the “Do nots” listed on the following pages), may subject the employee to disciplinary action, up to and including suspension or termination.

Employees should understand that not all inappropriate, improper, or unethical conduct may be expressly referenced in this publication. Rather, the examples on the following pages are illustrative and nonexhaustive. Conduct that is not expressly listed nonetheless may warrant disciplinary action. For example, the charts do not attempt to list every standard of employee behavior grounded in common sense or commonly understood sound practices.
1. Ethical Conduct in the Work Environment

Employees are expected to behave honestly; diligently fulfill their job responsibilities; adhere to all laws, regulations, and ethical standards governing their work; and comply with laws and regulations outside of work where failure to do so affects their fitness to perform their job.

Selected examples of expected conduct:

- Complete work assignments in an appropriate, satisfactory, and timely manner and follow MCPS, department, and school procedures and guidelines, as well as the instructions, directions, and orders of supervisors and administrators.

- Report to work on time as scheduled, work as long as expected, follow leave procedures, and use work time for performance of MCPS responsibilities.

- Dress for work in a professionally appropriate manner.

- Follow legal requirements and MCPS standards on ethical behavior and avoid conflicts of interest.²

- Maintain the confidentiality of information you obtain through your work, including employee and student records.³

- Exercise due care and prudence when incurring expenses on behalf of MCPS and comply with all requirements for submitting any requests for reimbursement of travel and related expenses directly related to official MCPS business.⁴

- Complete all required reports on a timely basis and follow program and financial reporting guidelines.

- Attend and participate fully in all required MCPS professional learning opportunities, and complete all coursework and training to maintain valid certification/licensure required to hold the MCPS position to which you are assigned.

- Read and comply with the standards in the applicable Professional Growth System.

- Report known or suspected instances of fraud, false claims, false statements, bribery, theft, or embezzlement of MCPS funds or property.⁵

- Exercise fiscal responsibility with and properly account for MCPS funds, safeguard MCPS property, and respect other people’s property.

- Follow legal requirements and MCPS rules prohibiting use of tobacco, drugs,⁶ and other controlled substances on MCPS property.⁷
• Follow legal requirements and MCPS rules concerning school safety and security.

• Follow legal requirements and MCPS rules regarding appropriate use of MCPS websites, e-mail, and other communications technology, as well as test security and data reporting requirements.

• Self-report criminal arrests, charges, or convictions when required to do so.

• Respond honestly to a work-related inquiry by MCPS, law enforcement, or other authorized investigative officials.

• Operate student trips within MCPS guidelines and with appropriate approval.

• Conduct your private life activities (including social media activities) in a manner that is not prejudicial to your effectiveness as an MCPS employee and recognize that criminal, dishonest, and other inappropriate activities may have an adverse impact on your employment with MCPS.

Selected examples of inappropriate conduct:

• Do not engage in conduct that endangers the safety of students, employees, parents/guardians, or the public.

• Do not abandon your job or misuse leave.

• Do not provide false information or make a material omission on a résumé or job application.

• Do not submit incorrect or fraudulent requests for reimbursement, expenses, or pay.

• Do not submit incorrect or fraudulent information to MCPS or on behalf of MCPS.

• Do not steal.

• Do not participate in decision making during the course of your work for MCPS in areas where you have a personal interest.

• Do not supervise a spouse, relative, in-law, or any employee with whom you have or have had an intimate personal relationship.

• Do not accept gifts unless permitted by MCPS policy or regulation.

• Do not use your position as an MCPS employee or information gained through your employment for personal gain.

• Do not provide tutoring, before-school, after-school, or summer activities for compensation, except as allowed by MCPS policy or regulation.

• Do not possess firearms or other weapons on MCPS property or at an MCPS-sponsored activity.
2. Ethical Conduct with Students

It is expected that all employees will build positive relationships with students to support learning while adhering to standards of professional practice.

**Selected examples of expected conduct:**

- Treat all students fairly, equitably, and with respect, regardless of their race, color, national origin, religion, gender, gender identity, age, marital status, socioeconomic status, sexual orientation, physical characteristics, disability, or any other characteristic protected by applicable law.16

- Maintain high expectations for all students that are reasonable, clear, and age-appropriate.

- Use positive behavior intervention strategies and supports to guide student behavior and appropriate responsive strategies to maintain a safe and secure environment.

- Respect students’ personal space.

- Immediately report abuse or neglect of children or vulnerable adults when observed or suspected and do not interfere with the making of reports of abuse or neglect.17

**Selected examples of inappropriate conduct:**

- Do not discriminate against students based on race, color, national origin, religion, gender, gender identity, age, marital status, socioeconomic status, sexual orientation, physical characteristics, disability, or any other characteristic protected by applicable law.18

- Do not bully, harass, or intimidate students.

- Do not engage in abuse or neglect of any child or vulnerable adult, including grooming behaviors through which an adult or a person in a position of authority builds an emotional connection with a child to gain his or her trust for the purposes of exploitation or other abuse.19

- Do not engage or attempt to engage in a romantic or sexual relationship with an MCPS student, regardless of the age of the student.

- Do not meet with a student one-on-one in a room with the door locked or the lights off.

- Do not show pornography to MCPS students, or involve children in or with pornography.

- Do not introduce or view pornography on MCPS property or at MCPS activities.
• Do not engage in inappropriate physical interactions with students, such as—
  • Hitting, tickling, or kissing;
  • Fondling any part of a student’s body;
  • Any type of massage given by or to a child; and
  • Sending offensive or sexually explicit pictures, notes, cartoons, or jokes.

  NOTE: Certain touches may be appropriate in particular circumstances, such as a pat on the back or shoulder, handshakes, high fives, or holding the hand of younger children to guide or escort them.

• Do not engage in inappropriate verbal interactions with students, such as—
  • Name-calling or using profanity;
  • Discussing intimate details of one’s personal life;
  • Encouraging students to keep secrets from other adults;
  • Sexual or offensive humor;
  • Shaming, belittling, or derogatory remarks about a student, including negative comments about the student’s physique, body development, dress, or family; and
  • Harsh language that may threaten, degrade, or humiliate children.

• Do not have one-on-one interactions with MCPS students through social media, e-mail, or other electronic communication about subjects not directly related to instruction or your MCPS work responsibilities.

• Do not use personal e-mail accounts, social media networking sites, or other electronic communications to communicate or become “friends” with students.

• Do not transport a student in a personal vehicle without permission from a parent/guardian and a school administrator, and, if possible, arrange for a second adult to accompany the driver and the student.

• Do not give gifts to an individual student unless an administrator approves it in advance.

• Do not utilize corporal punishment, or other inappropriate student disciplinary practices, such as shaking, slapping, shoving, pinching, ostracizing, or withholding food, light, or medical care.

• Do not utilize physical restraints, or seclusion of students, except when consistent with MCPS regulations and district-sponsored training and guidance.
3. Ethical Conduct with Colleagues, Parents/Guardians, and the Community

Employees are expected to treat parents/guardians, other employees, and members of the community professionally and respectfully and comply with all nondiscrimination laws and policies in their relationships with other adults.

Selected examples of expected conduct:

- Practice civility in all interactions and seek and respect the opinions of others.
- Create a welcoming environment for parents/guardians and the school community.22
- Communicate openly and respectfully.
- Use collaborative and interest-based strategies rather than positional or adversarial approaches.
- Provide and receive feedback constructively and respectfully.
- Provide appropriate supervision of visitors, volunteers, and contractors on MCPS property.23

Selected examples of inappropriate conduct:

- Do not engage in conduct that is rude or disrespectful to others.
- Do not discriminate against parents/guardians, coworkers, supervisors, or other citizens based on race, color, national origin, religion, gender, gender identity, age, marital status, socioeconomic status, sexual orientation, physical characteristics, disability, or any other characteristic protected by applicable law.24
- Do not bully, harass, or intimidate MCPS employees or other adults.25
- Do not retaliate against an employee or another person for taking any action or for reporting any facts or information related to real or perceived improper acts.
Application and Enforcement of the Employee Code of Conduct

This Code of Conduct is intended to incorporate and provide additional context regarding the variety of legal and other requirements and systems that govern expectations regarding the conduct of MCPS employees. These include but are not limited to the following:

1. The Education Article of the Annotated Code of Maryland and the Code of Maryland Regulations (COMAR) set forth expectations regarding the behavior of teachers, principals, assistant principals, and other public school employees whose positions require a professional certificate issued by the Maryland State Department of Education (MSDE) and provide standards for suspension and dismissal when those certificated employees fail to adhere to these standards. In addition, if school vehicle operators and attendants breach certain expectations, state law disqualifies them from driving and/or employment.

2. Other federal and state laws establish requirements for MCPS employees in terms of the security of another’s person, property or reputation; financial and program accountability; reporting child abuse and neglect; confidentiality of student and personnel records; and civil rights and nondiscrimination obligations.

3. Negotiated collective bargaining agreements with the Montgomery County Education Association (MCEA), Service Employees International Union Local 500 (SEIU), and the Montgomery County Association of Administrators and Principals/Business and Operations Administrators (MCAAP/MCBOA) set forth expectations regarding employee conduct, employee due process rights, and provisions that acknowledge that MCPS may discipline employees for “proper cause.” This standard recognizes that employees should adhere to expected standards of behavior and failure to do so may constitute “proper cause” for discipline or discharge from employment.

4. The Culture of Respect Compact among MCPS, MCEA, MCAAP, and SEIU sets forth expectations for MCPS employees to promote a positive work environment that ensures the success of each employee, high student achievement, and continuous improvement in a self-renewing organization.
5. **Professional Growth Systems** for all MCPS employees, as provided by each collective bargaining agreement, identify in great detail expected standards of job performance, providing extensive examples of behavior that meets or does not meet those expectations. The Professional Growth Systems also define evaluation mechanisms intended to ensure compliance with those expectations.\(^{30}\)

6. **Board policies and MCPS regulations** govern subjects such as ethics, financial management, reporting of child abuse and neglect, and nondiscrimination and create expectations regarding employee behavior.\(^{31}\) In addition, the Department of Transportation has an employee handbook, titled *Just Cause Standards for Bus Attendants and Bus Operators*.\(^{32}\)

It is the responsibility of all MCPS employees to ensure that their behavior conforms to these various standards. Failure to do so may result in use of the process for improvement in the Professional Growth System, the employee discipline provisions under the collective bargaining agreements, or, for certificated employees, the suspension and discharge procedures under Section 6-202 of the Education Article of the Annotated Code of Maryland as appropriate under the circumstances. In some instances, more than one approach may be appropriate. Such actions are initiated and determined on a case-by-case basis by MCPS, subject to review and appeal through grievance and appeal procedures provided by law, Board policies and MCPS regulations, and the collectively negotiated agreements. While this Code of Conduct focuses on actions that may subject an employee to discipline, there are many instances that may, or should, be handled appropriately through the Professional Growth System.

**Corrective and Progressive Discipline**

MCPS is committed to fair and consistent treatment of employees in a disciplinary process that is both corrective and progressive.

1. **Nondisciplinary Corrective Actions.** In some circumstances, a supervisor or manager may determine that an employee's conduct does not warrant formal disciplinary action but does warrant a clarification as to expectations regarding future conduct. In such cases, the supervisor or manager may provide written guidance as to expectations regarding
future conduct. Such a document is not considered disciplinary in nature, but a confidential record will be maintained because it may provide context for future disciplinary action if the employee's conduct does not conform to the communicated expectations.

2. **Disciplinary actions.** Typical disciplinary actions include the following:

- Oral or written warning
- Written reprimand
- Suspension without pay
- Demotion
- Removal from position
- Termination

MCPS is not obligated to use any specific level of progressive discipline or to utilize the actions in the order listed above. Rather, the specific facts of each situation will determine which of the listed disciplinary actions will be appropriate. In making a determination as to the appropriate level of disciplinary action in each case, consideration of mitigating factors (such as an employee’s long history of good service with a clean record or an indication of less culpability on the part of the employee) or aggravating factors (such as placing others at risk of serious injury, demonstrating intentional wrongdoing, or indifference to the effect of an action or the outcome on others) may be considered. Lack of awareness or knowledge of this Code of Conduct, or applicable policies or regulations, is not a defense to a charge of misconduct.

Except for serious infractions, including but not limited to the prohibited criminal conduct discussed on the following pages, the lowest appropriate level of disciplinary action should be applied initially to focus on ensuring that an employee understands expectations and does not repeat the inappropriate conduct. In general, discipline should progress to a more severe level after a lesser disciplinary action has been implemented and proven to be ineffective. Nevertheless, a more serious infraction may warrant suspension or termination, even for a first-time offense, or repeated offenses, depending on the circumstances. This may be the case even when the infraction violates a standard of conduct that is not specifically enumerated in writing but involves common-sense application of governing principles or criminal law.
3. **Process for cases involving suspected child abuse and other criminal activity.** Cases involving suspected child abuse or neglect by an MCPS employee require immediate oral reporting to Child Welfare Services in the Montgomery County Department of Health and Human Services, commonly known as Child Protective Services (CPS), and, in cases of sexual abuse, to the Special Victims Investigations Division of the Montgomery County Police Department (MCPD) as well, as required by state law, Board Policy JHC, and MCPS Regulation JHC-RA. In every case of alleged abuse or neglect by an MCPS employee, the Office of Human Resources and Development (OHRD) will conduct an internal investigation consistent with all applicable Board policies and MCPS regulations and recommend appropriate discipline. OHRD will conduct an internal investigation even when CPS or MCPD screens out or closes the case without taking action and/or the Montgomery County State’s Attorney’s Office declines to bring criminal charges, because such cases may involve violations of Board policies, MCPS regulations, contracts, and/or other guidance. While any investigation by CPS, MCPD, or another external agency is pending, MCPS may not interview witnesses, alleged victims, or alleged perpetrators without prior agreement from and subject to any limitations recommended by the investigating agencies. In addition, MCPS must conduct all internal investigations in a manner that is fully cooperative with the external agencies that are investigating and that does not interfere with or jeopardize the external investigation.

Other critical incidents involving suspected criminal activity, such as drug distribution or use of weapons on MCPS property, require reporting to MCPD, pursuant to Board policy and the Memorandum of Understanding among MCPS, MCPD, and other county agencies involving the School Resource Officer Program and Other Law Enforcement Responses to School-Based Incidents.33 In cases of suspected criminal activity, OHRD may conduct an internal investigation in a manner that is fully cooperative with the external agencies that are investigating and that does not interfere with or jeopardize the external investigation.

4. **Process for cases involving other suspected misconduct.** In other cases, and consistent with applicable law and policy, managers and supervisors should use professional judgment in reporting to OHRD,
which may conduct an investigation or recommend an investigation by supervisors and administrators at the work site. If a manager or supervisor has a question about whether an employee’s conduct should be addressed through the Professional Growth System or the employee discipline process, the manager or supervisor should contact the Performance Evaluation and Compliance Unit (PECU) of OHRD. Cases involving an employee’s unsatisfactory performance of his or her job duties ordinarily will be addressed through the Professional Growth System, and may result in termination of employment if the employee is unsuccessful in achieving and sustaining a satisfactory level of performance. In instances that could be addressed under either the Professional Growth System or the discipline process, MCPS is not required to use one process prior to another.

Employees who are members of one of the employee bargaining units may be entitled to representation during the investigation through their union, in accordance with the provisions of the respective collective bargaining agreements.

5. **Administrative leave.** Any suspicion of inappropriate behavior by an employee may be reason for placing him or her on administrative leave, pending an investigation into the allegations. Cases are reviewed on an individual basis, and the key factor is whether the employee’s continuation in his or her job poses a potential threat to students or staff, to the investigation of the allegedly inappropriate conduct, or to perpetuation of the allegedly inappropriate conduct (e.g., if the allegation is of financial malfeasance and the person handles MCPS funds). In accordance with MCPS Regulation JHC-RA, an MCPS employee who is the subject of allegations of child abuse or neglect will be placed on administrative leave, unless there is significant, credible information that another course of action is warranted. When employees are placed on administrative leave, steps will be taken to limit their access to MCPS e-mail and other communications technology.

**Prohibited Criminal Conduct**

In addition to MCPS disciplinary procedures, an employee may face criminal prosecution for certain misconduct. These criminal proceedings may have consequences for the employee’s continued employment with
MCPS. For instance, under Section 6-113 of the Education Article of the Annotated Code of Maryland, MCPS may not knowingly hire or retain any employee who has been convicted of, or pled guilty or nolo contendere (no contest) to, a crime involving certain sexual offenses, child sexual abuse, and crimes of violence.\textsuperscript{34} In addition, the Maryland State Superintendent of Schools is required to revoke the state-issued certificate of a teacher or other professional in certain circumstances involving criminal and other wrongdoing.\textsuperscript{35}

Questions and Further Information

If MCPS employees have questions about the meaning or interpretation of this Employee Code of Conduct or how it applies to specific situations, they should consult with their principal or supervisor. If a principal or supervisor has further questions, he or she should contact Mr. Robert B. Grundy, director, Performance Evaluation and Compliance Unit in the Office of Human Resources and Development, at 301-279-3361, or Mr. Stanislaw (Stan) S. Damas, director, Department of Association Relations, at 301-279-3511.

Additionally, employees may contact their respective union or association staff for advice and assistance.
ENDNOTES

1. Further information is available on the MCPS website, www.montgomery.schooolsmd.org. This Employee Code of Conduct is distinct from the MCPS Code of Conduct for students.

2. For more information, see Board Policy BBB, Ethics, and MCPS Regulation GCA-RA, Employee Conflict of Interest.

3. For more information, see MCPS Regulation JOA-RA, Student Records.

4. For more information, see MCPS Regulation DIE-RA, Travel for MCPS Purposes.

5. For more information, see MCPS Regulation GCB-RA, Reporting and Handling Fraudulent Actions by MCPS Employees, Agents, or Contractors.

6. For more information, see MCPS Regulation COF-RA, Alcohol, Tobacco, and Other Drugs on MCPS Property. Use of alcohol on MCPS property is prohibited except in very limited circumstances approved by the Board.

7. MCPS property includes any school or other facility, including grounds owned or operated by MCPS, buses and other MCPS vehicles, and the facility and grounds of any MCPS-sponsored activity involving students, including field trips.

8. For more information, see MCPS Regulation IGT-RA, User Responsibilities for Computer Systems, Electronic Information, and Network Security.

9. For more information, see MCPS Regulation ILA-RA, Assessments with Security and Reporting Requirements.

10. For more information, see MCPS Regulation IPD-RA, Travel-Study Programs, Field Trips and Student Organization Trips.

11. For more information, see Article 22F of the MCAAP agreement, Article 111A of the MCEA Agreement, and Article 35C of the SEIU agreement.

12. For more information, see Board Policy BBB, Ethics, and MCPS Regulation GCA-RA, Employee Conflict of Interest.

13. For more information, see Board Policy BBB, Ethics, and MCPS Regulation GCA-RA, Employee Conflict of Interest.

14. For more information, see Board Policy BBB, Ethics, and MCPS Regulation GCA-RA, Employee Conflict of Interest.

15. For more information, see MCPS Regulation COE-RA, Weapons.

16. For more information, see Board Policies ACA, Human Relations, and ACB, Nondiscrimination, and MCPS Regulation ACA-RA, Human Relations.

17. For more information, see Board Policy JHC, Child Abuse and Neglect, and MCPS Regulation JHC-RA, Reporting and Investigating Child Abuse and Neglect.
For more information, see Board Policies ACA, *Human Relations*, and ACB, *Nondiscrimination*, and MCPS Regulation ACA-RA, *Human Relations*.

For more information see Board Policy JHC, *Child Abuse and Neglect*, and MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*. Please note that examples of inappropriate conduct listed in this Code of Conduct may constitute abuse or neglect, under certain circumstances. Under MCPS Regulation JHC-RA, abuse is defined as follows:

- Any physical injury, not necessarily visible, or mental injury of a child or vulnerable adult, by any person who has permanent or temporary custody or responsibility for the care or supervision of a child or vulnerable adult under circumstances that indicate that the health or welfare of the child or vulnerable adult is harmed or at substantial risk of being harmed.

- Any sexual act or acts (whether physical injuries are sustained or not) involving sexual molestation or exploitation, including but not limited to incest, rape, or sexual offense in any degree, sodomy or unnatural or perverted sexual practices on a child or vulnerable adult by any person who has permanent or temporary custody or responsibility for the care or supervision of a child or vulnerable adult. Sexual molestation or exploitation includes, but is not limited to, contact or conduct with a child or vulnerable adult such as exposure, voyeurism, sexual advances, kissing, fondling, sexual crime in any degree, rape, sodomy, prostitution, trafficking, or allowing, permitting, encouraging, or engaging a child or vulnerable adult in pornographic display, photographing, filming, or depiction of a child or vulnerable adult as prohibited by law, or allowing a child or vulnerable adult to reside with or be in the regular presence of a registered sex offender.

Under MCPS Regulation JHC-RA, neglect is defined as the leaving of a child or vulnerable adult unattended or other failure to give proper care or attention, or the provision of improper care or attention, to a child or vulnerable adult by any parent, guardian, adoptive parent, family or household member, neighbor, MCPS employee, volunteer or contractor, a person in a position of authority, or any other person who has permanent or temporary care or custody or responsibility for supervision of the child or vulnerable adult under circumstances that indicate—

- that the child’s or vulnerable adult’s health or welfare is harmed or placed at substantial risk of harm, or

- mental injury to the child or vulnerable adult or a substantial risk of mental injury.

For more information, see MCPS Regulation JGA-RA, *Classroom Management and Student Behavior Interventions*.

For more information, see Board Policy ABC, *Parent and Family Involvement*, and MCPS Regulation ABC-RA, *Parent and Family Involvement*.

For more information, see MCPS Regulations ABA-RB, *School Visitors*, and IRB-RA, *Volunteers in Schools*.

For more information, see Board Policies, ACA, *Human Relations*, and ACB, *Nondiscrimination*.

For more information, see Board Policy ACF, *Sexual Harassment*, and MCPS Regulation ACF-RA, *Sexual Harassment*. A draft policy on workplace bullying is under review by the Policy Management Committee of the Board of Education.

Under Section 6-202 of the Education Article of the Annotated Code of Maryland, certificated employees may be suspended or dismissed for one or more of five different reasons: immorality; misconduct in office, including a knowing failure to report suspected child abuse in violation of Section 5-704 of the Family Law Article; insubordination; incompetence; and willful neglect of duty. These five statutory grounds for suspension or dismissal of certificated employees are broad in nature and therefore provide a basis (depending upon all relevant facts and circumstances) for adverse employment action resulting from, among many other things, convictions of criminal offenses stemming from either employment or non-employment-related activities.

For more information, see COMAR 13A.06.07.07 (school vehicle operators) and COMAR 13A.06.07.08 (school vehicle attendants).

The Code of Conduct is not intended to supplant the common law of labor arbitration or bar a duly appointed arbitrator applying it in cases arising under district collective bargaining agreements.

The Compact is available at www.montgomeryschoolsmd.org/staff/respect/.

For more information, see www.montgomeryschoolsmd.org/departments/professionalgrowth/.

A full compendium of Board policies and MCPS regulations is available at www.montgomeryschoolsmd.org/departments/policy/.

The Department of Transportation handbook is available at www.montgomeryschoolsmd.org/departments/transportation/about/jcsbabo.pdf, and is applied in conjunction with the collective bargaining agreement between the Board of Education and SEIU.

Section 6-113 of the Education Article of the Annotated Code of Maryland prohibits MCPS from knowingly hiring or retaining any employee who has been convicted of, or pled guilty or nolo contendere (no contest), to the following:

a. A sexual offense in the third or fourth degree under §3–307 or §3–308 of the Criminal Law Article of the Maryland Code or an offense under the laws of another state that would constitute an offense under §3–307 or §3–308 of the Criminal Law Article if committed in Maryland;

b. Child sexual abuse under §3-602 of the Criminal Law Article, or an offense under the laws of another state that would constitute child sexual abuse under §3-602 of the Criminal Law Article if committed in Maryland; or

c. A crime of violence as defined in §14–101 of the Criminal Law Article, or an offense under the laws of another state that would be a violation of §14–101 of the Criminal Law Article if committed in Maryland, including: (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking; (11) armed carjacking; (12) sexual offense in the first degree; (13) sexual offense in the second degree; (14) use of a handgun in the commission of a felony or other crime of violence; (15) child abuse in the first degree; (16) sexual abuse of a minor; (17) an attempt to commit any of the crimes described in items (1) through (16) of this list; (18) continuing course of conduct with a child under §3-315 of the Criminal Law Article; (19) assault in the first degree; (20) assault with intent to murder; (21) assault with intent to rape; (22) assault with intent to rob; (23) assault with intent to commit a sexual offense in the first degree; and (24) assault with intent to commit a sexual offense in the second degree.

Under the Code of Maryland Regulations (COMAR) 13A.12.05.02, the Maryland State Superintendent of Schools is required to revoke a certificate issued by the Maryland State Board of Education to a teacher or other professional if an individual—

1. Pleads guilty or nolo contendere (no contest) with respect to, receives probation before judgment with respect to, or is convicted of, a crime involving—

   a. Child abuse or neglect as defined in Criminal Law Article, §§3–601–3–603, Annotated Code of Maryland, or a comparable crime in another state, or

   b. A crime of violence as defined in Criminal Law Article, §14-101, Annotated Code of Maryland, or a comparable crime in another state; or

2. Is dismissed or resigns after notice of allegations of sexual child abuse.
In addition, COMAR 13A.12.05.02 states that the Maryland State Superintendent of Schools shall either suspend or revoke a professional certificate on a number of other grounds, including if the certificate holder—

1. Pleads guilty or nolo contendere (no contest) with respect to, receives probation before judgment with respect to, or is convicted of, a crime involving—
   a. Contributing to the delinquency of a minor;
   b. Moral turpitude if the offense bears directly on the individual's fitness to teach; or
   c. A controlled dangerous substance offense as defined in federal or state law, and the sanction for this offense committed in Maryland shall be imposed in accordance with Article 41, §§1-501–1-507, and Criminal Law Article §5-810, Annotated Code of Maryland;

2. Willfully and knowingly—
   a. Makes a material misrepresentation or concealment in the application for a certificate,
   b. Files a false report or record about a material matter in the application for a certificate, or
   c. Commits a violation of the test security and data reporting policy and procedures set forth in COMAR 13A.03.04;

3. Fraudulently or deceptively obtains a certificate;


5. Is dismissed or resigns after notice of allegation of misconduct involving a student in any school system or any minor, or allegation of misconduct involving any cause for suspension or revocation of a certificate provided in this regulation;

6. Has had a certificate suspended, revoked, or voluntarily surrendered in another state for a cause that would be grounds for suspension or revocation under this regulation.