



## **SECTION V: EMPLOYEES**

## **POLICY 5200**

### MISCONDUCT IN THE WORKPLACE

#### Purpose

The purpose of this policy is to describe misconduct in the workplace (by employees, volunteers, parents, vendors, or any other person on Broken Arrow Public School District property or related to school business) and define a procedure for reporting and investigating alleged incidents of misconduct in the workplace whether witnessed or personally experienced.

The safety, security and well-being of District employees and patrons are of the utmost importance to the board of education. Every employee has a right to work in an environment free from misconduct in the workplace and, accordingly, the District is committed to the elimination of misconduct in the workplace. Acts of misconduct in the workplace will be promptly investigated. Coordination of investigations into violations of this policy will be conducted by the District's Human Resources department in cooperation with the Superintendent, the District's legal counsel, and/or the Board of Education.

#### Definitions

District property refers to any property owned or controlled by the School District – including buildings, parking lots and surrounding campus areas.

District sponsored event refers to any activity which is sponsored, developed, backed, or promoted by the District through formal and informal methods.

#### *Prohibited Conduct (Misconduct)*

General examples of misconduct in the workplace include, but are not limited to:

1. Bullying, harassing, stalking, insulting, or demeaning conduct;
2. Using foul, threatening or abusive language, tone or demeanor;
3. Harming or threatening harm;
4. Damaging or threatening damage to another's property;
5. Possessing a weapon on District property (except law enforcement officials);
6. Causing another individual to reasonably fear harm or reasonably fear property damage;
7. Threats or acts of aggression of whatever nature or kind.

Any prohibited conduct which interferes with School District operations – regardless of whether such conduct occurred on or off campus – is subject to this policy. Further, any conduct which is banned for students under the District's anti-bullying policy is also considered misconduct in the workplace. By way of example only, no individual may:

1. Hit, shove, punch, kick or assault an individual;
2. Engage in willful, malicious or harassing surveillance and/or stalking;



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3. Harm or threaten to harm an individual or his/her family, friends, or property;
4. Intentionally damage or threaten damage of District property;
5. Yell, scream, make threatening gestures, or use abusive or offensive language or insults;
6. Make phone calls or write letters, notes, emails, blogs, etc. which are harassing or threatening;
7. Engage in behavior which demeans, intimidates, belittles, insults or humiliates others;
8. Abuse supervisory power or authority, including actions which can reasonably expected to intimidate, coerce, humiliate or demean an individual;
9. Intimidate or attempt to coerce an employee to commit wrongful acts or acts which violate core values and beliefs; or
10. Possess, use, or threaten the use of a dangerous weapon (except law enforcement officials acting within the scope of their duty).

The foregoing list contains examples of misconduct for illustrative purposes only. It is not intended to be an exhaustive list of the types of behavior which are considered misconduct.

#### Violations

Violations of this policy may result in immediate removal from the premises, as deemed appropriate by the administration and/or school security personnel. Such removal may remain in effect pending the outcome of the investigation. This policy does not limit the District's rights under its other policies, including its policy regarding "Authority to Order Non-students to Leave Institution."

Students and employees who violate this policy are subject to appropriate disciplinary action, up to and including expulsion from school or termination of employment, respectively, pursuant to the District's policies. Vendors, patrons and others who violate this policy are subject to the District's policies governing the peaceful conduct of School District activities. The administration may also take other appropriate actions in response to violations of this policy, including terminating a business relationship with an offender. All individuals who violate this policy are subject to additional legal consequences apart from School District action, and the District will cooperate with law enforcement in its criminal prosecution efforts.

#### Reports and Investigation

Reports of alleged acts of misconduct in the workplace are serious and will be investigated thoroughly and promptly. Any employee who experiences or observes misconduct in the workplace is obligated to report it pursuant to this policy. Reports must be made to the employee's immediate supervisor and the Human Resources department in writing (hard copy or email). In the event the



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reporter does not believe it is appropriate to report to either of those authorities, the reporter must make a written report directly to the Superintendent.

No individual will be retaliated against for filing a good faith report, but any employee who knowingly files a false report will be subject to appropriate disciplinary action up to and including termination of employment. Employees who engage in gossip regarding misconduct in the workplace rather than properly presenting such reports to a supervisor and the Human Resources department may also be subject to such appropriate disciplinary action.

If the Human Resources department receives a report that the Superintendent has engaged in inappropriate workplace conduct, the Human Resources department shall immediately make a written report to the District's legal counsel and the Board President. The District's legal counsel shall begin an investigation and the Board President shall call a special meeting or place an executive session item on the agenda of the next regular board meeting to confer with all board members and the District's legal counsel as to the status of the investigation.

If a non-employee believes he or she has witnessed or personally experienced misconduct in the workplace, he/she should make a written report to the Superintendent or Human Resources department. If the superintendent is alleged to be the offending party, the patron may contact the Board President. The Board President will notify the District's legal counsel to determine how to proceed.

Source: *Broken Arrow Board of Education policy adoption, July 13, 2009.*  
*Broken Arrow Board of Education policy revised, June 3, 2013.*