

## **TDS Code of Ethical Conduct and Standards of Professional Practice**

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*The following is adapted from the Florida DOE Code of Ethics of the Education Professional in Florida and Principles of Professional Conduct for the Education Profession in Florida.*

### **TDS educators shall be guided by the following ethical principles:**

1. Tampa Day Schools value the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.
2. Given that our primary professional concern will always be for the student and for the development of the student's potential, our employees will strive for professional growth and will seek to exercise the best professional judgment and integrity.
3. Concern for the student requires that our instructional personnel:

### **SHALL-**

- make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
- keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.

### **SHALL NOT-**

- unreasonably restrain a student from independent action in pursuit of learning.
- unreasonably deny a student access to diverse points of view.
- intentionally suppress or distort subject matter relevant to a student's academic program.
- intentionally expose a student to unnecessary embarrassment or disparagement.
- intentionally deny or violate a student's legal rights.
- harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable effort to assure that each student is protected from harassment or discrimination.
- exploit a relationship with a student for personal gain or advantage.

4. Aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community, employees of our school must display the highest degree of ethical conduct. This commitment requires that our employees:

**SHALL-**

- maintain honesty in all professional dealings.

**SHALL NOT-**

- on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family background deny to a colleague professional benefits or advantages or participation in any professional organization.
- interfere with a colleague's exercise of political or civil rights and responsibilities.
- engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable effort to assure that each individual is protected from such harassment or discrimination.
- discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being unless the individual reasonably believes that disclosure would result in abuse, abandonment, or neglect as defined in Section 39.01, F.S.

5. Obligation to the public requires that the individual:

**SHALL-**

- take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.

**SHALL NOT-**

- intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.
- use institutional privileges for personal gain or advantage.
- accept a gratuity, gift, or favor that might influence professional judgment.
- offer a gratuity, gift, or favor to obtain special advantages.

6. Obligation to the profession of education requires that the individual:

**SHALL -**

- provide upon the request of the certificated individual a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.
- self-report within forty-eight (48) hours to the Head of School any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment.
- report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 1012.795(1), F.S.
- seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 1012.795(1), F.S.
- comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice.
- as the supervising administrator, cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

**SHALL NOT-**

- make malicious or intentionally false statements about a colleague.
- use coercive means or promise special treatment to influence professional judgments of colleagues.
- misrepresent one's own professional qualifications.
- submit fraudulent information on any document in connection with professional activities.
- make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position.
- withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.
- assist entry into or continuance in the profession of any person known to be unqualified in accordance with these Principles of Professional Conduct for the Education Profession in Florida and other applicable Florida Statutes and State Board of Education Rules.

## **Policies & Procedures for Training and Reporting Misconduct by Instructional Personnel and Administrators**

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**Training Requirement:** All instructional personnel, educational support employees, and administrators are required as a condition of employment to complete training on these standards of ethical conduct.

**Reporting Misconduct by Instructional Personnel and Administrators:** All employees, educational support employees, and administrators have an obligation to report misconduct by instructional personnel and school administrators, which affects the health, safety, or welfare of a student. Examples of misconduct include obscene language, drug and alcohol use, disparaging comments, prejudice or bigotry, sexual innuendo, cheating or testing violations, physical aggression, and accepting or offering favors.

**Reports of misconduct of employees should be made to-**

**Lois Delaney, Head of School**

**Email: [ldelaney@tampadayschool.com](mailto:ldelaney@tampadayschool.com) or Cell: 727-420-2495**

**Reports of misconduct committed by administrators should be made to-**

**Todd Avis, Owner**

**Email: [tavis@leelanauedgroup.com](mailto:tavis@leelanauedgroup.com)**

Legally sufficient allegations of misconduct by Florida certified educators will be reported to the Office of Professional Practices Services. Policies and procedures for reporting misconduct by instructional personnel or school administrators which affect the health, safety, or welfare of a student are posted on the wall near the copy machine in the teachers' lounge and front office, near the drinking fountains in both division hallways, and on our website [Reporting Misconduct](#).

## **Policies & Procedures for Reporting Child Abuse, Abandonment or Neglect**

**Reporting Child Abuse, Abandonment or Neglect** All employees and agents have an affirmative duty to report all actual or suspected cases of child abuse, abandonment, or neglect.

**Call 1-800-96-ABUSE or report online at:** [Florida Dept. of Children and Families](#)

**Signs of Physical Abuse:** The child may have unexplained bruises, welts, cuts, or other injuries, broken bones; or burns. A child experiencing physical abuse may seem withdrawn or depressed, seem afraid to go home or may run away, shy away from physical contact, be aggressive, or wear inappropriate clothing to hide injuries.

**Signs of Sexual Abuse:** The child may have torn, stained or bloody underwear, trouble walking or sitting, pain or itching in genital area, or a sexually transmitted disease. A child experiencing sexual abuse may have unusual knowledge of sex or act seductively, fear a particular person, seem withdrawn or depressed, gain or lose weight suddenly, shy away from physical contact, or run away from home.

**Signs of Neglect:** The child may have unattended medical needs, little or no supervision at home, poor hygiene, or appear underweight. A child experiencing neglect may be frequently tired or hungry, steal food, or appear overly needy for adult attention.

**Patterns of Abuse:** Serious abuse usually involves a combination of factors. While a single sign may not be significant, a pattern of physical or behavioral signs is a serious indicator and should be reported.

**Liability Protections** Any person, official, or institution participating in good faith in any act authorized or required by law, or reporting in good faith any instance of child abuse, abandonment, or neglect to the department or any law enforcement agency, shall be immune from any civil or criminal liability which might otherwise result by reason of such action. (F.S. 39.203)

An employer who discloses information about a former or current employee to a prospective employer of the former or current employee upon request of the prospective employer or of the former or current employee is immune from civil liability for such disclosure or its consequences unless it is shown by clear and convincing evidence that the information disclosed by the former or current employer was knowingly false or violated any civil right of the former or current employee protected under F.S. Chapter 760. (F.S. 768.095)

# Additional Information included in handbooks & used in teacher training

## Misconduct

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### **WHAT IS EDUCATOR MISCONDUCT?**

Misconduct occurs in various forms and ranges in severity from allegations of direct harm to students (such as physical or sexual abuse) to an act detrimental to the education profession (such as falsifying documentation of continuing education courses or cheating on a professional exam). For the most part, misconduct by educators occurs either on the school campus or with members of the school community but can also be something that happens outside of the school environment and does not involve students.

### **HOW DO I CHECK THE STATUS OF AN INDIVIDUAL'S FLORIDA EDUCATOR CERTIFICATE?**

To [view the certification status of any Florida educator](#), you can search by his or her name at the Department of Education's Bureau of Educator Certification teacher look-up.

The Department of Education also hosts a website, [MyFloridaTeacher.com](http://MyFloridaTeacher.com), where the public can search an online database to see if disciplinary action has been taken against a Florida Educator Certificate.

### **WHO SHOULD I CONTACT IF I BELIEVE AN EDUCATOR HAS ACTED INAPPROPRIATELY?**

If the person of your concern is a teacher, contact your school principal or administrator so the school's administration is aware of your issues or concerns. If the person of your concern is a school administrator, contact the local district office of human resources, charter school administration or private school administration. Every school district, charter school and private school has its own process for reviewing alleged employee misconduct. Often this review is conducted by the Office of Human Resources, Personnel, Office of Professional Standards, and in some school districts, the school's police. Contact information for each Florida public school district may be found at <http://www.fldoe.org/accountability/data-sys/school-dis-data/superintendents.stml>.

Contact information for [K-12 private schools](#) may be found on the School Choice webpages.

In cases where you believe the conduct may be criminal, it is appropriate to contact local law enforcement. If at any time you suspect that a child has been harmed or is threatened with harm by a licensed educator, you may contact the Florida Department of Children & Families (DCF) toll-free at 1-800-96-ABUSE.

Further information about reporting abuse may be found on the DCF website at <https://www.myflfamilies.com/service-programs/abuse-hotline/>.

### **WHAT ARE THE RESPONSIBILITIES OF THE STATE'S OFFICE OF PROFESSIONAL PRACTICES SERVICES?**

The PPS investigates legally sufficient (supported by ultimate facts) allegations of misconduct by certified educators when that misconduct, being true, would constitute a sanction (disciplinary action) against the individual's Florida Educator Certificate. The authority of the office may be found in [Section 1012.796, Florida Statutes](#).

**WHAT IS THE JURISDICTION OF THE STATE'S OFFICE OF PROFESSIONAL PRACTICES SERVICES?**

The only jurisdiction of the PPS is a Florida Educator Certificate or application for a Florida Educator Certificate. The PPS has no authority in matters regarding persons who are not Florida certified educators such as bus drivers, paraprofessionals, custodians, support staff, volunteers, non-certified substitute teachers and non-certified district administrators.

**WHAT TYPE OF COMPLAINTS DOES THE OFFICE OF PROFESSIONAL PRACTICES SERVICES PURSUE?**

The scope of what may be investigated by the Office is defined by [Florida Statutes](#) and State Board of Education Rule. Only supported violations of the statute and [Principles of Professional Conduct the Education Profession in Florida](#) may be investigated by the PPS.

**Example 1:** Teacher Mr. Jones, in an attempt to quiet 2nd grade student Mark, placed duct tape over Mark's mouth and this allegation was supported by written witness testimony.

**Example 2:** Teacher Ms. Call was found guilty of being in possession of marijuana.

**ARE ALL COMPLAINTS INVESTIGATED?**

No. The PPS is not the employer and does not review employment related matters nor does it conduct third party reviews of local level decisions. Florida law requires that complaints must be "legally sufficient." Legally sufficient means that the allegation has been supported as being true and the conduct would violate pertinent Florida Statutes or State Board of Education Rules (Principles of Professional Conduct). Additionally, the conduct must warrant a sanction against the educator's certificate.

**Example:** Parent alleges teacher Ms. Smith gave her son, Peter, a detention because he failed to turn in his homework. The PPS would not investigate this or a similar complaint as student discipline is a decision determined by the local school or school district.

**WHAT HAPPENS WHEN A COMPLAINT IS OPENED WITH THE STATE'S OFFICE OF PROFESSIONAL PRACTICES SERVICES?**

Complaints are reviewed for jurisdiction and legal sufficiency. If determined to be legally sufficient, a case is opened and assigned to an investigator. The employer (the school or school district) and the educator are typically informed of the investigation. The investigator conducts an investigation which may include school visits; interviews with victim and witnesses (adults and minors); retrieving court documents; and reviewing personnel files, student folders and audit reviews. When an investigation is completed, the educator is provided the opportunity to review the findings and respond to the allegations. The results are reviewed by Department of Education attorneys and presented to the Commissioner of Education who determines if the educator's conduct warrants disciplinary action against the educator's certificate.

**IF IT IS DETERMINED AN EDUCATOR DID SOMETHING WRONG, WHAT KIND OF DISCIPLINARY ACTIONS CAN BE TAKEN AGAINST AN EDUCATOR'S CERTIFICATE?**

If the Commissioner of Education determines the educator's conduct warrants disciplinary action, the Education Practices Commission, a quasi-judicial body, determines what penalty to issue against an educator's certificate. Penalties that can be issued against an educator's certificate can range from a letter of reprimand, fines, probation, suspension or revocation.

**N-E-A-T PROCESS**

Employee corrective action form will be completed by administration.

**N** Notice to the educator that deficiencies exist that may lead to disciplinary action if not corrected.

**E** Explanation of the deficiencies that the administrator or supervisor responsible for evaluation has identified, should be thorough and detailed in written form, and include suggestions for improvement.

**A** Assistance must be provided to the educator by those responsible for evaluation and supervision of the educator. A practical plan for remediation of each deficiency noted must be developed. When possible, the educator should be included in the development of the plan to improve performance.

**T** Time must be provided for correction of all deficiencies noted. The time allotted must be reasonable and commensurate with the volume of deficiencies listed so that the educator is provided a sincere opportunity to improve sufficiently to meet the expectation of those responsible for evaluation.

## **SEXUAL ABUSE AND MISCONDUCT PREVENTION**

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Tampa Day School (printed as TDS for the remainder of this document) prohibits and does not tolerate sexual abuse or misconduct in the workplace or during any organization-related activity. TDS provides procedures for employees, volunteers, or any other victims of sexual abuse or misconduct to report such acts. Those reasonably suspected or believed to have committed sexual abuse or misconduct will be appropriately disciplined, up to and including termination of employment, as well as criminally prosecuted. No employee, volunteer or other person, regardless of his or her title or position has the authority to commit or allow sexual abuse or misconduct.

**DEFINITIONS AND EXAMPLES**

The following definitions or examples of sexual abuse, misconduct or harassment, may apply to any and/or all of the following persons – employees, volunteers or other third parties.



Sexual abuse or misconduct may include, but is not limited to:

- Child sexual abuse – any sexual activity, involvement or attempt of sexual contact with a person who is a minor (under 18 years old) where consent is not or cannot be given.
- Sexual activity with another who is legally incompetent or otherwise unable to give consent.
- Physical assaults or violence, such as rape, sexual battery, abuse, molestation, or any attempt to commit such acts.
- Unwanted and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, brushing, massaging someone's neck or shoulders.
- Material such as pornographic or sexually explicit images, posters, calendars or objects.
- Unwelcome and inappropriate sexual activities, advances, comments, innuendoes, bullying, jokes, gestures, electronic communications or messages (e.g. email, text, social media, voicemail), exploitation, exposure, leering, stalking or invasion of sexual privacy.
- A sexually hostile environment characterized as comments or conduct that unreasonably interferes with one's work performance or ability to do the job or creates an intimidating, hostile or offensive environment.
- Direct or implied threats that submission to sexual advances will be a condition of employment or affiliation with the organization.

### **MAINTAIN HEALTHY BOUNDARIES**

A safe environment includes the establishment of healthy boundaries between youth and adults. It is important to understand "grooming" behaviors, defined as methods by which abusers target a potential victim, win the trust of the youth, manipulate the child to engage in sexual activity and command the child not to disclose the abuse. Examples of inappropriate grooming behaviors may include, but are not limited to:

- An adult being alone with one youth, particularly in unsupervised settings (home visits, car rides, sleepovers or out of town trips).
- Giving a youth gifts, showing favoritism or otherwise expressing special attention.
- Physical touching – purpose of desensitizing the youth to contact. Usually progressive in nature, contact may begin with rubbing shoulders or other massage, sitting next to, "accidental" touches in inappropriate places or lingering touches.
- Communications – unusual frequency, duration or content of communications. Be on the lookout for electronic communications that are sexual in nature (jokes, innuendoes, banter, flirtatious, flattery, pictures or pornography).
- To provide a safe environment for minors, TDS strives that a minimum of two adult workers supervise or be in attendance with minors during organization-related activities. The purpose is to avoid one-on-one interactions between adults and minors that are not easily observable by others. If individual meetings with a student must be held in a classroom keep the door open. If an individual meeting with a student must be held in an office, the door must have a window or leave the door open. All doors should remain unlocked, and meetings should be interruptible.

## **REPORTING PROCEDURE**

Reporting of Ethical Misconduct is required by law and is our duty as professionals entrusted with the safety and welfare of students every day. Florida Statute sections 39.203 and 768.095 protect the person reporting ethical misconduct from reprisal by the individual reported or the employer if the report was made in good faith without malicious intent. Tampa Day School requires that every employee report any issue that could currently or potentially impact the health, safety, or welfare of its students and Tampa Day School employees.

The process for reporting is as follows: Any incident that an employee believes is potentially harmful to a student or another employee should be immediately reported to their division head, or in the absence of those persons, to the Head of School. If the Head of School is unavailable, the individual being reported or does not address the concern, the employee should report concerns to Todd Avis, owner of TDS. Any employee who knowingly fails to report misconduct or abuse will be subject to discipline, up to and including termination. **In cases of suspected Physical Abuse, Sexual Abuse, or Neglect the employee should report those issues immediately to the 1-800-96ABuse hotline.**

**Notice:** All employees will be required to complete ethics training on an annual basis as a condition of their employment with Tampa Day School.

## **ANTI-RETALIATION AND FALSE ALLEGATIONS**

TDS prohibits retaliation made against any employee, volunteer, or other person who lodges a good faith complaint of sexual abuse or misconduct or who participates in any related investigation. Making knowingly false or malicious accusations of sexual abuse or misconduct can have serious consequences for those who are wrongly accused. TDS prohibits making false or malicious sexual misconduct allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination of employment or membership and criminal prosecution.

## **INVESTIGATION AND FOLLOW-UP**

TDS will take all allegations of sexual abuse or misconduct seriously and will promptly, thoroughly and equitably investigate whether misconduct has taken place. The organization may utilize an outside third-party to investigate. TDS will cooperate fully with any investigation conducted by law enforcement or other regulatory/protective services agencies. TDS will make every reasonable effort to keep the matters involved in the allegation as confidential as possible while still allowing for a prompt and thorough investigation.

## **REPORTING TO LAW ENFORCEMENT OR APPROPRIATE CHILD OR ADULT PROTECTIVE SERVICES**

TDS is committed to following the state and federal legal requirements for reporting allegations or incidents of sexual abuse or misconduct to appropriate law enforcement and child or adult protective services organizations. It is the policy of TDS not to attempt to investigate or assess the validity or credibility of an allegation of sexual or physical abuse

as a condition before reporting the allegation to proper law enforcement authorities or protective services organizations

### **EMPLOYEE AND WORKER SCREENING AND SELECTION**

As part of its sexual abuse and misconduct prevention program, TDS is committed to maintaining a diligent screening program for prospective and existing employees, volunteers and others that may have interactions with those employed by, associating with or serviced by TDS. The organization may utilize a variety of methods of screening and selection, including but not limited to applications, personal interviews, criminal background checks and personal and professional references.

### **DRUG FREE WORKPLACE**

Tampa Day School believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which is not tainted by the use or evidence of use of any controlled substances.

Tampa Day School shall not permit possession, use, distribution, purchase, or dispensing of any controlled substance, alcohol, and any drug paraphernalia as the term is defined by law, by any member of the staff at any time while on school property.

# AVOIDING LEGAL COMPLICATIONS IN TEACHING

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## INTERACTION WITH STUDENTS

- Maintain a professional barrier between you and students. You are the adult, the teacher, and the professional; act like the expert, not like another one of the “kids.”
  - Keep the classroom door open when talking with students.
  - Refer students to the appropriate resource person for counseling and/or discussions about personal matters.
  - Do NOT flirt with students.
  - Do NOT discuss your personal life or personal matters with students. Do NOT discuss your husband, wife, girlfriend, boyfriend, or dates.
  - When transporting students, coordinate transportation ahead of time, and use school transportation if possible. If you must transport a student in your vehicle, permission from the parent must be obtained.
  - Avoid leaving your students unsupervised; have an alternate plan of action.
  - Chaperone only school-sponsored functions. Do NOT drink alcoholic beverages in front of students. Do NOT take students home with you without documented parent permission.
  - Do not harass students; respect their differences. What you intend as humor may, in fact, be cultural bias or harassment.
  - Teachers should NOT use videos of students to document off-task or disruptive behavior unless prearranged with parents and administration.
  - Tampa Day School discourages the use of social media sites (i.e. Facebook, Snapchat, etc.) to communicate with students.
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