

Reporting Educator Misconduct

All employees, including instructional personnel, educational support employees, and school administrators have a duty to immediately report misconduct by instructional personnel and school administrators which affects the health, safety, or welfare of a student. Failure to report misconduct may result in penalties up to termination of employment and revocation of an educator's certificate.

If someone tells you about misconduct, BE A LEADER:

- Listen
- Evaluate
- Act Immediately
- Document
- Encourage
- Report

Report To:

- Ms. Kris Williamson
- School Phone: 239-573-8668
- School Email: tca@capeacademyedu.com; kris.williamson@capeacademyedu.com;

Reportable Offenses:

- **Obscene Language**
- **Drug and Alcohol Use**
- **Disparaging Comments**
- **Prejudice or Bigotry**
- **Sexual Innuendo**
- **Cheating/Testing Violations**
- **Physical Aggression**
- **Accept or Offer Favors**

TCA Procedures

TCA-P-306



Title:

Standards of Ethical Conduct at TCA

Number:

TCA-P-306

Applicability:

All Employees

Rev:

4

Governing Document(s):

Florida Statutes Section 39.01(44), .01(47), 201, 203, 1001.42(6), 1002.421(4)(b), 1006.061, 147, 1008.22 (n), 1012.01(2), (3), 315, 795, 768.095.

Date of Last Revision:

4/6/2024

Training:

New Hire and Annual

ALL employees, educational support, instructional personnel, and administrators are required, as a condition of employment, to complete training in this procedure that establishes the school's standards of ethical conduct.

Prepared By: James Tyler

Approved By: Kristen Williamson

As a representative of the school, all employees must demonstrate standards of ethical conduct, both inside and outside the facility, by abiding by the Code of Ethics of the Education Profession in Florida and The Code of Conduct of the school. The essential elements of these documents state:

- Achieve and sustain the highest level of ethical conduct and professional integrity.
- Value the worth and dignity of every student and co-worker
- Establish a learning environment that provides equal opportunity for each student to achieve their highest potential.

Obligations to the student(s):

- Make reasonable efforts to protect the student from conditions harmful to learning and/or the student's mental and/or physical health and/or safety
- Do not unreasonably deny a student access to differing points of view, suppress, or distort subject matter.
- Do not intentionally expose a student to unnecessary embarrassment, harass or discriminate against a student on the basis of race, color, religion, sex, age, national or ethnic origin, handicapping condition, sexual orientation, or social or

- family background or violate/deny a student's legal rights.
- Make reasonable efforts to ensure students' are protected from harassment or discrimination.
- Do not exploit a relationship with a student for personal gain or advantage.
- Keep student information confidential.

Obligation to the profession of Education:

Maintain honesty and integrity in all professional dealings including representations of one's own qualifications and disclosures concerning one's own or another's application for a professional position.

- Maintain a professional relationship with all colleague's creating a work atmosphere free from hostility, intimidation, and discrimination based on race, color, religion, sex, age, national or ethnic origin, handicapping condition, sexual orientation, or social or family background.
- Do not interfere with a colleague's exercise of political or civil rights and responsibilities.
- Do not make malicious or intentionally false statements about a colleague.
- Not to assist any person known to be unqualified from entry into or continuance in the education profession.
- To self-report, to appropriate individuals, any arrests/charges involving abuse of a child or the sale and/or possession of a controlled substance, any conviction, finding of guilt, withholding of adjudication, commitment to pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense, other than a minor traffic violation, following final judgment, within 48 hours.
- Report any known allegation, seek no reprisal against any individual who has reported any allegation, comply with the conditions of any order, and monitor the probation of any subordinate, if necessary, as a result of an order from the Education Practices Commission.

Obligation to follow school policies and procedures: (Duty to Report Misconduct & Procedure to Report Misconduct)

All employees, including instructional personnel, educational support employees, and school administrators have a duty to immediately report any and all alleged employee or administrator misconduct that affects or may affect the health, safety, or welfare of a student:

Examples of misconduct include:

- Obscene language
- Drug and alcohol use
- Disparaging comments
- Prejudice and/or bigotry
- Sexual innuendo
- Cheating or testing violations
- Physical aggression
- Accepting or offering favors

In addition, all employees, including instructional personnel, educational support employees, and school administrators have a duty to report all actual or suspected cases of Child Abuse, Abandonment or Neglect.

Signes of Physical Abuse

- Unexplained bruises, welts, cuts
- Broken bones
- Burns

Signs of Sexual Abuse

- Torn, stained or bloody underwear
- Trouble walking or sitting
- Pain or itching in the genital area
- Sexually transmitted disease

Signs of Neglect

- Unattended medical needs
- Little or no supervision at home
- Poor hygiene, underweight

Familiarize yourself with the notice(s) posted in the school stating your duty to report actual and suspected cases of child abuse, abandonment, or neglect and the toll-free hotline phone number (1-800-96ABUSE.....1-800-962-2873)

Reports of misconduct of employees should be made to Director (Administrator) Kristen Williamson @ 239.357.9020 (personal cell), 239.573.8668 (school phone), or kris.williamson@capeacademyedu.com (school email). Reports may be made verbally or in writing. Identify the student involved and, to the best of your ability, the circumstances which led you to initiate the report. Document your report and retain and secure a copy of this document. If the report involves the administrator, your report may be made directly to the Abuse Hotline.

Reports of misconduct by an administrator may be made to Morgan Kreppel (Corporate Secretary) @ 904.229.5600 (personal cell), or to m.kreppel@yahoo.com(email). Reports may be made verbally or in writing. Identify the student involved and, to the best of your ability, the circumstances which led you to initiate the report. Document your report and retain and secure a copy of this document. If the report involves the administrator, your report may be made directly to the Abuse Hotline.

If you are required to report and fail to do so, you shall be subject to disciplinary action, which may include employment termination, by the school. You may also be subject to action by the State Department of Education which may include criminal prosecution.

Employees have immunity from civil or criminal liability if they report any such misconduct. Employees who report such misconduct have a duty and responsibility to cooperate and comply with any and all protective investigations.

Immunity from Liability in Cases of Child Abuse, Abandonment, or Neglect (rev 1)

Any person, official, or institution participating in good faith in any act authorized or required by Florida Statute 39.203, 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 result because of such action. (rev 1)

No employee reporting such actions may be subject to reprisal or termination because of their actions in reporting abuse, abandonment, or neglect. Any person reporting in accordance with this section shall have a civil cause of action for appropriate compensation and punitive damages against any person who causes detrimental changes in the employment status of the reporting person because the report was made. Detrimental changes include, but are not limited to discharge, termination, demotion, transfer, or a reduction in pay or benefits or work privileges, or negative evaluations within a prescribed period of time and shall establish a rebuttable presumption that the action was retaliatory. (rev1)

Nothing contained herein shall be deemed to grant immunity, civil or criminal, to any person suspected of having abused, abandoned, or neglected a child, or committed any illegal act upon or against a child. (rev 1)

Prohibition of Bullying and Harassment

- **Bullying** – the systematic and chronic infliction of physical and/or psychological distress, on one or more students, which may involve, but is not limited to: teasing, social exclusion, threats, intimidation, stalking, physical violence, theft, sexual, religious, or racial harassment, public humiliation or destruction of property.
- **Harassment** – any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, physical, or verbal conduct directed against a student or school employee that places that person in reasonable fear or harm to themselves or damage to their personal property, has the effect of interfering with a student's education, or orderly operation of the school.
- **Bullying and Harassment, also include** – retaliation, inciting, coercing, provoking or any other action that has the effect similar to the effect of bullying or harassment.

All students and school employees have the right to an educational setting that is safe, secure and free from harassment of any kind. No bullying or harassment, of any kind, will be tolerated.

Employer/School Immunity from Liability for Disclosure of Information regarding Former or Current Employees (rev 1)

In accordance with Florida Statute 768.095, the school, as employer, may disclose 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, and, in so doing, is immune from civil liability for such disclosure or its consequences unless it can be 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.(rev 1)

Prohibition of Confidentiality Agreements

The school prohibits any employee, instructional or administrative, from entering into any confidentiality agreement(s), written or verbal, with anyone, of any position, that resigns, resigns in lieu of termination, or is terminated from the school, due to allegations, in whole or in part, in misconduct related to the health, safety, or welfare of a student. Any part of an agreement that has the purpose or effect of concealing misconduct which affects the health, safety, or welfare of a student is void and contrary to the schools policies and shall not be enforced.

Revision Summary Sheet:

Revision 4	• Revised Procedure CA-A-04 in preparation of procedure overhaul. All document numbering and form numbering examples have changed. • Formatting of controlled Procedures have been updated.
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