

### **Drug Free Workplace Requirements Notice**

The district prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, and alcohol in the workplace. 41 U.S.C. 702(a) (1) (A); 28 TAC 169.2

The district shall establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, the district's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation and employee assistance abuse programs, and the penalties that may be imposed upon employees for drug abuse violations. 41 U. S. C. 702(a) (1) (A); 28 TAC 169.2

Employees who violate this prohibition shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, termination from employment with the district, and referral to appropriate law enforcement officials for prosecution. [See policies at DH and DHE] 41 U. S.C. 702(a0) (1) (A); 28 TAC 169.2

Compliance with these requirements and prohibitions is mandatory and is a condition of employment. As a further condition of employment, an employee shall notify the superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Within ten days of receiving such notice – from the employee or any other source – the district shall notify the granting agency of the conviction. 41 U. S. C. 702(a) (1) (D), (EXHIBIT)

Within 30 calendar days of receiving notice from an employee of a conviction for any drug statute violation occurring in the workplace, the district shall either (1) take appropriate personnel action against the employee, up to and including termination of employment, or (2) require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal , state, or local health agency, law enforcement agency, or other appropriate agency. 41 U. S. C. 703

[This notice complies with notice requirements imposed by the federal Drug-Free Workplace Act (41 U. S. C. 702) and notice requirements imposed by the Texas Workers' Compensation Commission rules at 28 TAC 169.2.] DI (EXHIBIT)

## **ELECTRONIC DEVICES/COMMUNICATION**

### **Pagers, Phones in the Workplace**

Cypress-Fairbanks ISD is committed to high standards in the workplace requiring the focus of all employees on contributing positively to the education of students. To maintain these high standards, employees may not use personal electronic communications devices (pagers, cellular phones) that interfere with his/her performance of job responsibilities. Teachers may use cellular phones in the instructional process. Teachers may also use cellular phones for business calls, including parent contacts, only during planning periods and other off-duty times during the instructional day. Personal calls may not be made or received during class periods. School

district telephones are for district business; and personal use should be incidental and should not interfere with job performance.

### **Electronic Recording**

Employees shall not electronically record by audio, video, or other means, any conversations or meetings with other employees unless each and every person present has been notified and consents to being electronically recorded. Persons wishing to record a meeting must obtain consent from anyone arriving late to any such meeting. Employees shall not electronically record telephone conversations with other employees unless all persons participating in the telephone conversation have consented to be electronically recorded. These provisions are not intended to limit or restrict electronic recording of publicly posted Board meetings, grievance hearings, and any other Board sanctioned meeting recorded in accordance with Board policy. These provisions are not intended to limit or restrict electronic recordings involving authorized investigations conducted by district personnel.

### **Electronic Media**

Employees are prohibited from communicating with students who are enrolled in the district through electronic media, except as set forth herein. An employee is not subject to this prohibition to the extent the employee has a pre-existing social or family relationship with the student. For example, an employee may have a pre-existing relationship with a niece or nephew, a student who is the child of an adult friend, a student who is a friend of the employee's child, or a member or participant in the same civic, social, recreational, or religious organization.

The following definitions apply for purposes of this section on Electronic Media: "Electronic media" includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), electronic forums (chat rooms), video and photo sharing sites (e.g., YouTube, SnapChat, Instagram), editorial comments posted on the Internet, and social network sites (e.g., Facebook, MySpace, Twitter, LinkedIn), and all forms of telecommunication such as landlines, cell phones, and Web-based applications.

"Communicate" means to convey information and includes a one-way communication as well as a dialogue between two or more people. A public communication by an employee that is not targeted at students (e.g., a posting on the employee's personal social network page or a blog) is not a communication; however, the employee may be subject to district regulations on personal electronic communications. See Personal Use of Electronic Media below. Unsolicited contact from a student through electronic means is not a communication.

"Authorized Personnel" includes classroom teachers, counselors, principals, assistant principals, directors of instruction, coaches, campus athletic coordinators, athletic trainers, and any other employee designated in writing by the superintendent or a campus principal.

For additional information regarding electronic media, see pages 63-68 (Electronic Communication and Data Management) in this Handbook.

### **Limited Electronic Communication With Students**

Authorized Personnel may communicate through electronic media with students who are currently enrolled in the district only within the following guidelines:

1. The employee shall limit communications to matters within the scope of the employee's professional responsibilities (e.g., for classroom teachers, matters relating to class work, homework, and tests).
2. The employee is prohibited from communicating with students through a personal social network page; the employee must create a separate social network page ("professional page") for this purpose. The employee must enable administration and parents to access the employee's professional page.
3. Only a teacher, coach, trainer, or other employee who has an extracurricular duty may communicate with students through text messaging. The employee may communicate only with students the employee teaches or supervises or who participate in the extracurricular activity over which the employee has responsibility.
4. The employee shall not communicate with any student between the hours of 11:30 p.m. and 5:00 a.m. An employee may, however, make public posts to a social network site, blog, or similar application at any time.
5. Upon request from administration, an employee will provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with any one or more currently-enrolled students.
6. The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Code of Ethics and Standard Practices for Texas Educators, including:
  - a. prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student. [See DF (LEGAL)]
  - b. confidentiality of student records. [See FL (LEGAL)]
  - c. confidentiality of other district records, including educator evaluations, credit card numbers, and private email addresses. [See FL (LEGAL)]
7. Upon written request from a parent, the employee shall discontinue communicating with the parent's minor student through email, text messaging, instant messaging, or any other form of one-to-one communication.
8. An employee may request an exception from one or more of the limitations above by submitting a written request to his/her immediate supervisor.

### **Personal Use of Electronic Media**

As role models for the district's students, employees are responsible for their public conduct even when they are not acting as district employees. Employees will be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment. If an employee wishes to use a social network site or similar media for personal purposes, the employee is responsible for maintaining privacy settings appropriate to the content. **Employees are prohibited from communicating with students through a personal social network site.**

### **Confidentiality of Data and Information**

For all electronic media, employees are subject to certain state and federal laws, local policies, administrative regulations, and the Code of Ethics and Standard Practices for Texas Educators even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus. These restrictions include:

1. Confidentiality of student records. [See FL(LEGAL)]
2. Confidentiality of other district records, including educator evaluations and private email addresses. [See GBA(LEGAL)]
3. Confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law. [See DH(EXHIBIT)]
4. Prohibition against harming others by knowingly making false statements about a colleague or the school system. [See DH [EXHIBIT]]

### **Firearms Prohibited**

Firearms are prohibited on all property of the Cypress-Fairbanks Independent School District. The prohibition includes firearms in vehicles on school property. Licensed peace officers who are serving in their official capacities are the only persons excepted from this prohibition.

Pursuant to the provisions of Texas Penal Code 46.03, an employee commits an offense if, with a firearm, illegal knife, club or prohibited weapon listed in Section 46.05(a), intentionally, knowingly, or recklessly goes on the physical premises of a school or educational institution. This prohibition extends to all school activities on or off campus and while riding any school transportation.

Additionally, pursuant to Texas Penal Code 46.035(b)(2), employees who are licensed handgun holders are prohibited from carrying a handgun, regardless of whether the handgun is concealed on or about the license holder's person, while on the premises or grounds where a high school, collegiate or professional sporting event or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event.

### **Criminal Conduct**

District employees are expected to abide by the law at all times. Conviction or adverse adjudication, including a plea of *nolo contendere* or deferred adjudication for a felony offense or misdemeanor involving moral turpitude, may be the basis for disciplinary action, up to and including termination.

### **Obligation to Report Criminal Record**

All district employees shall notify his/her principal or immediate supervisor within three (3) calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:

1. crimes involving school property or funds;
2. crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an