

McCurdy Charter School

Governance Board Member, Employee and Volunteer

Code of Ethics

PREAMBLE:

All MCS Governance Board members and all persons employed by or volunteering at the McCurdy Charter School have special legal and ethical obligations arising from their distinct roles. Inherent in these roles is the promotion and protection of public trust and confidence and avoidance of conflict of interest and appearances of impropriety. Everyone at MCS is ethically bound to place the educational and developmental interest of students above personal interests by promoting and supporting the development of good character by teaching, enforcing, advocating and modeling ethical principles.

This Code of Ethics provides clarity about those responsibilities and assist MCS Governance Board Members, MCS employees and MCS volunteers to recognize and live up to their ethical responsibilities.

CORE ETHICAL PRINCIPLES:

The first and greatest concern of an employee shall be promotion of MCS's mission to provide students with a quality education in a safe setting that reflects its commitment to the highest ethical standards.

A MCS Governance Board Member, MCS employee and MCS volunteer is expected to acknowledge and accept the ethical responsibilities stated in this Code and interpret and apply them so as to create an ethical environment that fosters public and collegial trust, personal and institutional integrity, high level of competence and accountability and a positive atmosphere characterized by integrity, fairness, respect and caring.

The specific provisions of this Code of Ethics are grounded in core ethical principles of CHARACTER COUNTS - trustworthiness, respect, responsibility, fairness, caring and good citizenship. MCS Governance Board Members, MCS employees and MCS volunteers are expected to govern their behavior with these general principles by:

- a. Being honest
- b. Treating all persons with respect
- c. Demonstrating accountability for responsibilities
- d. Pursuing excellence
- e. Striving to be fair in all matters
- f. Obeying all laws and regulations
- g. Working in cooperation with others to protect and improve the MCS community and advance the well-being of the MCS students

PURPOSE OF CODE OF ETHICS

This Code of Ethics plays a central part in the commitment of the MCS to assure that all persons involved in pursuing the mission of the MCS abide by high ethical standards in all their work-related activities and relationships. In furtherance of this purpose, all MCS Governance Members, MCS employees and MCS volunteers will abide by this Code and represent the MCS in a manner that engenders public trust in its integrity and competence.

APPLICATION OF CODE OF ETHICS

This Code applies to the MCS Governance Board Members and all MCS certified, and non-certified staff including all instructional and support personnel and MCS volunteer and MCS contractors. All are required to read and sign an acknowledgement that they have read and understand the Code as an indication of their agreement to abide by its provisions. In interpreting the provisions of this Code, all will use good faith, sound discretion and good judgment and seek to adhere to the spirit as well as the letter of specific standards. All MCS Governance Board Members and all MCS employees and all MCS volunteers will comply with all State laws and applicable MCS rules and regulations.

ENFORCEMENT

The primary use of this Code will be informative and educational. To assure adherence to the MCS Code of Ethics, the MCS will enforce its provisions. The Code is an enforceable regulation for purposes of disciplinary actions.

Violations of any provision of this Code may result in disciplinary action as well as referral to appropriate authorities for civil and/or criminal prosecution. Determinations made with respect to potential violations of the Ethics Code shall in no way preclude or replace any other legal action that may be warranted by the conduct.

STANDARDS OF CONDUCT for MCS GOVERNANCE BOARD MEMBERS, MCS EMPLOYEES AND MCS VOLUNTEERS

1. **Avoiding Appearances of Impropriety Regarding Students.** MCS employees and volunteers are entrusted with the physical and emotional safety and well-being of MCS students. To justify and maintain this trust, MCS employees and volunteers will not engage in any conduct that is likely to create in the minds of reasonable, impartial observers the perception that a relationship or interaction with one or more students is abusive, exploitive or otherwise improper. Dating and/or other social relationships including cyber relationships between employees, volunteers and students are strictly prohibited.
2. **Avoiding Appearances of Impropriety Regarding Public Power or Resources.** MCS Board Members and MCS employees are entrusted with stewardship over the MCS system. To justify and maintain public trust and confidence in the integrity and competency of the MCS, Board Members and employees shall not engage in any conduct that is likely to create in the minds of

reasonable, impartial observers the perception that they misused funds, facilities, property, time or other MCS assets or have otherwise engaged in conduct unbecoming a MCS Board Member or employee.

3. **Reporting Improper Conduct.** MCS employees and MCS volunteers shall protect students and safeguard the public's trust by reporting unethical, illegal or dangerous conduct to the MCS Director or designee. This obligation to report misconduct arises whenever a MCS employee has personal knowledge that another employee's conduct constitutes:

- (a) A violation of the law or this Code
- (b) Gross mismanagement
- (c) A significant waste of MCS funds
- (d) A abuse of authority
- (e) A substantial and specific danger to public health or safety
- (f) Other conduct that could injure the reputation of the MCS or subject it to liability

A MCS employee shall not file frivolous or unsubstantiated complaints regarding misconduct of other employees, nor shall they abuse the process by which misconduct may be reported.

4. **Prohibition of Retaliation.** MCS Board Members and employees shall not use or threaten to use official authority or influence to discourage, restrain or interfere with any other employee from reporting facts believed to constitute improper, unethical or illegal conduct nor shall they harass, punish or retaliate against any employee who has made a good faith complaint.
5. **Honesty and Integrity.** MCS employees must conduct themselves in a manner that engenders respect and justifies trust in their integrity, competency and devotion to the mission of the MCS. MCS Board Members and employees shall demonstrate personal trustworthiness by being honest and avoiding any form of falsification, misrepresentation, deception or cheating in MCS records and in all their communications and actions.
6. **Candor Regarding Supervisor-Subordinate Relationship.** MCS employees shall demonstrate a high degree of accountability by being candid and forthright in giving timely, complete and accurate information to help their superiors and members of the MCS Governance Board make informed and intelligent decisions.
7. **Atmosphere of Integrity.** A MCS employee must strive to establish and uphold an atmosphere of integrity that encourages honesty and discourages all forms of dishonesty, deception or academic cheating. A MCS employee shall assure that all official actions affecting students, including but not limited to the assignment of grades; conclusions and recommendations included in formal assessments, determinations of eligibility for special programs; accessibility to particular classes, teachers and programs; and inclusion or exclusion from sports or other co-curricular activities, shall reflect adherence to the highest standards of integrity and fairness.

8. **Improper Influence.** A MCS employee shall not engage in nor cooperate with any conduct intended to improperly influence the actions, grades or assessments of any administrator, teacher, counselor, coach or other MCS employee who makes decisions affecting students. For example, money or personal favors should not be offered in exchange for a decision affecting a student's grades.
9. **Cheating and Improper Assistance.** A MCS employee or volunteer shall not engage in nor cooperate with any conduct intended to improperly aid students in their performance on exams or participate in or allow actions designed to alter or falsify tests or grades.
10. **Confidentiality.** A MCS Board Member or employee shall abide by all laws and policies concerning confidential information. A MCS Board Member or employee must not use or disclose confidential information acquired in the course of official duties for financial gain, personal advantage or any other non-official reason.
11. **Procurement Information.** A MCS Board Member or employee who has access to confidential information relating to contracts, construction, or procurement must maintain the confidentiality of such information and not disclose or use it for any purpose other than in the proper performance of the Board Member's or the employee's MCS job or official duty.
12. **Student Records and Personnel Files.** A MCS Board Member, employee or volunteer must not use or disclose confidential, private or sensitive information acquired in the course of official duties relating to student performance and records, personnel files or other records except in the proper performance of the employee's job or official duty.
13. **Confidentiality of Meetings.** A MCS Board Member, employee or volunteer must honor confidentiality agreements and policies concerning the content and source of comments and actions occurring during staff, faculty, parent, and closed Governance Board meetings.
14. **Improper Use of Position.** A MCS Board Member, employee or volunteer shall use the authority, discretion, powers and resources arising from their public position only to advance public interest and not to attain personal or private gain or advantage for themselves or any other person.

(For provisions relating to prohibited and approved activities on school premises, see MCS Employee Handbook and/or MCS Student and Family Handbook.) In dealing with personal matters, a MCS Board Member, employee or volunteer shall not use official letterhead, title, or badge or otherwise refer to their position with MCS in a manner that would create in the mind of a reasonable objective observer the belief that the employee was seeking to induce or intimidate a person(s) to resolve disputes more favorably, provide preferential treatment, or give gratuities, discounts, favors or provide other unwarranted personal or private benefit.

15. **Unauthorized Use of MCS Facilities, Equipment, Supplies, and Mailing Lists.** A MCS Board Member, employee or volunteer shall not use or allow others to use MCS facilities, equipment, supplies or mailing lists nor engage in or allow conduct resulting in the unauthorized use of MCS resources. MCS facilities, equipment, supplies or mailing lists shall not be used by employees for personal purposes. An employee shall avoid an appearance of impropriety.
- a) **Reporting and Reimbursement Obligation.** A MCS Board Member or employee shall make reasonable effort to avoid the necessity of using MCS facilities or equipment for personal use. Where such use is not reasonably avoidable, the Board Member or employee shall promptly report and reimburse MCS for the costs of all such uses.
 - b) **Examination of Records.** MCS reserves the right to review records to determine abuse of privileges relating to the use of telephones (including cellular), pagers, computers (including internet access), copy machines, automobiles and/or transportation vehicles.
16. **Misuse of Time.** The time and services of all MCS employees during working hours are assets of MCS that should be used only for MCS business. A MCS employee shall not conduct personal business on MCS time.
17. **Misuse of Personnel.** A MCS Board Member, employee or volunteer shall not direct, cause, induce or permit another MCS employee to perform personal services or confer a private benefit on MCS time. Board Members, employees or volunteers who are asked or instructed to perform improper personal services shall refuse to do so and report the request or instruction to the Director.
18. **Negotiations for Future Employment.** In order to avoid conflicts of interest and appearances of impropriety, a MCS employee shall not discuss or negotiate the possibility of future employment with anyone except their direct supervisor or the Director.
19. **Maintaining a Respectful Environment.** The ability to resolve problems and work effectively as team members is often necessary to effectiveness. The cornerstone to a good working environment is respect. A MCS Board Member, employee or volunteer shall strive to create and sustain a respectful, fair and caring environment by treating all persons including other MCS employees, students and parents with a high degree of respect by being civil and courteous and avoiding conduct that can reasonably be construed as abusive, rude or inappropriate.
20. **Exploitive or Abusive Conduct.** A MCS Board Member, employee or volunteer shall strive to protect and safeguard the physical and mental wellbeing of all persons in the working environment. A MCS Board Member, employee or volunteer shall treat students and other MCS employees with respect, never engaging in conduct that could reasonably be construed as exploitive, physically intimidating, discriminatory, harassing (in a sexual nature or otherwise), or abusive. Language that relates to race, ethnicity, religion, national origin or sexual orientation in a profane or jokingly way, no matter what the speaker's intention, shall not be used in any job-related situation.
21. **Conflicts of Interest:** MCS Board Members, employees or volunteers shall employ independent objective judgment in performing their duties, deciding all matters on the merits,

free of partiality or prejudice and unimpeded by conflicts of interest or other improper influences.

22. Financial Conflicts of Interest. MCS Board Members, employees or volunteers shall be deemed to have a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect on:

- a.) The Board Member's, employee's or volunteer's immediate family (spouse, domestic partner, parent and minor child), distinguishable from its effect on the public generally;
- b.) Any business entity in which the Board Member, employee or volunteer has a direct or indirect investment worth \$1,000 or more or in which the employee is a director, officer, partner, trustee, employee or holds any position of management;
- c.) Any real property in which the Board Member, employee or volunteer has a direct or indirect interest worth \$1,000 or more;
- d.) Any source of income of \$1,000 or more.

23. Outside Income. A MCS Board Member, employee or volunteer shall not accept any outside earned income in any situation where a reasonable person in the education community could conclude that the receipt of the income would be inconsistent, incompatible or in conflict with their official duties. For example, employees who select textbook vendors shall not accept income from these vendors.

24. Financial Disclosure. If a MCS Board Member, employee or volunteer does accept/earn outside income this employee is required to submit a report and shall do so honestly, in good faith in a timely manner and with no intent to circumvent or evade the clear purposes of such disclosure requirements.

25. General Limitation on Solicitation. A MCS Board Member, employee or volunteer shall not solicit or accept any payments or other benefits under circumstances that would create in the mind of a fair-minded, reasonable person the belief that such funds were provided with the intent to improperly influence the employee's actions.

26. Gifts and Gratuities. A MCS employee shall not allow personal gifts, favors or benefits from vendors, parents, students or others to affect work-related decisions or actions. A gift is defined as anything of value which is provided to the extent that payment or consideration of equal or greater value is not received in return, including but not limited to tickets for sporting or cultural events, items of food, meals, use of facilities, forgiveness of debts, interest in real property, investments, or merchandise; a rebate or discount (unless the rebate or discount is normally given to any member of the public). MCS personnel shall also adhere to NMAC 6.60.9 regarding gratuities.

27. Personal Transactions with People Doing Business with MCS. The acceptance of gifts, payments or other benefits from those with whom MCS does business can be improper. MCS employees and volunteers who are in the position to make or influence a decision to spend MCS

funds shall not solicit or accept any personal benefit of more than a nominal amount (Example: Pens, note pads with vendor logo) from any single person or organization that might benefit from the employees decision. This provision does not apply to:

- a) Meals provided at an event at which the employee participates in a seminar or similar activity;
- b) Travel expenses and meals paid for by a local, state, federal or foreign government agency;
- c) Items received from a union or teachers' organization representing the employee.

28. Hiring and Promotion Decisions. A MCS Board Member or employee who is in a position to make or influence hiring or promotion decisions shall strive to select the person whose job-related competency and character most closely matches the need of the work site as demonstrated by qualifications, experience and work history and performance in the selection process.

29. Supervising Relatives. No MCS Board Member or employee will be hired, transferred or promoted to a position if that hire, transfer or promotion would create a real or perceived conflict of interest or if that hire, transfer or promotion would result in the direct supervision of one relative by another in the following line:

Father (natural or step)	Father-in-law
Mother (natural or step)	Mother-in-law
Wife	Husband
Brother (natural or step)	Brother-in-law
Sister (natural or step)	Sister-in-law
Son (natural or step)	Son-in-law
Daughter (natural or step)	Daughter-in-law
Grandparent (natural or step)	Grandchild (natural or step)

MCS will not hire any person, for any position, if the individual is related through the above listed categories, to any member of the MCS Governance Board, the MCS Director or the MCS Business Manager. MCS will not hire, transfer or promote a person to any position if the individual is in a romantic relationship with the Director or any other relationship that might compromise the Director's objectivity. (MCS Governance Board Policy A-004: Nepotism-2012)

The reason for this is because where one supervises the work of the other, serious morale issues and appearance of impropriety may be created. Unless a special written waiver is obtained from the Director, which does not negatively affect the general interest of MCS, a MCS Board Member or employee shall not:

- a) Cause or permit the hiring, appointment or transfer of a person to a position where a close relative or cohabitant would exercise contract management or direct supervision and evaluation authority over another close relative or co-habitant;
- b) Directly or indirectly recommend or advocate any personnel action that affects any close relative or cohabitant employed at MCS;
- c. Directly or indirectly cause or permit the employment of a close relative or cohabitant to be a consultant at MCS.

30. Expenditure Approval Affecting a Close Relative. A MCS employee or volunteer shall not approve any expenditure that would result in a direct financial benefit to a close relative or cohabitant.

31. Fairness. A MCS Board Member, employee or volunteer shall be fair, open-minded and impartial in exercising the employee's authority. MCS shall strive to assure that all actions promote fairness and equity for all employees, students and others affected.

32. Compliance. A MCS Board Member, employee or volunteer shall uphold all laws and regulations of the United States and the State of New Mexico and all other applicable government entities and the policies, procedures, rules and regulations of the MCS.

33. Reporting. In the event that:

- A MCS Administrator is in violation of the Code of Ethics, the violation is to be reported to the MCS Director.
- The MCS Director is in violation of the Code of Ethics, the violation is to be reported to the MCS Governance Board.
- A member of the MCS Governance Board is in violation of the Code of Ethics, the violation is to be reported to the other members of the MCS Governance Board.

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Governance Board Member, Employee & Volunteer

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ACKNOWLEDGEMENT

(To be filed in Personnel File)

I acknowledge my obligation as a MCS Governance Board Member, Employee or a MCS Volunteer to conduct myself so as to justify public trust that decisions are made on the merits, untainted by conflicts of interest.

I have fully read, understand and have in my possession a copy of the requirements of this Code of Ethics and I understand that my failure to abide by these provisions can result in administrative action, formal discipline (including termination from McCurdy Charter School), and/or other legal action, subject to my due process rights.

I understand that negative assumptions about the character of MCS employees are not intended or implied by the requirement that MCS employees acknowledge and agree to abide by the Code of Ethics.

Name (Print): _____

Signature: _____

Position Held: _____

Date: _____