

December 14, 2023

**AUTHORIZE THE COMMENCEMENT OF THE PUBLIC COMMENT PERIOD FOR BOARD RULE 4-4
STARTING DECEMBER 15, 2023**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Board authorize the commencement of the Public Comment Period from December 15, 2023 to January 15, 2024 for the Policy described in the disposition table below. Pursuant to Board Rule 2-6(c), the Board must authorize the commencement of the Public Comment Period.

| Current Policy Section/ Current Policy Title | New Policy Section/ New Policy Title | Description of Revision/Disposition |
|---|---|---|
| 4-4 Employee Requirements | N/A | <p>Amend Board Rule 4-4</p> <p>The Board is committed to fostering a professional and respectful workplace environment that values diversity and ensures the fair treatment of all employees. Since there is no current Fraternization Policy, the Talent office is requesting for one to be established to outline guidelines and expectations regarding personal relationships between employees to maintain a productive and harmonious workplace.</p> |

Approved as to Legal Form: 

DocuSigned by:

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Ruchi Verma
General Counsel

Approved:

DocuSigned by:

AA17786A4B2446C

Pedro Martinez
Chief Executive Officer

Policy/Board Rule Summary Form

| Policy/Board Rule Being Amended/Created | Policy Manager(s) |
|---|-------------------|
| Board Rule 4-4 | Jerry Taylor |

1. Why is this policy/Board rule being amended, created, or rescinded now? (e.g., state legislation, compliance change, policy was out of date, biennial policy review, CEO/CEdO recommendation, etc.)

The Board is committed to fostering a professional and respectful workplace environment that values diversity and ensures the fair treatment of all employees. Since there is no current Fraternalization Policy, the Talent office is requesting for one to be established to outline guidelines and expectations regarding personal relationships between employees to maintain a productive and harmonious workplace.

2. Please provide a high level summary of what policy/Board rule changes are being made, or created, and why.

This policy applies to all employees, including full-time, part-time, temporary, and contract employees, including those employees who are subject to a Collective Bargaining Agreement (CBA), as well as hourly/miscellaneous, interns, volunteers, and consultants. This provides guidance on disclosure and reporting of any romantic or dating relationships among employees.

3. Please provide any notable feedback from internal or external stakeholders, and how you addressed it or planned to address it in your policy/Board rule draft.

N/A

4. Please provide any additional notes/considerations in the box below.

Recent disclosures highlighted the gap created by not having a board rule.

**AMEND BOARD RULE 4-4
EMPLOYEE REQUIREMENTS**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Board of Education adopt the amendments to Board Rule 4-4, Employee Requirements, regarding employee non-fraternization.

POLICY TEXT:

Board employees must conduct themselves in a manner that is consistent with the Board's status as a publicly financed primary and secondary educational institution, and with the Board's mission to provide a high quality public education to the children of the City of Chicago. Accordingly, all applicants for employment and employees shall be subject to the following requirements:

a. *Residency.* All employees must comply with the Board's Residency Policy. Employees hired by the Board shall be advised in writing of the Residency Policy's requirements, including application procedures for waivers of the policy for teachers in special needs positions. Employees' continued employment shall be subject to compliance with the policy. Employees who violate the Residency Policy shall be subject to discipline or dismissal.

b. *Background Investigations.* As a condition of hiring and continuing to employ all employees, the Board shall conduct a fingerprint or other criminal history verification, as well as a check for substantiated reports of child abuse or neglect, with appropriate authorities, in accordance with the provisions of the Illinois School Code. To ensure that the Board does not employ and is not knowingly employing a person who has committed the crimes and offenses enumerated in 105 ILCS 5/21-23a or 105 ILCS 5/34-18.5, the Chief Executive Officer or his/her designee shall establish procedures and guidelines for conducting criminal and child-abuse-and neglect-background investigations for: (1) applicants prior to hire; (2) employed teachers at the time of their teacher certificate or educator-license renewal or at some other periodic interval that is administratively convenient; (3) all other employees at regular periodic intervals that are administratively convenient; and (4) any employee or group of employees at the direction of the Chief Executive Officer or his/her designee. Any applicant or employee whose criminal background or adjudication for child physical or sexual abuse in juvenile court child-protection proceedings excludes him/her from Board employment under the Illinois School Code shall not be hired or, if employed, shall be dismissed. Regardless of whether an applicant or employee's criminal or child-abuse-and-neglect history excludes him/her from employment under the Illinois School Code, the Chief Executive Officer or his/her designee shall consider that history, and whether the applicant or employee has made a full disclosure of that history, in determining whether to hire an applicant or whether to dismiss an employee.

c. *Convictions After Employment.* An employee who is convicted of a felony or *any* crime involving the consumption, possession, sale, distribution or manufacture of any controlled substance, as defined in 21 U.S.C. §812, 720 ILCS 570/102 or under the Cannabis Control Act, 720 ILCS 550/1 *et seq.*, or any drug that is legally obtainable but has not been legally obtained, or that is not being used for prescribed purposes or taken according to prescribed dosages must notify the Chief Executive Officer or his/her designee, by letter via certified mail, of the date, factual basis and nature of the conviction, as well as the name and location of the court in which the conviction occurred. Failure to report any conviction, as required by this Rule, in writing within five (5) days of the conviction shall constitute cause for discipline or dismissal from employment. Compliance with this Rule shall not exempt the employee from discipline or dismissal because of the conviction. Additional requirements and procedures may be set forth in the Board's Drug and Alcohol Free Workplace Policy.

d. *Certification/Licenses.* No applicant for employment or promotion to a position that requires certification and/or licensure under the Illinois School Code, or any other law or Board policy, may be hired until he or she has presented proof of proper certification or licensing by the appropriate authority. If an employee's

certificate or license lapses, or is invalid, suspended or revoked, the employee shall be subject to layoff and/or discipline or dismissal.

e. *Fitness for Duty Examinations.* All applicants for employment and employees may be required, as a condition of hire or continued employment, to submit to a post-offer or post-employment fitness for duty examination by an appropriate healthcare professional to demonstrate that they can perform the essential functions of their position and are fit for duty.

f. *Ethics Policy.* All employees and applicants for employment shall comply with the Board's Ethics Policy. Employees who violate the Board's Ethics Policy shall be subject to discipline and dismissal.

g. *Failure to Pay Municipal Debts.* The Chief Executive Officer or his/her designee may require that applicants for employment verify that they have paid all debts due and owing to the City of Chicago as a condition of employment. The failure by any Board employee to pay a debt due and owing to the City of Chicago shall be cause for discipline or dismissal. For purposes of this Rule, "a debt due and owing" means a specified sum of money owed to the City for city services, work or goods after the period granted for payment has expired and/or a specified sum of money owed to the City pursuant to a court or administrative order after the exhaustion of or failure to exhaust judicial review. Upon request of the City Comptroller, the Board may withhold wages to pay municipal debts in accordance with the provisions of the Illinois School Code and state law.

h. *Drug and Alcohol Free Workplace.* Board workplaces shall be drug and alcohol free. Accordingly, employees shall not unlawfully manufacture, distribute, possess, consume, use, or be under the influence of drugs or alcohol on Board property or premises or at any site of Board-sponsored activities. For purposes of this Rule, the term "drugs" means any controlled substance, as defined in 21 U.S.C. §812 and 720 ILCS 570/102, or any drug that is legally obtainable but has not been legally obtained, or that is not being used for prescribed purposes or taken according to prescribed dosages. The Board and/or the Chief Executive Officer or his/her designee shall establish policies and procedures to comply with federal and state Drug Free Workplace Acts and Drug Free Schools and Communities Acts. Additional requirements may be set forth in the Board Drug and Alcohol Free Workplace Policy. The Board and/or the Chief Executive Officer or his/her designee may establish additional policies and procedures for drug and alcohol testing for applicants prior to their hire, or for employees, post-hire. Such policies and procedures shall be consistent with applicable law. Applicants for employment, who violate this Rule, or Board Policies and procedures, shall be excluded from consideration for employment. Employees who violate this Rule shall be dismissed from employment.

i. *Respectful, Violence Free Workplace and Learning Environment.* It is the Board's policy that its facilities and workplaces shall be free of violence and that students, employees and visitors to its facilities conduct themselves in a manner that is respectful to others. Accordingly, employees shall not engage in any acts that are inconsistent with a respectful working and learning environment and shall not engage in any acts of violence at the workplace, or engage in any acts of violence outside of Board workplaces that have a nexus to their Board employment. For purposes of this Rule, acts of violence include use of physical force, when it is not reasonably necessary to protect persons or property from imminent harm, and acts of intimidation including, but not limited to, threats of physical force.

j. *Authorization to Work in the United States.* All employees must be legally present in the United States and possess legal authorization for employment in the United States.

k. *Compliance with Laws and Board Policies and Rules Prohibiting Discrimination.* All employees must comply with laws and Board Policies and Rules prohibiting discrimination, including laws and policies prohibiting sexual harassment.

l. *Statement Concerning Employment in a Job Not Covered by Social Security.* All employees who are employed in positions that are not covered by Social Security shall receive a "Statement Concerning Your Employment in a Job Not covered by Social Security" at the time of their hire.

m. *Obligation to Cooperate in Inspector General Investigations and to Answer Inspector General's Questions.* All employees are obligated to cooperate with the Board's Inspector General in investigations or inquiries conducted by the Inspector General as required by 105 ILCS 5/34-13.1. Employees who are interviewed by the Inspector General or his/her authorized agents and who are given a notice of administrative rights by the Inspector General or his/her agents are directed by the Board of Education to answer all questions by the Inspector General. Employees who receive a notice of administrative rights from the Inspector General or his authorized agents may not refuse to answer questions based upon the assertion of that employee's privilege against self-incrimination. Any employee who refuses to answer questions by the Inspector General or his authorized agents after receiving a notice of administrative rights shall be considered flagrantly insubordinate and to have grossly disrupted the educational process. In addition to the penalties set forth in 105 ILCS 5/34-13.1, any employee who refuses to answer the questions of the Inspector General or his authorized agent after receipt of a notice of administrative rights shall be subject to dismissal from Board employment.

n. *Employees' Duty to Maintain Confidential Records.* All employees must comply with all laws, rules and regulations, including Board Rules and Policies, governing confidentiality of student, employee and family records and information, including but not limited to, the Family Educational Rights and Privacy Act, the Illinois School Student Records Act, the Americans with Disabilities Act, the Illinois Human Rights Act and the Health Insurance Portability and Accountability Act. The Board or the Chief Executive Officer or designee shall establish standards and guidelines concerning student, employee and vendor access to and maintenance and destruction of confidential records and information. For purposes of this Rule, "records and information" include documents, audio-visual recordings, and data stored and accessed electronically.

o. *Other Requirements for Pre-Employment, Employment, Association or Affiliation.* The Board or the Chief Executive Officer or the Chief Executive Officer's designee may establish other hiring, employment, affiliation and association criteria and eligibility requirements that are consistent with the position occupied or applied for, the Board's Rules and Policies, public policy and local, state and federal law.

p. Non-Fraternization. No employee shall engage in or maintain a romantic or sexual relationship with another employee whom they manage or supervise. Additionally, no employee shall engage in or maintain a romantic or sexual relationship with another employee if they have some control or influence over the other employee's management, supervision, evaluation, and/or compensation. If employees are involved or become involved in such a relationship, one or both employees must, as soon as possible, disclose the relationship to the Chief Talent Officer or designee. One or both employees must also, as soon as possible, find other employment or resign so that the supervisory relationship no longer exists. Romantic or sexual relationships between Board employees where there is no managerial or supervisory affiliation are specifically excluded from this Rule. Employees engaged in fraternization (as described above) will be deemed "Relatives" under the Code of Ethics, and the Nepotism provisions will apply. Employees who violate this Rule will be disciplined up to and including termination from employment.