

February 22, 2024

**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. This Board rule was posted for public comment from December 15, 2023 until January 16, 2024.

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 subject to compliance with the policy. Employees who violate the following discipline or dismissal.

b. *Background Investigations.* As a condition of hiring and continuing to employ all employees, the Board

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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.

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 35/32. 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 35/34, 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 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-Fraternalization. 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

Approved for Consideration:

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