



WINDHAM SCHOOL
DISTRICT

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SUPERSEDES: None

WINDHAM BOARD POLICY

SUBJECT: EMPLOYEE-OFFENDER RELATIONSHIPS

AUTHORITY: Tex. Educ. Code § 19.004; Tex. Penal Code §§ 21.01, 21.08, 21.15, 22.011, 22.021, 39.04, 42.01(a)(10), 43.21; Tex. Fam. Code § 2.401

Reference: Texas Department of Criminal Justice (TDCJ) Personnel Directive (PD)-22, "General Rules of Conduct and Disciplinary Action Guidelines for Employees," Rule Number 42, Employee-Offender Relationships.

APPLICABILITY: Windham School District (WSD)

EMPLOYMENT AT WILL CLAUSE:

These guidelines **do not** constitute an employment contract or a guarantee of continued employment. The WSD reserves the right to change the provisions of these guidelines at any time.

Nothing in these guidelines and procedures limits the superintendent's authority to establish or revise human resources policy. These guidelines and procedures are adopted to guide the internal operations of the WSD and **do not** create any legally enforceable interest or limit the superintendent's authority to terminate a noncontract employee at will.

POLICY:

All employees, regardless of assignment, shall conduct themselves in such a manner as to merit the respect of offenders. They shall not become familiar with offenders or permit familiarity on the part of offenders.

Employees are required to report all relationships with an offender or an offender's family member. A relationship with a WSD employee who has an offender family member does not violate this rule.

DEFINITIONS:

“Employee” includes any person employed by the WSD on a full-time, part-time, or temporary basis.

“Immediate Family Member,” as defined for the purpose of this policy, includes a spouse, child, parent, brother, or sister. The intent of this policy is not to prohibit relationships between employees who have offender family members, but to encourage disclosure.

“Marriage” includes “ceremonial marriage” and “informal marriage,” which are the two types of marriage recognized by the state of Texas and are defined as follows:

1. “Ceremonial Marriage” is a marriage documented by: (1) a marriage license recorded with a county clerk; and (2) a marriage certificate issued by the county clerk.
2. “Informal Marriage,” previously known as common law, is a marriage that is not necessarily documented through a county clerk, but is valid when a couple agrees to be married and after that agreement lives together and represents to others that they are married.

“Offender” is an individual under the supervision, custody, or incarceration of the TDCJ, including a TDCJ offender housed in a privately-operated, federal, county, or other state’s facility. These individuals include, but are not limited to, parolees, individuals under mandatory supervision, incarcerated individuals, and individuals housed in county jails who have been sentenced to the TDCJ but are not yet in TDCJ custody.

“Spouse” is an employee’s husband or wife through marriage.

DISCUSSION:

Employees are required to maintain the security, decorum, and discipline of offenders who are under their direct supervision or who may appear in their areas of assignment. Employees shall not permit rough or boisterous conduct such as running, wrestling, or offensive practical jokes; loud or boisterous conversation; or vulgar or profane language.

PROCEDURES:

I. Misconduct and Prohibited Practices

- A. Employees are prohibited from associating in any manner with offenders' families during and after the offenders' incarceration, unless such associations are the result of work assignments, family associations, or social contacts that are completely unrelated to the employee-offender relationship. The establishment or continuation of any relationship with offenders or family members of offenders that jeopardizes the security of the institution is prohibited. This may include a relationship not discussed in this policy.
- B. Employees are prohibited from:

1. Correspondence with an offender;
 2. Offender visitation;
 3. Non-job related visits to an offender's residence;
 4. Non-job related visits to the residence of an offender's family member;
 5. Putting money into an offender's Inmate Trust Fund account; or
 6. The introduction of contraband and granting special privileges as a result of a personal relationship with the offender, an offender's family member, or a current or previous associate of the offender's family member.
- C. Employees are prohibited from providing character references for offenders or ex-offenders. This prohibition includes, but is not limited to, any correspondence or other communications with parole board authorities regarding an offender's character, attitude, conscientiousness, industriousness, or any other subjective attribute. All requests for information regarding an offender's or ex-offender's performance while participating in WSD educational programs should be directed to the WSD Counseling, Testing, and Records Department, which can provide appropriate objective performance data such as courses completed and certificates or degrees earned.
- D. Employees are prohibited from using force or coercion in dealing with offenders. The use of physical force is absolutely prohibited except in case of actual self-defense or emergency where the security of other employees or the institution is directly threatened.
- II. Maintaining Discipline
- A. All personnel shall be constantly aware of the necessity for security and discipline in all relations with offenders. Constant vigilance and alertness on the part of an employee protects the employee's life and the lives of fellow employees.
- B. When speaking to a fellow employee in the presence of an offender, always address the employee by a title such as Dr., Mr., or Ms.
1. The use of profanity or insulting language by employees or offenders shall not be tolerated.
 2. In the event it is found that an employee curses an offender, appropriate disciplinary action will be taken against the employee.
 3. Profanity by an offender toward an employee shall not be tolerated. If such occurs, the employee should report the action immediately to the employee's supervisor, but shall not reply in like terms or take any direct action.

- C. In giving orders to offenders, employees should use a moderate tone of voice, stating clearly what is desired and, if necessary, how it is to be done. The employee should be sure that the offender understands the order and that it is carried out. Orders should never be attempted through the use of shouting or profanity. An offender who refuses to obey an order shall be reported to an officer immediately.
- D. Maintaining discipline must never be a personal issue. The employee embodies the authority of the state and must avoid giving any impression that they are trying to impose their personal will. A quiet, firm demeanor on the part of the employee coupled with the expectancy of being obeyed, usually secures obedience. On the other hand, if employees adopt a harsh tone or display anger, they may expect to provoke a rebellious reaction on the part of the offender.
- E. Reports of offender violations should be made promptly, fairly, and factually without allowing the personal feelings of the employee to prevent fairness to the offender.

III. Employee-Offender Relationships

- A. An employee shall provide written notification of any relationship the employee has with an offender by completing the TDCJ PERS 282A, Additional Offender Information, and submitting it to the WSD Division of Human Resources. The PERS 282A may be obtained from the Careers section of the WSD website, under required documentation, or requested from the WSD Division of Human Resources. A copy of the completed PERS 282A shall be maintained in the employee's human resources file. An employee is required to provide written notification to the WSD Division of Human Resources immediately upon becoming aware of any one of the following.
 - 1. The employee has a present relationship or had a past relationship with a current offender that involved direct interaction with the offender. Examples of direct interaction include, but are not limited to, dating, former in-law, personal correspondence, and visits to residence;
 - 2. The employee has an immediate family member who is currently an offender;
 - 3. The employee had a past acquaintance with a current offender that involved regularly planned or scheduled indirect interaction with the offender, such as a high school classmate;
 - 4. The employee has a present or had a past relationship with a current offender's immediate family member involving direct interaction;
 - 5. The employee's immediate family member has a present or had a past relationship with a current offender involving direct interaction;

6. Any activity between another employee and an offender prohibited by PD-22, Rule Number 42 (a-d), concerning the following:
 - a. Cohabitation with Offender;
 - b. Failure to Provide Notification of Offender Relationship;
 - c. Continuation or Establishment of Offender Relationship that Jeopardizes Security or Compromises the Employee;
 - d. Sexual Misconduct with Offender; or
7. Any change in a previously reported offender relationship and the nature of the change.

EXAMPLE 1: An employee previously reported that an offender was an immediate family member's old boyfriend and then the immediate family member begins dating the offender again.

EXAMPLE 2: An employee previously reported an ex-spouse is incarcerated and upon the offender's release to parole, the court grants the offender visitation rights with the employee's child.

- B. An employee is prohibited from knowingly cohabiting, for example, living together or sharing housing arrangements, with an offender or an offender's family member unless the relationship has been approved or is one of the following exceptions. This rule does not prohibit an employee from cohabiting with:
 1. A spouse from a current marriage that existed prior to employment with the WSD;
 2. A spouse from a current marriage who became an offender after the employee's employment with the WSD; or
 3. One of the following by blood or current marriage: a child, daughter-in-law, son-in-law, grandchild, great grandchild, sister, brother, sister-in-law, brother-in-law, niece, nephew, mother, father, grandmother, grandfather, aunt, uncle, first degree cousin; or a child or parent by adoption.
- C. Contact with an offender or an offender's family, including through social media, in and of itself does not constitute a relationship. However, if it is determined that an employee, through such contact, has potentially jeopardized the security of the TDCJ or WSD or compromised the effectiveness of the employee, the employee shall be subject to disciplinary action.

Signature on file
Dale Wainwright, Chairman
Windham School District Board of Trustees