

Bryan ISD Educators Code of Ethics Violations

Submitted upon request by the Bryan ISD Board of Trustees

Concerning Bryan ISD Superintendent Tommy Wallis

September 2016

DISTRICT EMPLOYEE STANDARDS OF CONDUCT: BOARD POLICY DH EDUCATORS' CODE OF ETHICS

"The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. 19 TAC 247.1"

NOTE: *Where possible, supporting documentation (exhibit documents), are included in a digital folder called "Violation Exhibit Documents." The documents have been clearly labeled and a reference to the specific supporting document is included below each detailed account (below).*

1. Professional Ethical Conduct, Practices, and Performance (BOARD POLICY DH)

Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the District, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

VIOLATION A. (Salaries & titles: disregarding official policies of the District)

- During the Fall of 2015, the Superintendent informed the Deputy Superintendent (Rocka) and the Assistant Superintendent (Drozd) that they were below market value, and he instructed them to adjust their salary. He informed them that he was the Superintendent and he had the authority to give raises. Rocka and Drozd both stated that this was not the appropriate time or method and did not follow-through.

In May of 2016, raises were brought up for Assistant Superintendent Barbara Ybarra, Rocka, Drozd and Athletic Director Lance Angel. Rocka and Drozd informed the Superintendent that the board should be informed/involved in this, yet the Superintendent stated firmly that he was over raises and that board policy delegates such authority to him. He drafted memos reflecting an increase in salary and travel allowance. Drozd informed him that all Assistant Superintendent (etc.) travel allowances were rolled into their salaries two years prior. His response was, "The board doesn't know that." Drozd and Rocka were uncomfortable with these developments being done absent board approval, as is the common district procedure. The board took action June 20, 2016 and approved raises for Rocka, Drozd and Ybarra.

In a memo dated May 18, 2016, Athletic Director Lance Angel was awarded a raise that brought his annual salary to \$115,000. This action was taken without informing the board, as is the common district procedure. Later in the summer of 2016, Angel's title was changed to Executive Director of Student Health, Fitness and Athletics. The process did not follow district administrative procedures, as a position authorization form was never completed.

VIOLATION B. (Employee leave: disregarding official policies of the District)

- From June 20 – June 24, 2016, the Superintendent took vacation to Colorado to stay in the home of U.S. Rep. Bill Flores. His leave included June 20, the evening of a board meeting. This leave preceded the window of time the Superintendent previously allowed staff to take a vacation of more than two consecutive days, therefore he did not follow his own directive regarding extended leave. The so-called "leave window" was implemented years ago to ensure that staff are present when the principals are on contract.

A review of the Superintendent's leave calendar in AESOP, the District's leave tracking system, reveals that these days were never submitted for leave and were therefore not docked against his leave entitlement.

See Violation B. Exhibit Document, calendar dates June 20 – 24 (skip to .pdf page 440). This calendar view is the Superintendent's Google Calendar, which reflects the vacation taken, but the vacation was not logged into the AEOSP leave tracking software.

Standard 1.2. The educator shall not knowingly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

VIOLATION C. (diverting staff/personnel for personal gain):

- On multiple occasions, the Superintendent compelled the Executive Director of Communications and Public Affairs (Webb) to write/edit/proof resumes, cover letters, application answers and entry plans during the workday and on one or more Bryan ISD computers.

He would sometimes excuse the Executive Director from the afternoon portion of the cabinet meeting or otherwise direct him to not attend meetings and clear his schedule so that he could assist the Superintendent in finding another job.

The Executive Director was compelled over the course of three years to apply for somewhere between six and 12 positions at the behest of the Superintendent.

Overall, the Superintendent directed the Executive Director to assist with numerous job applications, however some of them were never submitted, as the Superintendent decided to pull them back at the last minute.

In addition to spending district time and resources on numerous applications, the Superintendent routinely used the district's envelopes, paper, binders and clear plastic insert sleeves to assemble and create his job application materials. He routinely shipped his applications to search firms using the district's FedEx envelopes and account number.

On March 23, 2015, a search firm asked the Superintendent to record answers to several questions using the webcam on his computer laptop. The applicant only had a few attempts to successfully answer each question.

The Superintendent assembled the Deputy Superintendent (Rocka), the Associate Superintendent (Ybarra) and the Executive Director of Communications and Public Affairs in his office first thing that morning, around 8:30 a.m., and those individuals spent the entire day, at his direction, scripting answers and assisting him with recording answers for the search firm's video application process.

The assembled team was directed to bring the district's media specialist, Mr. Darrell Taylor, into the process early that morning, because the Superintendent was struggling to provide answers without a teleprompter. The Superintendent directed Mr. Taylor to set up a teleprompter so he could read answers scripted by the cabinet (minus Assistant Superintendent Amy Drozd, who was not invited into the scripting and recording activity).

The Superintendent informed Mr. Taylor that the recording exercise was taking place, "because I've been asked to put in for an award and they want my views on these things."

While this is not a complete list, some of the districts the Executive Director of Communications and Public Affairs was directed to help the Superintendent apply for during work time include:

- Allen ISD.
- Abilene ISD.
- Fort Worth ISD.
- Plano ISD.
- Humble ISD.
- Lewisville ISD.
- Mesquite ISD.
- Rockwall ISD.
- Leander ISD.
- Coppell ISD.
- Eanes ISD.
- Katy ISD.
- Victoria ISD.

Most frequently, the Superintendent would call the Executive Director into his office to work on applications, resumes, cover letter, entry plans, etc. on his computer, at his desk. He would leave the office for the afternoon to go on campus visits, and he would direct the Executive Director to complete the work and save it directly on the Superintendent's computer. He used his district e-mail account for virtually all correspondence about job searches, applications, etc.

On a few occasions, the Superintendent would e-mail the Executive Director documents or provide them on a thumb drive.

See Violation C. Job Searches Exhibit Folder, containing numerous folders, accountings e-mail exchanges, etc. regarding job searches for superintendent during work time and utilizing work personnel, resources. The folder contains directives to staff (Webb) to perform these tasks during work time and correspondence involving search firms and the Superintendent. The folder also contains the scripts detailed above during the all-day video filming session (see: "Wallis Video Script in the Violation C Job Searches" folder.)

VIOLATION D. (diverting property for personal gain):

Since his home in the rural part of Brazos County was built about three years ago, the Superintendent has refused to pay for the rural trash collection service. Instead, every week he brings bags of his personal, domestic trash to Central Office, pulls up next to the dumpster and offloads his home trash in the district trash can. This goes beyond incidental use; rather, his domestic trash is dumped at work every week, and has been for years.

When questioned about this activity, which he does in broad daylight as people are arriving to work in the morning, he states, "I pay enough for trash service in this district. I pay a fortune to have trash collected at schools, and I'm not about to pay for trash service at my house." This activity has been witnessed by dozens of people, dozens of times.

VIOLATION E. (diverting property for personal gain):

- In the summer of 2016, while the Superintendent's personal vehicle was being repaired for more than one week, he used a district vehicle for personal use, including taking the vehicle home overnight. It is unclear who, if anyone, approved this use.

Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

VIOLATION F. (fraudulent requests for reimbursement):

- The Superintendent submitted an airline flight change fee of **\$80** for reimbursement. This expense was incurred as a result of his personal job interview on July 12, 2016 for the Superintendent position in Leander ISD.

Additionally, the Superintendent charged the District's American Express credit card **\$239.75** for his hotel stay the evening of July 12, 2016 (the evening of the Leander ISD job interview). He was slated to attend the USAA Superintendent's conference in Annapolis, MD the day of the interview, but he delayed his departure due to the job interview. The hotel expense could have been avoided had he traveled home after the Leander interview. The Superintendent did not leave the Austin airport until 10:55 a.m. July 13, 2016, meaning he could have traveled home the evening before (after the interview) and returned to Austin in time to make his July 13 flight.

See Violation E. Fraudulent Requests for Reimbursement Folder, containing an accounting of the flight change charge (indicating the flight departure time). The

hotel bill was previously submitted in a preliminary submittal of documents.

Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

- See Violations C, D, E, G
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Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage.

This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

VIOLATION G. (accepting gifts or tokens from organizations in recognition or appreciation of service):

- During the period of July 25, 2016 through July 29, 2016 a Request for Information (RFI) was in process pertaining to a contract award for Benefits Administration. During this same period of time, the Superintendent had inappropriate conversations with one of the vendors involved, including communication about what questions the review committee should ask. The Superintendent directed the Deputy Superintendent (Rocka) to add specific questions to the process—these questions were specifically provided to the Superintendent by TCG, a vendor involved in the RFI.

On July 18, 2016 the Superintendent told staff (Rocka and Drozd) that he was, “the Superintendent, Ronnie O’Neal (Director of Risk Benefits) needs to understand I’m the Superintendent, and I can choose TCG (as the benefits administrator).”

On August 26, 2016 the Assistant Superintendent (Drozd) informed the Superintendent that the selection was close, but TCG was not in the lead. His response was, “If it’s close, it needs to be TCG.”

It should be noted that TCG is connected via a family relation to a Superintendent search firm headed by Dr. Mike Moses. This firm has conducted multiple Superintendent searches involving Dr. Wallis, and on August 25, 2016 the Superintendent told the Executive Director of Communications and Public Affairs that he, didn’t “care what Amy (Drozd) and Tim (Rocka) say, I’m not biting the hand that feeds me. We’re going with TCG and Mike Moses.”

See Violation G. TCG Vendor Contact. These documents reflect the questions sent from the vendor TCG to Dr. Wallis’ home e-mail address, then forwarded by him

to his work address, then extracted (to remove e-mail header info.) and forwarded to the Deputy Superintendent (Rocka). In addition, the e-mails establishing the connection between Dr. Wallis and Dr. Moses, who heads a superintendent search firm are established in the “Leander” search folder and other documents throughout the “job search” documents.

VIOLATION H. (accepting gifts or tokens from organizations in recognition or appreciation of service):

- TCEA Superintendent of the Year ring—Once the Superintendent earned the Texas Computer Educator’s Association (TCEA) “Superintendent of the Year” award in February 2016, the Balfour Company produced a large decorative “TCEA Superintendent of the Year” ring and presented it as a gift. The ring exceeds the dollar value of required disclosure (which is \$50), and, to date, no such disclosure has been made.

See Violation H. Accepting Gifts or Tokens, containing a mock-up of the graphic for the ring, correspondence with the vendor (Balfour) about the ring and a representative sample of mass produced rings Balfour creates, which exceed \$400 in cost. It should be noted this TCEA ring is a custom-made, “one-off” product, meaning a singular mold must be made and struck, and typically these rings are considerably more expensive than mass produced models, meaning the cost would likely soar well beyond \$400.

Standard 1.6. The educator shall not falsify records, or direct or coerce others to do so.

VIOLATION I. (coercion to falsify records):

- In the Spring of 2015, an Open Records request came in seeking e-mail exchanges between certain district personnel. As is the established custom, the School Attorney (Wright) fulfilled the request and alerted the Executive Director of Communications and Public Affairs to anything that he felt could warrant media coverage or reflect negatively on the district. One such document was an e-mail exchange where a district employee made an offhand, snide remark about someone.

The School Attorney pointed this out to the Executive Director (Webb) in order to raise awareness. The Executive Director informed the Superintendent that the e-mail that the e-mail would have to be disclosed. The Superintendent informed the Executive Director that he or the School Attorney should just take that document out of the stack of documents the District was providing.

He said, “What’s one e-mail out of dozens? They’ll never miss it, and if we don’t provide it, they’ll never know it existed.”

The Executive Director told him this was not something we should ethically or legally do, and that we could not do it. The Superintendent took a copy of the document and said, "Harry (the School Attorney) is new. He doesn't know how things work around here yet. I'll go see him and take care of this."

He then spoke to the School Attorney and suggested or directed that the document be destroyed and not handed over to the requesting party. The School Attorney cited his ethical and legal obligations to uphold the law and the principles of his legal profession. He refused to comply. Ultimately, the documents were supplied to the requester, including the controversial document that the Superintendent wanted removed.

Standard 1.10. The educator shall be of good moral character and worthy to instruct or supervise the youth of this state.

VIOLATION J. (moral character):

- On April 11, 2016 the Superintendent entered into a discussion with the Associate Superintendent (Ybarra) while the Deputy Superintendent (Rocka) and the Executive Director of Communications and Public Affairs (Webb) were present. Apparently frustrated with Curriculum Director Leslie Holtkamp, the Superintendent said to Ms. Ybarra, "What does Leslie Holtkamp do, except go around with her blonde hair and big titties? What value does she add?"

VIOLATION K. (moral character):

- On September 12 the cabinet assembled with the Superintendent to cover some current topics, including a looming \$2 million shortfall in the district's healthcare fund. The Assistant Superintendent (Drozd) attempted to summarize a conversation previously held with the Superintendent about the idea of adding a surcharge to employees who cover their spouses on the District's healthcare plan when that employee's spouse's employer provides legally adequate healthcare. While the topic had been discussed before, and the Superintendent was not supportive, the Assistant Superintendent was compelled to report back during the cabinet meeting that a committee assembled to review/assess the healthcare fund had, in fact, wished to study the idea further and potentially recommend it.

The Superintendent became agitated and began berating Drozd, cutting her off, and escalating his volume. He would not allow her to complete her update and indicate the committee's preference, which she is duty-bound to do. The conversation was recorded and reflects a typical exchange during cabinet meetings and is illustrative of the Superintendent's habit of loud, abrasive and aggressive argumentative tactics to silence staff.

See Violation K. Moral Character Insurance Conversation, containing a recording of the exchange detailed in this narrative. It should be noted that at least one individual in the room was aware the incident was being recorded, which meets the legal standard in Texas for making a recording of someone, even if they are unaware they are being recorded. A transcript of the conversation is also in the document exhibits (see Violation K. Transcript).

VIOLATION L. (moral character):

- On August 16, 2016, the day of Convocation, the Superintendent spent the afternoon traveling to various departmental meetings throughout the District. At the Fine Arts departmental meeting, held at Rudder High School, the Superintendent spoke to a full room of faculty and Fine Arts personnel.

During his remarks, he detailed instances where his son became involved in Fine Arts. He detailed that his son had joined Fine Arts and was called a “Faggot, Homo and a Queer.” After a year had passed, many of those name callers had joined Fine Arts themselves.

The Superintendent uttered the words “Faggot, Homo, Queer,” in a very loud voice, three different times during his 10-minute remarks. On hand to witness these inappropriate words were the Fine Arts faculty and staff. Also present were the Executive Director of Communications and Public Affairs (Webb) and the Assistant Superintendent (Drozdz). Many in the room appeared to be uncomfortable with these harsh words.

That same afternoon, August 16, 2016, the Superintendent traveled to Bryan High to attend various departmental meetings, including one for the Bilingual Department. This year’s theme for Convocation was “Rock Solid,” and all employees received a rock, and when the Superintendent walked in the meeting he heard one of the staff in the room (of more than 100 people) say, “Oh, get your rocks ready!”

Obviously misinterpreting the remark to mean that the group should get ready to stone him (instead of the intended reason which was to pull out their “Rock Solid” rocks and show him they were on board with his message), the Superintendent angered quickly, got loud and said, “What? Well I’ve got some rocks I can throw, too. I’m Superintendent. I can throw lots of rocks...” The room immediately went quiet, and more than 100 witnesses observed his obvious anger, including the leadership team for the Bilingual Department.

He angered further during his remarks when he referenced the \$6,000 bilingual stipend and no one clapped. He paused and snapped at the group, “Hey—it’s ok

to clap, you know!" In later conversations with staff in the room, it was revealed that they did not understand his "rock throwing" comment and not all of them understood the context of his comment about the bilingual stipend, so they did not know if it was appropriate to clap.

2. Ethical Conduct Toward Professional Colleagues (BOARD POLICY DH)

Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.

VIOLATION M. (making false statements about a colleague):

- During the 2015-2016 school year, some six principals resigned, retired or were reassigned. The Superintendent expressed anxiety to the cabinet about the number of principal positions changing hands and stated that he felt the board would begin to take notice. At this same time, SFA Principal Brandon Jayroe was actively seeking employment outside the district.

He was offered a position as a CTE High School principal in Tyler ISD. He announced to his faculty, students, parents and the community that he would be leaving. Then, rather quickly, he retracted that announcement.

The Associate Superintendent (Ybarra) was present when the Superintendent stated that he had called the Tyler ISD Superintendent to complete the reference request. He informed the leadership there that Dr. Jayroe was not fit to be a CTE principal, thus eliminating Dr. Jayroe's opportunity to relocate to a job he desired.

Standard 2.3. The educator shall adhere to written local Board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

VIOLATION N. (evaluation of personnel):

- While the superintendent has evaluated *some* of his direct reports in prior years, for the 2014-2015 school year he did not evaluate the Deputy Superintendent (Rocka) or the Superintendent's assistant Tiffany Lee (who has not been evaluated for the past two years).

EMPLOYEE STANDARDS OF CONDUCT

DH
(EXHIBIT)

EDUCATORS' CODE OF ETHICS

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. 19 TAC 247.1

1. Professional Ethical Conduct, Practices, and Performance

Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the District, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

Standard 1.2. The educator shall not knowingly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

Standard 1.6. The educator shall not falsify records, or direct or coerce others to do so.

Standard 1.7. The educator shall comply with state regulations, written local Board policies, and other state and federal laws.

Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

Standard 1.9. The educator shall not make threats of violence against District employees, Board members, students, or parents of students.

Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

EMPLOYEE STANDARDS OF CONDUCT

DH
(EXHIBIT)

Standard 1.11. The educator shall not intentionally or knowingly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

Standard 1.12. The educator shall refrain from the illegal use or distribution of controlled substances and/or abuse of prescription drugs and toxic inhalants.

Standard 1.13. The educator shall not consume alcoholic beverages on school property or during school activities when students are present.

2. Ethical Conduct Toward Professional Colleagues

Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.

Standard 2.3. The educator shall adhere to written local Board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.

3. Ethical Conduct Toward Students

Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

EMPLOYEE STANDARDS OF CONDUCT

DH
(EXHIBIT)

Standard 3.5. The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.

Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

Standard 3.8. The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.

Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, e-mail, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

- a. The nature, purpose, timing, and amount of the communication;
- b. The subject matter of the communication;
- c. Whether the communication was made openly or the educator attempted to conceal the communication;
- d. Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
- e. Whether the communication was sexually explicit; and
- f. Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

19 TAC 247.2