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## **Ethics and the Teaching Profession**

### **A Primer for LEA Members**

(Previously supplied to members in two issues of the *LEAdvocate* provided electronically, members have requested paper copies of these articles so members may file and refer to the information as needed).

### **What is the Code of Ethics for Teachers and Why Is It Different than for Other Professions?**

Without a doubt, times have changed for members within the teaching profession. Pregnant teachers do not have to resign when first they begin to show that they are pregnant. Teachers do not surrender their freedom of speech outside of their classrooms because of their chosen profession. Teachers can actually have a drink of alcohol or be seen in establishments that serve liquor without having to drive to another town in hopes of not being observed. Teachers have protections regarding academic freedom, grading, and the teaching of controversial subjects within their classroom as long as they follow LPS Board policies.

But one thing hasn't changed: *Teachers are held to a higher standard of ethical behavior than nearly any other profession.* Behavior in one's personal life that for individuals in some professions might produce a slap on the wrist or even go by uncommented upon, can actually jeopardize a teacher's career—both their employment as well as the maintenance of their state teaching credentials.

For a better understanding as to why this is, here is a slightly revised, edited excerpt from an article posted on the Internet entitled "Breach of Ethics" by A. Osobka from [http://www.geocities.com/pan\\_andrew/teachers.htm](http://www.geocities.com/pan_andrew/teachers.htm). The editorial emphasis throughout the following excerpt is ours.

#### **SIMPLY PUT, WHAT ARE ETHICS?**

"Ethics is a collection of moral standards by which each person should be guided in their private and professional life. It tells us right from wrong, and how to live moral lives. The teaching profession, as many others, has its own code of ethics, which describes the process of grading students and teacher's behavior in the classroom as well as outside the premises of the institution. *It is one of few professions which evaluates the totality of behavior of an individual and its potential influence on others, in this case – students.* Ultimately, it is young people, with their personality and knowledge of the world still in the formative process, whose individual tendencies and characteristics are the most susceptible to and affected by any kind of negative influences.

When discussing teacher's ethics, one must consider it on two separate plateaus. Firstly, the legal one, or so to say, administrative, where all aspects of teacher's behavior, teaching procedures, and assessment of students are framed into a set of regulations drawn up by the Board of Education and by individual schools. And secondly, at the personal level, which includes a teacher's own attitude and con-

duct that is not otherwise proscribed/prescribed by law or whose breach might never be detected or pursued in a grievance process.

*The teacher's code of ethics comprises his/her duties, responsibilities, attitude, honesty, and most of all - fairness. One can become a better teacher by becoming a better human being, which in case of lawyers, for instance, might be the opposite."*

### **WHAT ARE THE POTENTIAL BREACHES OF THE TEACHER'S CODE OF ETHICS?**

**Here is a list of a few potential breaches of the "Code" in no particular order:**

- ❖ Having inappropriate relationships with students (sexual, business partnership, "after school buddies," drinking binges, etc.)
- ❖ Violation of clearly stated school rules and educational procedures
- ❖ Failing to perform duties (no teaching, chaos, wrong attitude toward the teaching profession, etc.)
- ❖ Imposing on students personal views unrelated to the subject of a lesson or promoting such, especially some that do not represent the main stream (extreme political or religious views, views on controversial social issues, interest of a particular social group, etc.)
- ❖ Improper grading, partiality, and lack of fairness (based on who is liked, who is not; race, past performance, background, etc.)
- ❖ Exposing students to embarrassment or disparagement (emotional or psychological harassment) Invading students' privacy
- ❖ Engaging students in unethical behavior
- ❖ Accepting gifts and favors, quid pro quo ("for a bribe blinds the eyes of the wise and twists the words of the righteous"), and
- ❖ Deceiving students and their parents.

*"This list can go on, from violations of criminal laws, through commonly-accepted standards of good and evil, violation of public trust, to unprofessional job performance. The areas of many of them may overlap; what constitutes a violation of public trust might as well be against the law and professionalism, but still within the teachings of morality."*

**some important pointers are in order for LEA members regarding the last portion of the above excerpted article regarding alleged criminal violations:**

### **IF A MEMBER IS TICKETED FOR A SERIOUS CRIME.—**

Some members are unaware that if they are charged with "any felony or misdemeanor criminal charges" or any arrests of a serious criminal manner, they in "notify Human Resources by the next working day" or be subject to "disciplinary action, up to and including termination" according to LPS Board Policy 4790. This Board policy does not allow the member to wait for a trial, sentencing, or for going through pre-trial diversion (see below). The LPS Policy goes on to state that the kinds of charges that must be reported include:

- "1. The maximum penalty for the crime charged equals or exceeds six months incarceration or;
2. Related to child abuse, neglect or welfare or;
3. Job responsibilities are impacted or;
4. An employee's Commercial Drivers License is impacted or;
5. A penalty of incarceration is imposed or;
6. Arrest or criminal activity occurs while employee is on duty, or at a school attendance facility, on school property, at a school-supervised activity or school sponsored function, or in a school owned or utilized vehicle.

"Legal documents relating to criminal charges, arrests, and child abuse complaints shall be treated and maintained as part of the employee's confidential criminal background file."

### **WHAT ABOUT PRE-TRIAL DIVERSION?**

Pre-trial diversion is "also known as adjournment in contemplation of dismissal or conditional dismissal. A program in which a defendant essentially is put on probation for a set period of time and his or her case does not go to trial during that time. If the defendant meets the conditions set by the court, then the charge will be dismissed (<http://www.lectlaw.com/def2/p068.htm>). If a member goes through a pre-trial diversion program to settle a criminal matter, the member needs to realize that pre-trial diversion is not the same as a "not guilty" verdict or having a case dismissed by a judge or the courts. Hence, by the very nature of the teaching profession and its code of ethics, teachers going through pre-trial diversion programs may still experience job security problems.

*The "catch-22" for teachers* is that publicity of any kind regarding a teacher in any alleged criminal activity puts the teacher at greater risk for being involved in a situation where either the public's trust or that of the school district's (or both) of the teacher is made vulnerable and the teacher's job security may be endangered.

### **MEMBERS AND THEIR PRINCIPALS**

Depending upon the relationship the member has or perceives that they have with their principal, members facing job security concerns sometimes turn to their principal as someone in which they hope to be able to confide or seek counsel. Members should be extremely cautious about doing such and remember that principals, because of their position and responsibilities, are and must be agents of the District. *To try to form a confidential relationship with or seek support from a principal puts the principal in a very awkward position and the member at risk.*

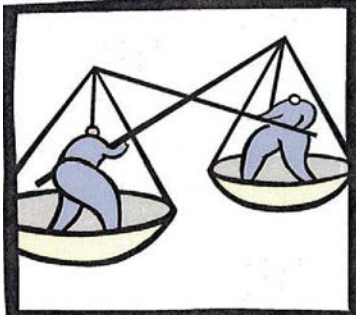
### **MEETINGS AT THE OFFICE OF LPS HUMAN RESOURCES**

If a member is ever called to a meeting with the Assistant Superintendent for Human Resources (Dr. Nancy Biggs) for anything that might be related to an issue regarding disciplinary action or their employment, the member should never go to the meeting without representation from the LEA professional staff. If in doubt about the need for representation, call LEA (489-7500). Do not make assumptions and attend the meeting alone. If LEA staff are booked for the time the meeting is scheduled to be held, LEA staff will arrange with the Human Resources department for a different time for the meeting.

## **The Teacher Code of Ethics for the State of Nebraska**

Nearly every state in the United States has a Code of Ethics for teachers. In 1967, the Nebraska State Legislature declared that "teaching and the related services including administrative and supervisory

services are a profession, and that this profession shall possess all the rights, responsibilities, and privileges accorded all other recognized professions. In accordance with this declaration, the State Board of Education... adopted Standards of Conduct and Ethics for teachers and administrators who hold Nebraska school certificates issued by the Nebraska Department of Education... Failure to abide by the standards may subject a certificate holder to disciplinary action by the Commissioner of Education, the Professional Practices Commission, or the State Board of Education" (State of Nebraska Department of Education Standards of Conduct and Ethics for Holders of Public School Certificates Preamble).



**Foremost among the Standards are five principles established by the NDE:**

Fundamental to the pursuit of high educational standards is the maintenance of a profession possessed of individuals with high skills, intellect, integrity, wisdom, and compassion. The educator shall exhibit good moral character, maintain high standards of performance and promote equality of opportunity.

Mindful that a profession exists for the purpose of serving the best interests of the client, the educator shall practice the profession with genuine interest, concern, and consideration for the student. The educator shall work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals,

- III. The magnitude of the responsibility inherent in the education process requires dedication to the principles of our democratic heritage. The educator bears particular responsibility for instilling an understanding of and confidence in the rule of law, a respect for individual freedom, and a responsibility to promote respect by the public for the integrity of the profession.
- IV. In the belief that the quality of the services to the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to improve service, to promote a climate in which the exercise of professional judgment is encouraged, and to achieve conditions which attract persons worthy of the trust to careers in education. The educator shall believe that sound professional relationships with colleagues are built upon personal integrity, dignity, and mutual respect.
- V. The educator shall regard the employment agreement as a pledge to be executed both in spirit and in fact. The educator shall believe that sound personnel relationships with governing boards are built upon personal integrity, dignity, and mutual respect.

**With each of the above "principle" there are specific mandates spelled out for educators.**

The LPS Board of Education, likewise, has stated in policy (4760) that LPS "expects all certificated employees to abide" by the NDE Standards of Conduct and the above principles, and includes the standards among the LPS Regulations for professional educators. The complete LPS Board Policy and the Regulations which include the "Principles" and above mentioned mandates for certificated staff can be assessed at: [http://www.lps.org/about/policies/documents/4000\\_000.pdf](http://www.lps.org/about/policies/documents/4000_000.pdf). The pertinent pages among the pdf file run from pages 84-89.

*Failure to meet the NDE Standards of Conduct place teachers at risk not only with their LPS employment, but with the maintenance of their teaching certificate because complaints can and will be filed with the NDE's Professional Practices Commission regarding alleged violations of the Standards for investigation and possible action by the Commissioner of Education.*

## SO WHAT DOES IT ALL MEAN?

❖ As stated in the first article, the plain and simple fact is that teachers are held to a higher standard of conduct than other professions because teachers are working with children who are not only receiving an education at school, but are in the formative stages of their development, even during adolescence. The Code of Ethics mandates that educators value the worth and dignity of individuals, for teachers to place their primary concern for the development of each student's potential, and to strive to achieve and sustain the highest degree of personal ethical conduct.



❖ It is a fact that *relatively few educators ever commit violations of the Code of Ethics* even though teachers are held accountable for their private lives, as well as their public lives more than other professionals.

- ❖ **As long as members are aware of the expectations and standards for their profession and they use common sense and rational judgment, problems seldom do or will occur.**
- ❖ If you or a member in your building ever has questions about standards of behavior or expectations for educators, call the LEA Office without hesitation (489-7500).
- ❖ If you become aware of a colleague who is a **member** of the LEA/NSEA/NEA who is dealing with allegations that they may have violated Standards of Conduct or the NDE Code of Ethics, encourage them to contact the LEA.
- ❖ Keep in mind that the Association respects a member's confidentiality and that when a member is receiving support, advice, and representation from the Association and/or the NSEA law firm that there is little if anything that will be released to others about the member's case regardless of whether the case is in a formative or on-going stage and even when the case has been concluded.
- ❖ Should members have actually become involved in criminal behavior they should never actually say so to an Association representative (or to anyone else for that matter). Members and LEA staff do not legally have a "client/attorney" privilege. If a member feels they need the protection of a "client/attorney" relationship, LEA staff will assist or advise the member regarding an appropriate attorney.
- ❖ Members receive legal services via their local Association who provides NSEA with the necessary documentation to trigger those legal services. When it comes to legal services for teachers in the state of Nebraska as it relates to job security issues, it can be said with confidence that *no attorneys know the law for educators better than those retained by the NSEA*. Many of the laws that are a part of current state statute were written by NSEA attorneys and were placed into law by NSEA lobbying and pro-public education senators supported by the NSEA.
- ❖ Going outside of the NSEA for legal services having to do with job security is done *at great risk by any member* because few attorneys have the legal background or the working relationships and experiences with school law firms as does the NSEA law firm. Employing an attorney outside of the NSEA law firm for job security actions also invalidates a member's access to NSEA legal services as the NSEA has a policy that their attorneys will not coordinate efforts with other attorneys on a job security case (this rule does not apply to individuals who have the necessity to retain a criminal lawyer since the NSEA does not represent members in criminal matters except for charges as they relate to corporal punishment).
- ❖ The attorneys working for NSEA members *accept only educator cases*; they never represent school boards.



Members who would like to access the entire NSEA Legal Assistance Policy may do so by going to the LEA website page and click on the handbook that contains the NSEA Legal Assistance Policy at: <http://www.lincolneducationassociation.org/memberresources.html>

Members need to keep in mind that the NDE Standards of Conduct apply to school administrators as well as to teachers. Members should contact LEA should they or other members in their building have concerns about how their administrators are meeting their responsibilities as they relate to the NDE Standards of Conduct.

Additional source for this article: <http://www.palmbeach.k12.fl.us/Jobs/codeofethics/ethics.pdf>.



## **An Informed LEA Member Speaks Out on the Nebraska Teacher Code of Ethics**

Many LEA members know Daniel Ross, former LEA Vice President, member of the LEA Board of Directors, member of the NSEA Board, and one of two current Nebraska representatives to the NEA Resolutions Committee. His participation in and knowledge of the Association is too encompassing to list here. He currently teaches at Calvert Elementary School and is an LEA faculty representative, too. What many members may not be aware of is that Daniel Ross is also a teacher representative on the state-wide Nebraska Professional Practices Commission. This

group hears and makes recommendations on formal complaints that come before the Board.

Following the April 19<sup>th</sup> Faculty Representative Council in which LEA UniServ Director Dan Studer enlarged upon his monthly written report to FR's and spoke about teachers, the Code of Ethics, and the up-coming *LEAdvocate* articles on the subject, Daniel Ross sent the following message:

"Your presentation came back to me on Saturday at NE Professional Practices Commission. The chief counsel for the Dept. of Ed. reminded us that one mistaken assumption educators hold is that every aspect of their private lives will remain private. The tax paying public sees educators as educators 24 hours a day, every day of the year, and so does the State Department of Education. The personal conduct of every one of us is examined way more carefully than that of most other citizens.

"That's where Association membership is so important. The director of Human Resources for Millard sits on the Commission also, and he has told me he would always rather deal with a member than a nonmember because the Association knows how to handle issues of employment and performance."

Daniel concluded his comments with this sage advice: "We need to keep hammering away at the issue with our membership. They need to be aware of the consequences of their actions so they always make well-informed, conscious decisions in their lives. Likewise, non-members need to wise up and join the Association."

### Contacts:

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