

April 20, 2007

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## Ethics and the Teaching Profession



### Helping LEA Members Be Informed—

#### Part One in a Series of Two:

### **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 conduct 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 must “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.*

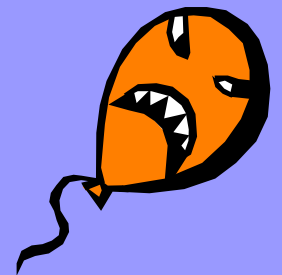
### MEETINGS AT THE OFFICE OF LPS HUMAN RESOURCES

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.

→ **NEXT ISSUE: In Part Two we’ll look at the specific Teacher Code of Ethics for the State of Nebraska and conclude the article with a section entitled “What Does It All Mean?” for members.**

## The LEA Poll...

*Last issue* we asked LEA members about a proposed/suggested new No Child Left Behind requirement to create a new “Highly Qualified **Effective** Teacher” requirement. LEA members had a definite opinion on this poll question!!! Of the LEA members who responded to the poll, 89.3% thought this was a **bad** idea, 3.6% thought it was a **good** idea, and 7.1% were **not sure**.



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