



ETHICS AND CONDUCT *WHAT IS THE PURPOSE?*

Nicole Heimarck
NHSBA

Essential Questions



- Why this body of work? Why now?
- What is the difference between a code of ethics and a code of conduct?
- What are the implications of these codes for the state? For districts?
- What are my roles and responsibilities as an educator?
Administrator? School Board Member?



STATUTE

TITLE I
STATE AND ITS GOVERNMENT
CHAPTER 21-N
DEPARTMENT OF EDUCATION
Section 21-N:9



... shall adopt rules, pursuant to RSA 541-A, relative to minimum standards for ... as authorized by RSA 104.6
... as authorized by RSA 104.6
... as authorized by RSA 104.6 and 109.2
... as authorized by RSA 541-A, relative to ...
... for school building construction.
... health safety plans.
... school advisory councils.
... study.

(1) The establishment and enforcement of a code of ethics for certified educational personnel, which shall be adopted no later than July 1, 2018. This professional code shall include a statement of purpose and standards defining each of the 4 primary principles which are:

- (A) Responsibility to the education profession and educational professionals.
- (B) Responsibility to students.
- (C) Responsibility to the school community.
- (D) Responsible and ethical use of technology as it relates to students, schools, and other educational professionals.

(2) The professional code of ethics shall apply to all teachers, supervisors, administrators, and other personnel licensed or seeking licensure in the education profession in the state of New Hampshire. In this subparagraph, "teacher" means a person who has applied for or holds a valid teaching license, credential, or other equivalent certificate issued by the state board of education.

RSA 21-N:9, II(CC)

RULES

PART ED 510 CODE OF CONDUCT

Section Ed 510.01 Principle 1 – Responsibility to the Education Profession and Educational Professionals
Section Ed 510.02 Principle 2 – Responsibility to Students
Section Ed 510.03 Principle 3 – Responsibility to the School Community
Section Ed 510.04 Principle 4 – Responsible and Ethical Use of Technology
Section Ed 510.05 Duty to Report

... DENIAL, INVESTIGATIONS AND DISCIPLINARY PROCEEDINGS
 Section Ed 511.01 Complaints, Cases and Investigations
 Section Ed 511.02 Reprimand, Suspension, or Revocation
 Section Ed 511.03 Disciplinary Hearings
 Section Ed 511.04 Status of a Credential Pending Completion of Disciplinary Proceeding
 Section Ed 511.05 Grounds for Reinstatement After Suspension

... MASTER PLAN AND RECERTIFICATION
 Section Ed 512.01 Local Professional Development Master Plan
 Section Ed 512.02 Development Plan
 Section Ed 512.03 Evaluation of Educators Under the Professional Development Master Plan
 Section Ed 512.04 Educators Not Under the Local Professional Development Master Plan

... REQUIREMENTS FOR INITIAL CERTIFICATION
 Section Ed 514.01 Basic Academic Skills and Subject Area Assessment
 Section Ed 514.02 Validation Studies
 Section Ed 514.03 Highly Qualified Teacher

... APPROVAL OF PROFESSIONAL PREPARATION PROGRAMS
DEFINITIONS
 602.01 Definitions
PROCEDURES FOR APPROVAL
 602.01 Scope of Approval Process
 602.02 Evaluation Requirements
 602.03 Demonstrated Competencies
 602.04 Approval Requirement
 602.05 Application Fees for Program Approval
 602.06 Option 1
 602.07 Option 2
 602.08 Option 3
 602.09 Approval Recommendations




NEA • NEW HAMPSHIRE

NHSBA
NEW HAMPSHIRE
SCHOOL BOARDS
ASSOCIATION
Established 1966

NHSAA
[New Hampshire School
Administrators
Association](#)

aft A Union of Professionals

IHE NETWORK
A CONSORTIUM OF NH EDUCATOR
PREPARATION PROGRAMS

The Council for
Teacher Education

**NH Professional
Standards Board**

School
Principals

New Hampshire
Department of Education

Why Ethics & Conduct

PURPOSE

- ✓ To elevate the profession
- ✓ To be proactive
 - ✓ *By providing guidance & tools*
 - ✓ *By sparking the conversations & elevating awareness*
- ✓ To provide clarity to the field
 - ✓ *Process*
 - ✓ *Responsibility*
 - ✓ *Personnel vs license*
- ✓ To be responsive to legislation

Defining a Profession




“An ethics code reflects a collective decision that a profession is better off when ethical standards are not based solely on individual assessments of what is or is not acceptable.”


Fisher, C. (2013). Decoding the Ethics Code: A practical guide for psychologists (3rd edition).




The Difference



Code of Conduct
NH's Principles of Professional Conduct



Code of Ethics
The Code of Ethics for New Hampshire Educators





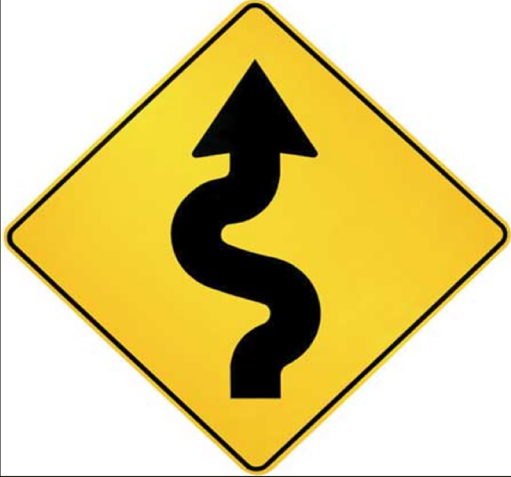
Code of Conduct

- Principle 1- Responsibility to Students
- Principle 2 - Responsibility to the Education Profession and Educational Professionals
- Principle 3 - Responsibility to the School Community
- Principle 4 - Responsible and Ethic Use of Technology


An educator shall not engage in harassment, stalking, or bullying via electronic media.

- Principle 5 - Duty to Report





Code of Ethics




Code of Ethics

- Principle 1- Responsibility and Commitment to the Student
- Principle 2 – Responsibility and Commitment to the Education Profession and Colleagues
- Principle 3 – Responsibility and Commitment to the School Community
- Principle 4 – Responsible and Ethical Us of Technology as it relates to Students, Schools and Other Education Professionals

In fulfillment of this principle, the professional educator: When communicating with students, utilizes social media responsibly, transparently and primarily for the purposes of teaching and learning


Nexus Between Ethics and Conduct

(Hutchings, T. 2016)



Codes of Ethics

- Guide Decision-Making
- Mitigate Risks
- Protect the Profession
- Protect the Educator
- Protect Student Welfare



Codes of Conduct

Defines the Boundary Possible Sanctions

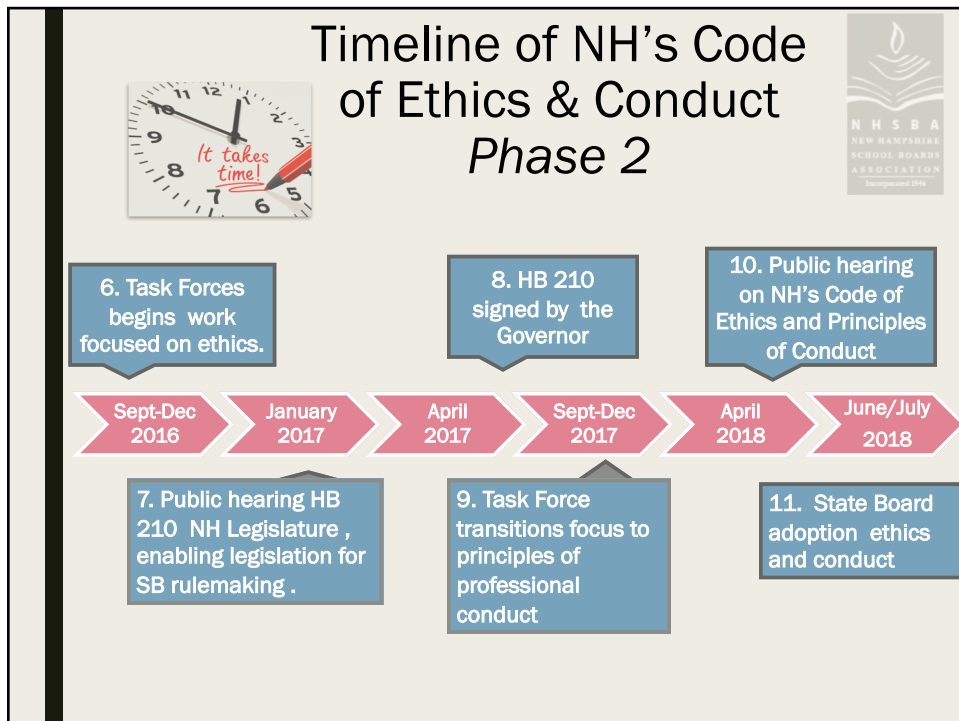
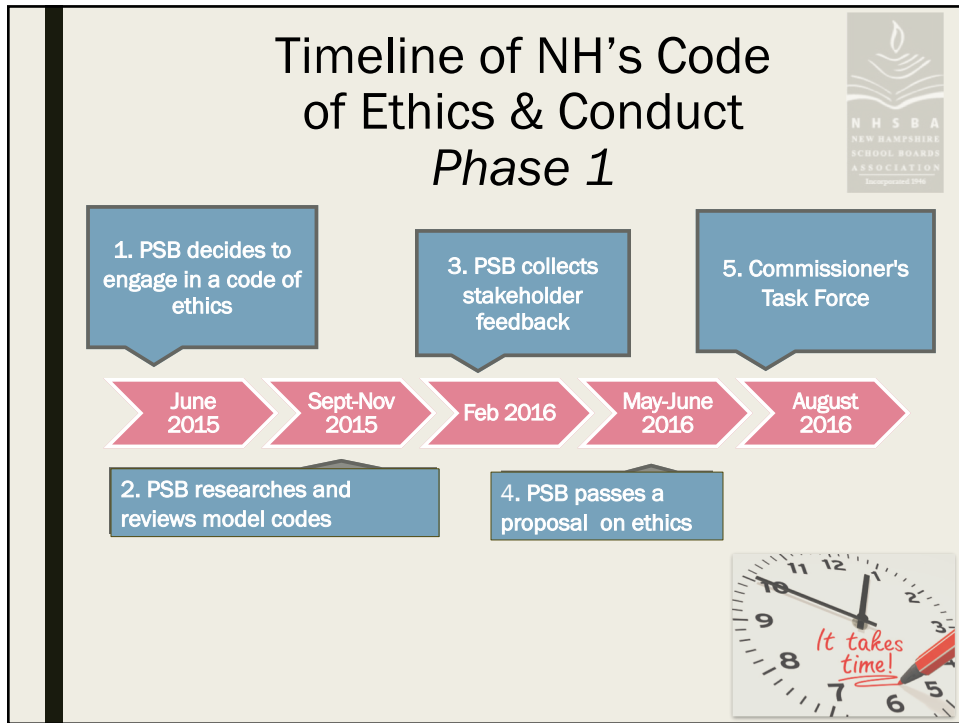
1000's of Daily Decisions
Emotional & Intellectual Intimacy
In loco parentis / Agents of the State

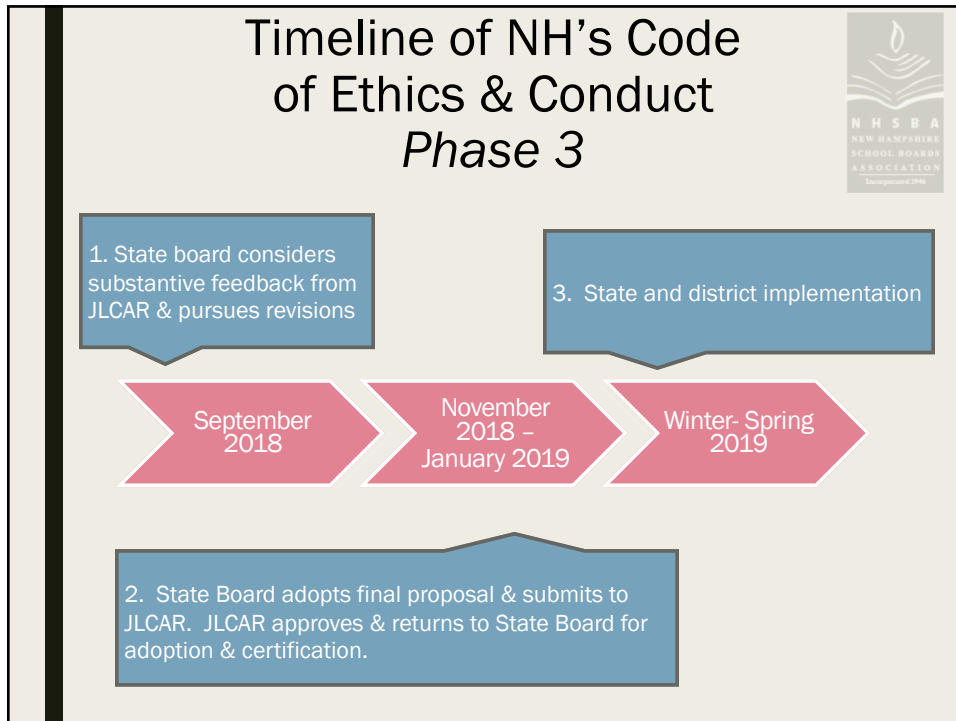
Vulnerabilities
Acting in the Public Interest
Competing Tensions

Nuanced & Complex
Multiple Stakeholders


Lowest Standard of Acceptable Behavior

**Operate within the gray . Navigate the gray .
Embrace the gray.**





Setting Context: NH by the Numbers



5 Year Slice, Reported Educator Misconduct Cases

2014:	170
2015:	190
2016:	202
2017:	195
2018:	222

Setting Context: NH by the Numbers



5 Year Slice, Revocations & Suspensions

2014: 11

2015: 9

2016: 11

2017*: 11 R, 2 S, 3 Surrenders

2018: 5 R, 0 S, 3 Surrenders

**Please note that 2017 represents the FIRST time the NHDOE has utilized the SUSPENSION provision found within the Administrative Rules.*

Highlights



- ✓ Presence in administrative rules (Ed 500's)
- ✓ Defined student, inappropriate communication, suspension , revocation
- ✓ Applied greater specificity to matters of misconduct
- ✓ Makes the current revocation and suspension list publically available
- ✓ Added reprimand as a disciplinary action
- ✓ Immediate suspension if an arrest of a section V violation occurs
- ✓ Expanded the duty to report*
- ✓ Benchmarks/protocols for determining consequence
- ✓ Acknowledgement of understanding in the EIS system

Implications for Local Districts



- ✓ Empowerment
- ✓ Shared Responsibility
- ✓ Protection
- ✓ Transparency/clarity
- ✓ Licensing matters vs personnel matters
- ✓ Training and messaging for stakeholders
- ✓ Policy Development & Local Procedures

GBEA, GBEAB, GBEB

WHAT SHOULD I
DO IF I AM A
BOARD MEMBER?

Policy – Policy – Policy

New Hampshire School Boards Association
Sample Policy GBEAB

MANDATORY CODE OF CONDUCT REPORTING – ALL EMPLOYEES

*Category: Recommended
DICK & HE*
Related Policies: GBEA, GBEB, GBEBB,

NEW POLICY

MANDATORY REPORTING

Mandatory Code of Conduct Reporting

The Code of Conduct for New Hampshire Educators, sections 510.01- 510.05 of the N.H. Dept. of Education Administrative Rules (the “NH Code of Conduct”) imposes various reporting requirements upon each “Credential Holder.

1. reporting any “suspected violation of the code of conduct” (see NH Code of Conduct at Ed 510.05 (a)); and
2. self-reporting within five (5) days any arrest for violations of crimes enumerated in RSA 189:13-a, V (“Section V Offenses”).

Mandatory Reporting

Reports by Covered Individuals of Suspected Misconduct or Violations.

- Any Covered Individual having reason to suspect that any other district or SAU employee, designated volunteer, or third party consultant/contractor has violated any provision of the NH Code of Conduct, and or District Policy (**)*GBEB*, whether on or off duty, shall report the same to such Covered Individual's building principal, or to the Superintendent.
- If the person who is the subject of the alleged misconduct/violation is the Superintendent, then the Covered Individual shall report the suspected violation to the [_____ *Business Administrator/Human Resources Director* (*note: the titled administrator should be the most senior level SAU administrator who is not the superintendent*)], who is hereby granted authority to consult with the District's attorney on the matter.
- Additionally, if the Covered Individual is also a Credential Holder, he/she shall report the Superintendent's suspected violation/misconduct directly to the N.H. Department of Education. Likewise, if a Credential Holder has made a report to the Principal and/or the Superintendent, and believes that the District's reporting procedures as expressed in this Policy have not been followed, the Credential Holder shall so notify the New Hampshire Department of Education directly.

Existing Policies

Requiring an Update: Ethics

New Hampshire School Boards Association

Sample Policy GBEA

STAFF ETHICS

Category: Recommended

Related Policies GBEAB, GBEB & GBEBB

B. Adoption and Incorporation of Standards of Code of Ethics for New Hampshire Educators.

The Board incorporates by reference and adopts as independent ethical standards relative to employment in the District, the provisions of the New Hampshire Code of Ethics for New Hampshire Educators (the "NH Code of Ethics"), as the same may be amended by the State from time to time.

C. Additional Ethical Standards.

In addition to the ethical standards set forth in the New Hampshire Code of Ethics, and without limiting the application thereof to District employment, employees will:

D. Dissemination.

The content of this policy should be included in every employee/staff member handbook, and/or otherwise provided annually to each employee, designated volunteer, and contracted party.

**Existing Policies
Requiring an Update: Conduct**

New Hampshire School Boards Association Sample Policy GBEB

STAFF CONDUCT

Category: Recommended Related Policies: GBEA, GBEAB & GBEBB

B. Adoption and Incorporation of Standards of Code of Conduct for New Hampshire Educators.

The Board incorporates by reference, and adopts as independent standards of conduct relative to employment in the District, the provisions of the New Hampshire Code of Conduct for New Hampshire Educators (Ed 510.01-510.05) (the "NH Code of Conduct"), as the same may be amended by the State from time to time. The District reserves the right to take employment action against any employee based upon the District's interpretation of the provisions of the NH Code of Conduct and the District's independent assessment of whether an employee has violated said provisions. The District's interpretation, assessment and/or action thereon, are independent of any interpretation by the New Hampshire Department of Education ("DOE") with respect to those standards, and irrespective of any investigation by or action taken by the DOE relative to a District employee's conduct.

C. Dissemination.

The content or a copy of this policy should be included in every employee/staff member handbook, and/o

