

# Iowa Board of Educational Examiners ETHICS FACILITATOR'S GUIDE

*June 2017*

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*\*Have some hard copies of these two code documents for participants to share or make sure they have a way to access them online.*

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## Introduction and History

Excerpt from the National Association of State Directors of Teacher Education and Certification (NASDTEC – MCEE Rationale, 2015):

There is a movement growing within the greater P-12 and educator preparation educational communities to ensure educators and prospective educators understand how professional decision-making can impact the safety and well-being of children, as well as the culture and mission of the school. This increased focus on examining, understanding, and informing best practice in educator decision-making is a critical part of the mission of the National Association of State Directors of Teacher Education and Certification (NASDTEC).

In the United States there are 50 separate measures of what constitutes misconduct by professional, certified educators. Each state or jurisdiction has its own laws and rules, and thus as a nation, we are often challenged by the variances in both the process of discipline when an educator has misbehaved as well as the basic tenets upon which discipline may or may not be issued. In addition, some states use regulatory codes to define the basis for licensure sanction, while other states include ethical principles and/or dispositional standards, and still others combine all aspects. These disparities diminish the ability of the education profession to establish for itself the baseline behaviors that society can and should expect of professional educators and indeed what a practitioner can and should expect of him or herself.

As a national leader in standards for educator preparation, certification and regulation, NASDTEC convened a committee to develop, adopt and distribute a framework that clearly defines the ethical and professional obligations of educators and that may serve as a model code of conduct for educators. This framework or model will define society's expectations of professional educators yet be malleable enough to be adapted and enforced by any jurisdiction.

The NASDTEC Model Code of Ethics for Educators (MCEE) establishes for the education profession a framework of ethical and professional expectations that are steadfast. With this NASDTEC model, each state, EPP, and educator can adopt a method of practice that internalizes ethical standards, and each jurisdiction can monitor the educator's conduct in a universally acceptable and more equitable manner.

The Iowa Code of Professional Conduct and Ethics remains in place in Iowa, and holds educators accountable to specific behaviors that may result in a licensure sanction.

### **How to use this presentation:**

Educators rarely have the opportunity to openly discuss ethical issues. They may feel like they are being judged by colleagues or administrators for asking questions. Consequently, educators often make decisions in the dark, resulting in poor decisions that can lead to serious consequences.

Educators often state that it “won’t happen to them”, or that “only bad teachers make mistakes”. By completing these exercises, we hope that educators will begin having frequent and transparent conversations around ethics, which will result in a better understanding of the increasing and complicated dilemmas all educators may face.

The scenarios presented may cause various levels of discomfort. Participants may disagree about whether or not a scenario even presents an ethical dilemma, or conversely they may become overly concerned about having any student interaction at all. The discussions are not meant to suggest that teachers should refrain from building and maintaining meaningful relationships with their students to promote school success. Facilitated conversations are meant to raise awareness about responsible, professional behavior.

The following activities and scenarios are provided as a way for educators to carefully examine and discuss possible strategies for dealing with ethical dilemmas.

These activities present an opportunity for teachers to outline specific issues, recognize possible consequences and generate alternative considerations that could result in a more positive outcome. Educators will then be better prepared to protect students, make ethical decisions, and take responsibility to uphold the profession.

Iowa Board of Educational Examiners, June 2017

## Ethics vs. Morals – Introductory Activity

Have participants decide (small groups are best) if a scenario is mostly affected by personal morals or professional ethics.

- **A teacher decides not to drink a beer when he sees a student enter the same restaurant.**

*Answer – mostly morals – this does not violate a specific Iowa ethics standard, but the educator may feel uncomfortable drinking or purchasing alcohol in front of students, or it can go against local social norms and compromise credibility and effectiveness, which is part of the national Model Code of Professional Conduct and Ethics to be discussed later.*

- **A principal changes an old letter of recommendation to show current dates.**

*Answer - ethics – educators cannot falsify HR documents.*

- **A teacher presents only the religious interpretation of creationism in science class.**

*Answer – mostly ethics– personal morals drove the decision to teach creationism, but the Iowa Code of Professional Conduct and Ethics standards state that we cannot deny access to varying points of view or suppress subject matter.*

- **A coach posts pictures of herself online wearing only a bikini while on a beach vacation.**

*Answer – mostly morals – this does not violate a specific Iowa ethics standard, but it can go against local social norms and compromise credibility and effectiveness, which is part of the national Model Code of Professional Conduct and Ethics to be discussed later.*

- **A teacher calls in sick to extend her vacation.**

*Answer - ethics – educators cannot falsify HR documents.*

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### Next Slide – Can high moral standards result in ethics violations or professional risk?

(Examples – see if the group can come up with more)

- Wanting a student to do well results in changing the student’s grades or test scores
- A teachers gives out his personal cell phone and states that he is “there to help, anytime, 24-7”
- A counselor gives pre-natal vitamins to a student she knows is pregnant, but the parents do not know of the pregnancy
- A vegan teacher rants on Facebook about farm animal rights while teaching in a community based in agriculture
- A principal pays for a student to attend a summer camp.



## **Principle I: Responsibility to the Profession**

The professional educator is aware that trust in the profession depends upon a level of professional conduct and responsibility that may be higher than required by law. This entails holding one and other educators to the same ethical standards.

*The professional educator demonstrates responsibility to oneself as an ethical professional by:*

1. Acknowledging that lack of awareness, knowledge, or understanding of the Code is not, in itself, a defense to a charge of unethical conduct;
2. Knowing and upholding the procedures, policies, laws and regulations relevant to professional practice regardless of personal views;
3. Holding oneself responsible for ethical conduct;
4. Monitoring and maintaining sound mental, physical, and emotional health necessary to perform duties and services of any professional assignment; and taking appropriate measures when personal or health-related issues may interfere with work-related duties;
5. Refraining from professional or personal activity that may lead to reducing one's effectiveness within the school community;
6. Avoiding the use of one's position for personal gain and avoiding the appearance of impropriety;
7. Taking responsibility and credit only for work actually performed or produced, and acknowledging the work and contributions made by others.

*B. The professional educator fulfills the obligation to address and attempt to resolve ethical issues by:*

1. Confronting and taking reasonable steps to resolve conflicts between the Code and the implicit or explicit demands of a person or organization;
2. Maintaining fidelity to the Code by taking proactive steps when having reason to believe that another educator may be approaching or involved in an ethically compromising situation;
3. Neither discriminating nor retaliating against a person on the basis of having made an ethical complaint;
4. Neither filing nor encouraging frivolous ethical complaints solely to harm or retaliate.
5. Cooperating fully during ethics investigations and proceedings

*C. The professional educator promotes and advances the profession within and beyond the school community by:*

1. Influencing and supporting decisions and actions that positively impact teaching and learning, educational leadership and student services;
2. Engaging in respectful discourse regarding issues that impact the profession;

3. Enhancing one's professional effectiveness by staying current with ethical principles and decisions from relevant sources including professional organizations;
4. Actively participating in educational and professional organizations and associations; and
5. Advocating for adequate resources and facilities to ensure equitable opportunities for all students.

### **Principle II: Responsibility for Professional Competence**

The professional educator is committed to the highest levels of professional and ethical practice, including demonstration of the knowledge, skills and dispositions required for professional competence.

#### *A. The professional educator demonstrates commitment to high standards of practice through:*

1. Incorporating into one's practice state and national standards, including those specific to one's discipline;
2. Using the *Model Code of Educator Ethics* and other ethics codes unique to one's discipline to guide and frame educational decision-making;
3. Advocating for equitable educational opportunities for all students;
4. Accepting the responsibilities, performing duties and providing services corresponding to the area of certification, licensure, and training of one's position;
5. Reflecting upon and assessing one's professional skills, content knowledge, and competency on an ongoing basis; and
6. Committing to ongoing professional learning.

#### *B. The professional educator demonstrates responsible use of data, materials, research and assessment by:*

1. Appropriately recognizing others' work by citing data or materials from published, unpublished, or electronic sources when disseminating information;
2. Using developmentally appropriate assessments for the purposes for which they are intended and for which they have been validated to guide educational decisions;
3. Conducting research in an ethical and responsible manner with appropriate permission and supervision;
4. Seeking and using evidence, instructional data, research, and professional knowledge to inform practice;
5. Creating, maintaining, disseminating, storing, retaining and disposing of records and data relating to one's research and practice, in accordance with district policy, state and federal laws; and
6. Using data, data sources, or findings accurately and reliably.

#### *C. The professional educator acts in the best interest of all students by:*

1. Increasing students' access to the curriculum, activities, and resources in order to provide a quality and equitable educational experience.

2. Working to engage the school community to close achievement, opportunity, and attainment gaps; and
3. Protecting students from any practice that harms or has the potential to harm students.

### **Principle III: Responsibility to Students**

The professional educator has a primary obligation to treat students with dignity and respect. The professional educator promotes the health, safety and well being of students by establishing and maintaining appropriate verbal, physical, emotional and social boundaries.

#### *A. The professional educator respects the rights and dignity of students by:*

1. Respecting students by taking into account their age, gender, culture, setting and socioeconomic context;
2. Interacting with students with transparency and in appropriate settings;
3. Communicating with students in a clear, respectful, and culturally sensitive manner;
4. Taking into account how appearance and dress can affect one's interactions and relationships with students;
5. Considering the implication of accepting gifts from or giving gifts to students;
6. Engaging in physical contact with students only when there is a clearly defined purpose that benefits the student and continually keeps the safety and well-being of the student in mind;
7. Avoiding multiple relationships with students which might impair objectivity and increase the risk of harm to student learning or well-being or decrease educator effectiveness;
8. Acknowledging that there are no circumstances that allow for educators to engage in romantic or sexual relationships with students; and
9. Considering the ramifications of entering into an adult relationship of any kind with a former student, including but not limited to, any potential harm to the former student, public perception, and the possible impact on the educator's career. The professional educator ensures that the adult relationship was not started while the former student was in school.

#### *B. The professional educator demonstrates an ethic of care through:*

1. Seeking to understand students' educational, academic, personal and social needs as well as students' values, beliefs, and cultural background;
2. Respecting the dignity, worth, and uniqueness of each individual student including, but not limited to, actual and perceived gender, gender expression, gender identity, civil status, family status, sexual orientation, religion, age, disability, race, ethnicity, socio-economic status, and culture; and
3. Establishing and maintaining an environment that promotes the emotional, intellectual, physical, and sexual safety of all students.

C. *The professional educator maintains student trust and confidentiality when interacting with students in a developmentally appropriate manner and within appropriate limits by:*

1. Respecting the privacy of students and the need to hold in confidence certain forms of student communication, documents, or information obtained in the course of professional practice;
2. Upholding parents'/guardians' legal rights, as well as any legal requirements to reveal information related to legitimate concerns for the well-being of a student; and
3. Protecting the confidentiality of student records and releasing personal data in accordance with prescribed state and federal laws and local policies.

**Principle IV: Responsibility to the School Community**

The professional educator promotes positive relationships and effective interactions, with members of the school community, while maintaining professional boundaries.

A. *The professional educator promotes effective and appropriate relationships with parents/guardians by:*

1. Communicating with parents/guardians in a timely and respectful manner that represents the students' best interests;
2. Demonstrating a commitment to equality, equity, and inclusion as well as respecting and accommodating diversity among members of the school community;
3. Considering the implication of accepting gifts from or giving gifts to parents/guardians; and
4. Maintaining appropriate confidentiality with respect to student information disclosed by or to parents/guardians unless required by law.

B. *The professional educator promotes effective and appropriate relationships with colleagues by:*

1. Respecting colleagues as fellow professionals and maintaining civility when differences arise;
2. Resolving conflicts, whenever possible, privately and respectfully and in accordance with district policy;
3. Keeping student safety, education, and health paramount by maintaining and sharing educational records appropriately and objectively in accordance with local policies and state and federal laws;
4. Collaborating with colleagues in a manner that supports academic achievement and related goals that promote the best interests of students;
5. Enhancing the professional growth and development of new educators by supporting effective field experiences, mentoring or induction activities across the career continuum;
6. Ensuring that educators who are assigned to participate as mentors for new educators, cooperating teachers, or other teacher leadership positions are prepared and supervised to assume these roles;
7. Ensuring that educators are assigned to positions in accordance with their educational credentials, preparation, and experience in order to maximize students' opportunities and achievement; and
8. Working to ensure a workplace environment that is free from harassment.

*C. The professional educator promotes effective and appropriate relationships with the community and other stakeholders by:*

1. Advocating for policies and laws that the educator supports as promoting the education and well-being of students and families;
2. Collaborating with community agencies, organizations, and individuals in order to advance students' best interests without regard to personal reward or remuneration; and
3. Maintaining the highest professional standards of accuracy, honesty, and appropriate disclosure of information when representing the school or district within the community and in public communications.

*D. The professional educator promotes effective and appropriate relationships with employers by:*

1. Using property, facilities, materials, and resources in accordance with local policies and state and federal laws;
2. Respecting intellectual property ownership rights (e.g. original lesson plans, district level curricula, syllabi, gradebooks, etc.) when sharing materials;
3. Exhibiting personal and professional conduct that is in the best interest of the organization, learning community, school community, and profession; and
4. Considering the implications of offering or accepting gifts and/or preferential treatment by vendors or an individual in a position of professional influence or power.

*E. The professional educator understands the problematic nature of multiple relationships by:*

1. Considering the risks that multiple relationships might impair objectivity and increase the likelihood of harm to students' learning and well-being or diminish educator effectiveness;
2. Considering the risks and benefits of a professional relationship with someone with whom the educator has had a past personal relationship and vice versa;
3. Considering the implications and possible ramifications of engaging in a personal or professional relationship with parents and guardians, student teachers, colleagues, and supervisors; and
4. Ensuring that professional responsibilities to paraprofessionals, student teachers or interns do not interfere with responsibilities to students, their learning, and well-being.

#### **Principle V: Responsible and Ethical Use of Technology**

The professional educator considers the impact of consuming, creating, distributing and communicating information through all technologies. The ethical educator is vigilant to ensure appropriate boundaries of time, place and role are maintained when using electronic communication.

*A. The professional educator uses technology in a responsible manner by:*

1. Using social media responsibly, transparently, and primarily for purposes of teaching and learning per school and district policy. The professional educator considers the ramifications of using social media and direct communication via technology on one's interactions with students, colleagues, and the general public;

2. Staying abreast of current trends and uses of school technology;
3. Promoting the benefits of and clarifying the limitations of various appropriate technological applications with colleagues, appropriate school personnel, parents, and community members;
4. Knowing how to access, document and use proprietary materials and understanding how to recognize and prevent plagiarism by students and educators;
5. Understanding and abiding by the district's policy on the use of technology and communication;
6. Recognizing that some electronic communications are records under the Freedom of Information Act (FOIA) and state public access laws and should consider the implications of sharing sensitive information electronically either via professional or personal devices/accounts;
7. Exercising prudence in maintaining separate and professional virtual profiles, keeping personal and professional lives distinct.

*B. The professional educator ensures students' safety and well-being when using technology by:*

1. Being vigilant in identifying, addressing and reporting (when appropriate and in accordance with local district, state, and federal policy) inappropriate and illegal materials/images in electronic or other forms;
2. Respecting the privacy of students' presence on social media unless given consent to view such information or if there is a possibility of evidence of a risk of harm to the student or others; and
3. Monitoring to the extent practical and appropriately reporting information concerning possible cyber bullying incidents and their potential impact on the student learning environment.

*C. The professional educator maintains confidentiality in the use of technology by:*

1. Taking appropriate and reasonable measures to maintain confidentiality of student information and educational records stored or transmitted through the use of electronic or computer technology;
2. Understanding the intent of Federal Educational Rights to Privacy Act (FERPA) and how it applies to sharing electronic student records; and
3. Ensuring that the rights of third parties, including the right of privacy, are not violated via the use of technologies.

*D. The professional educator promotes the appropriate use of technology in educational settings by:*

1. Advocating for equal access to technology for all students, especially those historically underserved;
2. Promoting the benefits of and clarifying the limitations of various appropriate technological applications with colleagues, appropriate school personnel, parents, and community members; and
3. Promoting technological applications (a) that are appropriate for students' individual needs, (b) that students understand how to use and (c) that assist and enhance the teaching and learning process.

## Glossary

### Boundaries:

The verbal, physical, emotional and social distances that an educator must maintain in order to ensure structure, security, and predictability in an educational environment. Most often, the boundaries that are transgressed relate to role, time and place. By respecting contracted roles, appropriate working hours, and the location of the learning environment, secure boundaries are in place for all members of the schooling community.

### District/school district:

This is often referred to as a “local education agency.” A “district” in this document is defined as a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools. This can include charter schools, magnet schools, virtual magnet schools, regional educational school districts, or other entities falling under the definition above.

### Culture:

The customary beliefs, social forms, and material traits of a racial, religious, or social group, including the characteristic features of everyday existence shared by people in a place or time<sup>1</sup>.

### Educator:

Educators are the target audience for the MCEE, and are defined as licensed educators. These include paraprofessionals, teachers, teacher leaders, student support personnel and administrators. However, others who interact with students who are not under the auspices of an education-related licensing organization such as coaches, school secretaries, custodians or other school staff are encouraged to adopt or adapt this *Model Code of Educator Ethics*. See a separate definition for “professional educator.”

### Ethic of care:

Responding with compassion to the needs of students.

### Ethical Decision-Making Model:

A framework utilized by educators to guide decision-making which includes professional dispositions; applicable laws, statutes, and policies; the *Model Code of Educator Ethics*; and other guidelines that have been adopted and endorsed by educational organizations.

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<sup>1</sup> <http://www.merriam-webster.com/dictionary/culture>

Fiduciary relationship:

A fiduciary relationship is one in which a person justifiably places confidence in another whose aid, advice, or protection is assumed. Inherent in such fiduciary relationships is an imbalance of power. Educators have a unique responsibility, as the relationship between student and teacher differs from other professional/client relationships (e.g., attorneys, physicians, clergy). Educators are entrusted with the safety and welfare of students during and after school hours and serve “in loco parentis.”

Implicit or Explicit Demands of an Organization:

Implicit demands are often subjective or implied and reflect the culture of the schooling environment. Explicit demands are clearly articulated through mandates, policies, or statutes.

Harm:

The impairment of learning or any potential action which may lead to physical, emotional, psychological, sexual, or intellectual damage to a student or a member of the school community.

Learning Community:

A group of educators who work with one another to achieve the shared goals of their school and engage in collaborative professional learning to strengthen practice and increase student results.<sup>2</sup>

Multiple Relationships:

Multiple relationships occur when the educator is in a professional role with one or more members of the school community and also has a personal relationship with that person or a member of that person’s family. Multiple relationships have the potential to impair objectivity, competence, or effectiveness in performing his or her functions as an educator.

New Educators:

New educators include individuals in an educator preparation program or newly employed in the education profession, including paraprofessionals, teachers, administrators, and student support personnel.

Professional educator:

A licensed educator who demonstrates the highest standards of ethical and professionally competent practice and is committed to advancing the interests, achievement and well-being of students. The professional educator is also committed to supporting the school community and the education profession.

Proprietary materials:

Materials that protected from unauthorized use by copyright or other forms of intellectual property rights.

Safe environments/Safety and well-being:

A school setting which promotes the well-being of all members of the school community and is characterized by the absence of physical, psychological, sexual or emotional harm

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<sup>2</sup> <http://learningforward.org/standards/learning-communities#.VTVerkv7Q3Y>

School Community:

This term usually refers to those stakeholders invested in the welfare of a school and its community. A school community includes school administrators, teachers, school staff members, students, their parents and families, school board members and other community members.<sup>3</sup>

Sensitive Information:

This includes but is not limited to student information and educational records, including medical or counseling records.

Student:

A learner attending a P-12 school.

Technology:

Tools, systems, applications and processes that can include, but are not limited to, electronic communications networks such as the internet and electronic devices such as computers, laptops, phones and other hardware/software that deliver text, audio, images, animation, and streaming video.

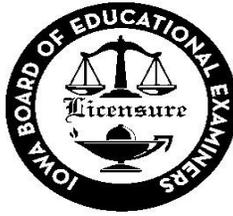
Transparency:

Openness and accountability with respect to one's behaviors, actions and communications as an educator.

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<sup>3</sup> <http://edglossary.org/school-community/>

# Iowa Board of Educational Examiners



## Code of Professional Conduct and Ethics

Grimes State Office Building  
400 E. 14<sup>th</sup> St.  
Des Moines, IA 50319-0147  
Website: <http://www.boee.iowa.gov>

### CHAPTER 25 CODE OF PROFESSIONAL CONDUCT AND ETHICS

282 - 25.1 (272) **Scope of standards.** This code of professional conduct and ethics constitutes mandatory minimum standards of practice for all licensed practitioners as defined in Iowa Code chapter 272. The adherence to certain professional and ethical standards is essential to maintaining the integrity of the education profession.

282 - 25.2 (272) **Definitions.** Except where otherwise specifically defined by law:

***“Administrative and supervisory personnel”*** means any licensed employee such as superintendent, assistant superintendent, associate superintendent, principal, assistant principal, associate principal, or other person who does not have as a primary duty the instruction of pupils in the schools.

***“Board”*** means the Iowa board of educational examiners.

***“Discipline”*** means the process of sanctioning a license, certificate or authorization issued by the Board.

***“Ethics”*** means a set of principles governing the conduct of all persons governed by these rules.

***“Fraud”*** means knowingly providing false information or representations on an application for licensure or employment, or knowingly providing false information or representations made in connection with the discharge of duties.

***“License”*** means any license, certificate, or authorization granted by the Board.

***“Licensee”*** means any person holding a license, certificate or authorization granted by the Board.

**“Practitioner”** means an administrator, teacher, or other licensed professional who does not hold or receive a license from a professional licensing board other than the board of educational examiners and who provides educational assistance to students.

**“Responsibility”** means a duty for which a person is accountable by virtue of licensure. **“Right”** means a power, privilege, or immunity secured to a person by law.

**“Student”** means a person, regardless of age, enrolled in a prekindergarten through grade 12 school, who is receiving direct or indirect assistance from a person licensed by the Board.

**“Teacher”** means any person engaged in the instructional program for prekindergarten through grade 12 children, including a person engaged in teaching, administration, and supervision, and who is required by law to be licensed for the position held.

282 - 25.3 (272) **Standards of professional conduct and ethics.** Licensees are required to abide by all federal, state and local laws applicable to the fulfillment of professional obligations. Violation of federal, state, or local laws in the fulfillment of professional obligations constitutes unprofessional and unethical conduct which can result in disciplinary action by the board. In addition, it is hereby deemed unprofessional and unethical for any licensee to violate any of the following standards of professional conduct and ethics:

25.3 (1) **Standard I.** *Conviction of crimes, sexual or other immoral conduct with or toward a student, and child and dependent adult abuse.* Violation of this standard includes:

a. *Fraud.* Fraud means the same as defined in rule 282-25.2(272).

b. *Criminal Convictions.* The commission of or conviction for a criminal offense as defined by Iowa law provided that the offense is relevant to or affects teaching or administrative performance.

(1) Disqualifying criminal convictions. The board shall deny an application for licensure and shall revoke a previously issued license if the applicant or licensee has, on or after July 1, 2002, been convicted of, has pled guilty to, or has been found guilty of the following criminal offenses, regardless of whether the judgment of conviction or sentence was deferred:

1. Any of the following forcible felonies included in Iowa Code section 702.11:

Child endangerment, assault, murder, sexual abuse, or kidnapping:

2. Any of the following criminal sexual offenses, as provided in Iowa Code chapter 709, involving a child: • First, second or third-degree sexual abuse committed on or with a person who is under the age of 18;

- Lascivious acts with a child;
- Assault with intent to commit sexual abuse;
- Indecent contact with a child;
- Sexual exploitation by a counselor;
- Lascivious conduct with a minor;
- Sexual exploitation by the school employee;
- Enticing a minor under Iowa Code Section 710.10; or
- Human trafficking under Iowa Code section 710A.2;

3. Incest involving a child as prohibited by Iowa Code section 726.2;

4. Dissemination and exhibition of obscene material to minors as prohibited by Iowa Code section 728.2;

5. Telephone dissemination of obscene material to minors as prohibited by Iowa Code section 728.15;
  6. Any offense specified in the laws of another jurisdiction, or any offense that may be prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1)“b”(1); or
  7. Any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1)“b”(1).
- (2) Other criminal convictions and founded child abuse. In determining whether a person should be denied a license or whether a licensee should be disciplined based upon any other criminal conviction, including a conviction for an offense listed in 25.3(1)“b”(1) which occurred before July 1, 2002, or a founded report of abuse of a child, the board shall consider:
1. The nature and seriousness of the crime or founded abuse in relation to the position sought;
  2. The time elapsed since the crime or founded abuse was committed;
  3. The degree of rehabilitation which has taken place since the crime or founded abuse was committed;
  4. The likelihood that the person will commit the same crime or abuse again;
  5. The number of criminal convictions or founded abuses committed; and
  6. Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.
- c. *Sexual involvement or indecent contact with a student.* Sexual involvement includes, but is not limited to, the following acts, whether consensual or nonconsensual: fondling or touching the inner thigh, groin, buttocks, anus, or breasts of a student; permitting or causing to fondle or touch the practitioner’s inner thigh, groin, buttocks, anus, or breasts; or the commission of any sex act as defined in Iowa Code section 702.17.
- d. *Sexual exploitation of a minor.* The commission of or any conviction for an offense prohibited by Iowa Code section 728.12, Iowa Code Chapter 709 or 18 U.S.C section 2252A(a)(5)(B).
- e. *Student Abuse.* Licensees shall maintain professional relationships with all students, both in and outside the classroom. The following acts or behavior constitutes unethical conduct without regard to the existence of a criminal charge or conviction:
- (1) Committing any act of physical abuse of a student;
  - (2) Committing any act of dependent adult abuse on a dependent adult student;
  - (3) Committing or soliciting any sexual or otherwise indecent act with a student or any minor;
  - (4) Soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student;
  - (5) Furnishing alcohol or illegal or unauthorized drugs or drug paraphernalia to any student or knowingly allowing a student to consume alcohol or illegal or unauthorized drugs in the presence of the licensee;
  - (6) Failing to report any suspected act of child or dependent adult abuse as required by state law; or
  - (7) Committing or soliciting any sexual conduct as defined in Iowa Code section 709.15(3)“b” or soliciting, encouraging, or consummating a romantic relationship with any person who was a student within 90 days prior to any conduct alleged in the complaint, if that person was taught by the practitioner or was supervised by the practitioner in any school activity when that person was a student.

25.3 (2) **Standard II.** *alcohol or drug abuse.* Violation of this standard includes:

- a. Being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming illegal or unauthorized drugs or abusing legal drugs.
- b. Being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming alcohol.

25.3 (3) **Standard III.** *misrepresentation, falsification of information.* Violation of this standard includes:

- a. Falsifying or deliberately misrepresenting, or omitting material information regarding professional qualifications, criminal history, college credit, staff development credit, degrees, academic award, or employment history when applying for employment or licensure.
- b. Falsifying or deliberately misrepresenting or omitting information regarding compliance reports submitted to federal, state, and other governmental agencies.
- c. Falsifying or deliberately misrepresenting or omitting material information submitted in the course of an official inquiry or investigation.
- d. Falsifying any records or information submitted to the Board in compliance with the license renewal requirements imposed under 282–Chapter 17.
- e. Falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students or personnel, including improper administration of any standardized tests, including, but not limited to, changing test answers, providing test answers, copying or teaching identified test items, or using inappropriate accommodations or modifications for such tests.

25.3 (4) **Standard IV.** *misuse of public funds and property.* Violation of this standard includes:

- a. Failing to account properly for funds collected that were entrusted to the practitioner in an educational context.
- b. Converting public property or funds to the personal use of the practitioner.
- c. Submitting fraudulent requests for reimbursement of expenses or for pay.
- d. Combining public or school-related funds with personal funds.
- e. Failing to use time or funds granted for the purpose for which they were intended.

25.3 (5) **Standard V.** *violations of contractual obligations.*

a. Violation of this standard includes:

- (1) Signing a written professional employment contract while under contract with another school, school district, or area education agency.
- (2) Asking a practitioner to sign a written professional employment contract before the practitioner has been unconditionally released from a current contract. An administrator shall make a good faith effort to determine whether the practitioner has been released from the current contract.
- (3) Abandoning a written professional employment contract without prior unconditional release by the employer.
- (4) As an employer, executing a written professional employment contract with a practitioner, which requires the performance of duties that the practitioner is not legally qualified to perform.
- (5) As a practitioner, executing a written professional employment contract, which requires the performance of duties that the practitioner is not legally qualified to perform.

b. In addressing complaints based upon contractual obligations, the board shall consider factors beyond the practitioner's control. For purposes of enforcement of this standard, a practitioner will not be found to have abandoned an existing contract if:

- (1) The practitioner obtained a release from the employing board before discontinuing services under the contract; or
- (2) The practitioner provided notice to the employing board no later than the latest of the following dates:
  1. The practitioner's last work day of the school year;
  2. The date set for return of the contract as specified in statute; or
  3. June 30.

25.3 (6) **Standard VI.** *unethical practice toward other members of the profession, parents, students, and the community.* Violation of this standard includes:

- a. Denying the student, without just cause, access to varying points of view.
- b. Deliberately suppressing or distorting subject matter for which the educator bears responsibility.
- c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.
- d. Conducting professional business in such a way that the practitioner repeatedly exposes students or other practitioners to unnecessary embarrassment or disparagement.
- e. Engaging in any act of illegal discrimination, or otherwise denying a student or practitioner participation in the benefits of any program on the grounds of race, creed, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin.
- f. Soliciting students or parents of students to purchase equipment, supplies, or services from the practitioner for the practitioner's personal advantage.
- g. Accepting gifts from vendors or potential vendors where there may be the appearance of or an actual conflict of interest.
- h. Intentionally disclosing confidential information including, but not limited to, unauthorized sharing of information concerning student academic or disciplinary records, health and medical information, assessment or testing results, or family income. Licensees shall comply with state and federal laws and local school board policies relating to the confidentiality of student records, unless disclosure is required or permitted by law.
- i. Refusing to participate in a professional inquiry when requested by the board.
- j. Aiding, assisting or abetting an unlicensed person in the completion of acts for which licensure is required.
- k. Failure to self-report to the Board, within 60 days any founded child abuse report, or any conviction for a criminal offense listed in 25.3(1)"b"(1) which requires revocation of the practitioner's license.
- l. Delegating tasks to unqualified personnel.
- m. Failing to comply with federal, state, and local laws applicable to the fulfillment of professional obligations.
- n. Allowing another person to use one's practitioner license for any purpose.
- o. Performing services beyond the authorized scope of practice for which the individual is licensed or prepared or performing services without holding a valid license.
- p. Falsifying, forging, or altering a license issued by the board.

- q. Failure of the practitioner holding a contract under Iowa Code section 279.13 to disclose to the school official responsible for determining assignments a teaching assignment for which the practitioner is not properly licensed.
- r. Failure of a school official responsible for assigning licensed practitioners holding contracts under Iowa Code 279.13 to adjust an assignment if the practitioner discloses to the official that the practitioner is not properly licensed for an assignment.

25.3 (7) **Standard VII.** *compliance with state law governing obligations to state or local governments, student loan obligations, child support obligations, and board orders.* Violation of this standard includes:

- a. Failing to comply with 282—Chapter 8 concerning payment of debts to state or local governments.
- b. Failing to comply with 282—Chapter 9 concerning repayment of student loans.
- c. Failing to comply with 282—Chapter 10 concerning child support obligations.
- d. Failing to comply with a board order.

25.3 (8) **Standard VIII.** *incompetence.* Violation of this standard includes, but is not limited to:

- a. Willfully or repeatedly departing from or failing to conform to the minimum standards of acceptable and prevailing educational practice in the state of Iowa.
- b. Willfully or repeatedly failing to practice with reasonable skill and safety. These rules are intended to implement Iowa Code section 272.2(1) “a.”

## CHAPTER 26

### CODE OF RIGHTS AND RESPONSIBILITIES

282–26.1 (272) **Purpose.** The code of professional conduct and ethics in 282–Chapter 25\* defines unprofessional and unethical conduct justifying disciplinary sanction. The board acknowledges that the discharge of professional obligations should occur in recognition of certain fundamental rights and responsibilities. Accordingly, the board recognizes the following rights and responsibilities of all educators licensed under Iowa Code chapter 272 and agrees that the exercise of these rights and responsibilities may present mitigating facts and circumstances in the board’s evaluation of allegations of unprofessional or unethical conduct.

282–26.2(272) **Rights.** Educators licensed under Iowa Code chapter 272 have the following rights:

- (1) The educator has a right to be licensed and endorsed under professional standards established and enforced by the board.
- (2) The educator has a right to refuse assignments for which the educator is not legally authorized, in terms of holding a valid Iowa license with the appropriate endorsement(s) or approval(s).
- (3) The educator has a right, subject to board and administrator authority, to exercise professional judgment in the evaluation, selection, and use of teaching methods and instructional materials appropriate to the needs, abilities, and background of each student.

282–26.3(272) **Responsibilities.** Educators licensed under Iowa Code chapter 272 have the following responsibilities:

1. The educator has a responsibility to maintain and improve the educator’s professional competence.
2. The educator has a responsibility to accept only those assignments for which the educator is legally authorized.
3. The educator has a responsibility to provide conditions that are conducive to teaching and student learning.
4. The educator shall protect students from conditions harmful to learning or to health or safety.
5. The educator shall not, without just cause, restrain a student from independent action in the pursuit of learning and shall not, without just cause, deny a student access to varying points of view.
6. The educator shall not use professional relationships with students for private advantage.
7. The educator shall not discriminate against any student on the grounds of race, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin.
8. The educator shall accord just and equitable treatment to all members of the profession.
9. The educator shall keep in confidence personally identifiable information regarding a student or the student’s family members that has been obtained in the course of professional service, unless disclosure is required by law or is necessary for the personal safety of the student or others.
10. The educator who has reasonable basis to believe that a student has been abused, as defined by law, shall make all reports required by law and the Iowa Administrative Code and which are necessary to ensure the safety and well-being of the student.
11. In the administration of discipline, the educator shall treat all students with respect and in compliance with all policies of the school district served by the educator.
12. The educator shall provide accurate, truthful, and complete information to the board and to the local education system concerning all licensure transactions.
13. The educator shall not refuse to participate in a professional inquiry, when requested by the board.
14. The educator shall not require or direct another educator to violate any provisions of the code of professional conduct and ethics or any rights of a student, parent, educator or citizen.
15. The educator shall not delegate tasks to unqualified personnel.

These rules are intended to implement Iowa Code section 272.2(1) “a.”

## Principle I:

### Responsibility to the Profession

#### Scenario 1: Online Discovery

Mr. Y is a first year high school teacher. He received a friend request from his mentor, Mr. Z on Facebook. Mr. Z has been teaching for over 30 years and is a respected member of the faculty. Mr. Y noticed that the mentor's page is full of derogatory and vulgar comments about women. Mr. Y did not say anything to his mentor or to the principal, especially since there are other teachers who are also "friends" with Mr. Z on Facebook, and they seem to appreciate his sense of humor.

#### Context:

Personal information that was once considered private is increasingly being shared online. Free speech does not mean speech without any consequences, and educators are terminated annually for inflammatory or inappropriate remarks online. *(More technology examples will be provided in scenarios 10-12.)*

The new Model Code of Ethics for Educators (MCEE) places a higher value on holding one other accountable for ethics to maintain the integrity of the education profession.

Discussion Questions – have the participants give answers (small groups can discuss and report back) and assist with possible answers only if needed:

#### 1. What possible issues/concerns might this scenario raise?

*For Mr. Z:*

- *Sexism, misogyny, potentially not treating students or colleagues fairly*
- *Derogatory comments could be an indicator of the potential for abuse or otherwise inappropriate behavior*

*For Mr. Y:*

- *Failing to report someone who may not be treating students or colleagues fairly or respectfully may result in compromising student safety*

#### 2. How could this situation become a violation of the law, the MCEE, the BoEE Code of Professional Conduct and Ethics, or other school /district policies?

MCEE Principal 1 – Responsibility to the Profession

- *Refraining from professional or personal activity that may lead to reducing one's effectiveness within the school community; (Mr. Z)*
- *Maintaining fidelity to the Code by taking proactive steps when having reason to believe that another educator may be approaching or involved in an ethically compromising situation; (Mr. Y)*

Iowa BoEE Code of Professional Conduct and Ethics:

25.3 (6) Standard VI. unethical practice toward other members of the profession, parents, students, and the community.

*c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning. (potentially Mr. Z, which could implicate Mr. Y if he is passive)*

*d. Conducting professional business in such a way that the practitioner repeatedly exposes students or other practitioners to unnecessary embarrassment or disparagement. (Potentially Mr. Z)*

*e. Engaging in any act of illegal discrimination, or otherwise denying a student or practitioner participation in the benefits of any program on the grounds of race, creed, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin. (Potentially Mr. Z)*

**3. In this situation, what are some potential negative consequences for the teacher, for the students and the school community (what's the worst that could happen)?**

*For Mr. Z:*

- *Comments could go viral*
- *If deemed ineffective or disruptive to the school environment, or if he has violated the district electronic use policy or if he has violated any other district policy regarding comments about sexism, etc., an ethics complaint could also be filed, could result in a licensure sanction, could also result termination*
- *If current former students/families felt that the teacher had treated them unfairly, they could potentially take legal action against the teacher and/or district*
- *He may have been using school computers or using school time for these posts*

*For Mr. Y:*

- *Could be associated with Mr. Z for being friends on social media and being passive*
- *Could be accused of failing to protect students if Mr. Z's comments result in him taking it further with negative actions at school*

**4. What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?**

*The teacher should have reported the concerns. Proactively, the district should create and review social media policies and ethics to prevent both the comments and the dilemma about not reporting a colleague. The district should have a safe and non-retaliatory way for educators to cite concerns.*

## Principle 2:

### Responsibility for Professional Competence

#### Scenario 2: Unlicensed Coach

Mr. C was hired in the spring to be the fall football coach. He was told by the principal to make sure he obtained his coaching authorization prior to the start of the season. He completed the required coaching class, but he forgot to apply for the coaching authorization. After practices began, he told the principal it was all taken care of, and the principal trusted that the coach was being honest.

#### *Context:*

The state of Iowa requires licensure for all school coaches, including volunteers, to ensure that all coaches have the qualifications, knowledge, skills and judgment to instruct students participating in team sports. Coaches have the responsibility of conducting themselves in a manner that is worthy of this trust and consistent with the profession's expectation. Administrator should check the BoEE website to make sure educators have a valid license and the correct endorsement for their position.

Discussion Questions – have the participants give answers (small groups can discuss and report back) and assist with possible answers only if needed:

#### 1. What possible issues/concerns might this scenario raise?

*For Mr. C:*

- *Coaching without proper licensure*

*For the principal:*

- *Allowing the coach to serve without proper licensure (not verifying)*

#### 2. How could this situation become a violation of the law, the MCEE, the BoEE Code of Professional Conduct and Ethics, or other school /district policies?

MCEE Principal 2 – Responsibility for Professional Competence

- *Accepting the responsibilities, performing duties and providing services corresponding to the area of certification, licensure, and training of one's position;*
- *Protecting students from any practice that harms or has the potential to harm students.*

Iowa BoEE Code of Professional Conduct and Ethics:

25.3 (3) Standard III. Misrepresentation, falsification of information.

*a. Falsifying or deliberately misrepresenting, or omitting material information regarding professional qualifications, criminal history, college credit, staff development credit, degrees, academic award, or employment history when applying for employment or licensure.*

25.3 (6) Standard VI. Unethical practice toward other members of the profession, parents, students, and the community.

*c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.*

*l. Delegating tasks to unqualified personnel.*

*o. Performing services beyond the authorized scope of practice for which the individual is licensed or prepared or performing services without holding a valid license.*

**3. In this situation, what are some potential negative consequences for the teacher, for the students and the school community (what's the worst that could happen)?**

- *An ethics complaint could be filed (resulting in a licensure sanction for the principal, and possibly the denial of a license for the coach if the authorization still has not been issued).*
- *Parents could possibly pursue legal action against the coach and/or district if a child is injured under the supervision of an unlicensed coach.*
- *The coach may be on a registry such as child abuse, sex offender, or adult abuse, or they may otherwise have a criminal history that would prevent a license from being granted, thus potentially putting children at risk.*

**4. What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?**

*The coach needs to value licensure and follow through with his application for a coaching authorization, which will include a background check. The principal needs to check the BoEE website to make sure all educators have a valid license or authorization. This includes all coaches regardless of paid or volunteer status.*

**5. Optional follow-up scenario:**

A principal reassigns a teacher outside of her endorsement areas. He doesn't report the reassignment on the state BEDS report, because he doesn't want her to have to pay for classes or get a conditional license since it may be temporary. What are some possible issues and solutions?

**6. Optional follow-up scenario:**

In April, a principal hires a new teacher to start in August. When school begins, the principal finds out that the new teacher has not yet passed the required Praxis tests, and consequently does not yet hold an Iowa teaching license. The principal fills the position with a substitute teacher to serve alongside the unlicensed teacher to start the year. What are some possible issues and solutions?

## Principle 2:

### Responsibility for Professional Competence

#### Scenario 3: Special Education Records

Mr. S is a middle school special education teacher with two years of experience. He didn't plan on teaching special education, and doesn't necessary love doing it, but he decided to give it a try to get his "foot in the door". He is teaching on a conditional license, but hasn't had much time to devote to classes since he is also coaching. Recently, someone at the AEA noticed a lack of data entered for Mr. S's students, and the principal was subsequently notified. In a panic, Mr. S quickly entered numbers for his students since he knows approximately how they would have done on the probes anyway, so in his mind it is a fair representation of their progress. He also realizes that he forgot to notify parents about an IEP meeting he had last week for a student, so he changes the report to show that they were in attendance.

#### Context:

Public law 108-446, known as the Individuals with Disabilities Education Improvement Act (IDEA), is federal legislation that was passed to ensure children with disabilities receive a free appropriate public education (FAPE) that meets their unique needs. Special education reporting can be intimidating and overwhelming without significant professional support from other teachers, administrators, and special education specialists. Individualized Education Plans (IEPs), progress monitoring, and other assessments and accommodations must be documented accurately to ensure that the student is receiving the appropriate special education services, activities and supports necessary for the student to progress and succeed, and to ensure that the legal requirements of IDEA and the Iowa Department of Education are being met.

Discussion Questions – have the participants give answers (small groups can discuss and report back) and assist with possible answers only if needed:

**1. What possible issues/concerns might this scenario raise?**

- *The teacher is falsifying documents, so the teacher is not following the rules of the IEP with fidelity and the students are not getting what they need*

**2. How could this situation become a violation of the law, the MCEE, the BoEE Code of Professional Conduct and Ethics, or other school /district policies?**

*MCEE Principal 2 – Responsibility for Professional Competence*

- *Seeking and using evidence, instructional data, research, and professional knowledge to inform practice;*
- *Creating, maintaining, disseminating, storing, retaining and disposing of records and data relating to one's research and practice, in accordance with district policy, state and federal laws; and*
- *Using data, data sources, or findings accurately and reliably.*

Iowa BoEE Code of Professional Conduct and Ethics:

25.3 (3) Standard III. misrepresentation, falsification of information.

*b. Falsifying or deliberately misrepresenting or omitting information regarding compliance reports submitted to federal, state, and other governmental agencies.*

**3. In this situation, what are some potential negative consequences for the teacher, for the students and the school community (what's the worst that could happen)?**

- *An ethics complaint could be filed against the teacher, which may result in a sanction*
- *The teacher could be terminated*
- *The teacher/district could be subject to legal action*
- *The students may not make academic progress*

**4. What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?**

*The teacher needs to follow all special education accommodations, assessments, and IEP reporting as per state and federal law. The district and AEA need to provide appropriate supports and resources to the teacher. The district and teacher should collaboratively set expectations and priorities regarding the coursework needed for a conditional license in order to serve students with fidelity.*

**5. Optional follow-up scenario:**

A special education teacher frequently leaves her self-contained room to assist other teachers. The students are left with the paraprofessional. What are some possible issues and solutions?

**6. Optional follow-up scenario:**

Student R has been acting out in class. His teacher informs the parents that he thinks their son has ADHD and should be medicated. The teacher also recommends that student R's cell phone be taken away, and that he should be removed from all sports until student R's behavior improves in this class. What are some possible issues and solutions?

## Principle 3:

### Responsibility to Students

#### Scenario 4: Graduation Party

Mrs. G is a high school teacher who enjoys attending graduation parties for her departing senior students. During one of the parties, Mrs. G notices that there are many high school students present who are consuming alcohol. Mrs. G also notices that the parents of the students are joking that they would rather have the students drink in front of them where they can monitor it instead of hiding it. Mrs. G decides not to say anything since the parents are clearly in favor of the drinking behavior.

#### Context:

Teachers are at the center of the educational process and uniquely in a position of trust and influence. Educators often debate whether or not they should be held accountable to the ethics standards when away from school activities. In Iowa, the Code of Professional Conduct and Ethics does not stop at the end of the school day.

Discussion Questions – have the participants give answers (small groups can discuss and report back) and assist with possible answers only if needed:

**1. What possible issues/concerns might this scenario raise?**

- *The teacher has a passive reaction to illegal behavior by students, thus compromising student safety*
- *The teacher is condoning the behavior by not speaking up*
- *Students and parents are violating the law and good conduct policies*

**2. How could this situation become a violation of the law, the MCEE, the BoEE Code of Professional Conduct and Ethics, or other school /district policies?**

MCEE Principal 3 – Responsibility to Students

- *Interacting with students with transparency and in appropriate settings;*
- *Avoiding multiple relationships with students which might impair objectivity and increase the risk of harm to student learning or well-being or decrease educator effectiveness;*
- *Establishing and maintaining an environment that promotes the emotional, intellectual, physical, and sexual safety of all students.*

Iowa BoEE Code of Professional Conduct and Ethics:

25.3 (1) Standard I. *Conviction of crimes, sexual or other immoral conduct with or toward a student, and child and dependent adult abuse.*

*e. Student Abuse. Licensees shall maintain professional relationships with all students, both in and outside the classroom. The following acts or behavior constitutes unethical conduct without regard to the existence of a criminal charge or conviction:*

*(5) Furnishing alcohol or illegal or unauthorized drugs or drug paraphernalia to any student or knowingly allowing a student to consume alcohol or illegal or unauthorized drugs in the presence of the licensee;*

25.3 (6) Standard VI. *unethical practice toward other members of the profession, parents, students, and the community.*

*c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.*

**3. In this situation, what are some potential negative consequences for the teacher, for the students and the school community (what's the worst that could happen)?**

- *An ethics complaint could be filed against the teacher, possibly resulting in a licensure sanction and/or termination*
- *The teacher may become ineffective if the students think she will let anything slide.*
- *The students can be found in violation of the district good conduct policy.*
- *The students could be ill or injured as a result of underage drinking, resulting in a tragedy for the community.*

**4. What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?**

*The teacher should take immediate steps to stop underage students from drinking. The teacher should establishing clearer professional boundaries with parents and students.*

## Principle 3:

### Responsibility to Students

#### Scenario 5: Ride Home

Mrs. R is a very successful coach who often gives rides to students in her own car. She drives them home after school, after practice, or after games, which can be very late at night or on weekends. She enjoys spending extra time with the students to get to know them better. She feels that this is helping students to participate who may not otherwise be able. She is concerned about students who have to walk home in the dark or when it is very cold.

#### Context:

Most district policies prohibit the use of personal vehicles to transport students. Check the district policy to see if there are any allowances, and if there is a policy, it should mitigate any personal risk to the educator.

Discussion Questions – have the participants give answers (small groups can discuss and report back) and assist with possible answers only if needed:

**7. What possible issues/concerns might this scenario raise?**

- *This may be a violation of district policy*
- *This puts the teacher at risk if there is an accident or false accusation*

**8. How could this situation become a violation of the law, the MCEE, the BoEE Code of Professional Conduct and Ethics, or other school /district policies?**

MCEE Principal 3 – Responsibility to Students

*Interacting with students with transparency and in appropriate settings;*

*Avoiding multiple relationships with students which might impair objectivity and increase the risk of harm to student learning or well-being or decrease educator effectiveness;*

*Establishing and maintaining an environment that promotes the emotional, intellectual, physical, and sexual safety of all students.*

Iowa BoEE Code of Professional Conduct and Ethics:

25.3 (6) Standard VI. unethical practice toward other members of the profession, parents, students, and the community.

(in the case of an accident)

*c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.*

**9. In this situation, what are some potential negative consequences for the teacher, for the students and the school community (what's the worst that could happen)?**

- *The teacher could have a car accident, resulting in student injury or death*
- *The student could accuse the teacher of inappropriate behavior*
- *The student could take pictures of the teacher/student together and post online*
- *The student could tell the wrong address to the teacher for drop off, resulting in danger*
- *Other students and families could perceive this as favoritism*
- *The teacher could be subject to an ethics complaint and a possible licensure sanction or face termination*

**10. What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?**

*The teacher should establishing clearer professional boundaries with parents and students. The teacher should follow district policies regarding student transportation. The teacher should be familiar with the necessary steps to take if a student asks for a ride, or if a student is at school after an event without transportation*

**11. Optional follow-up scenario:**

Due to budget cuts, district transportation to events is limited. When events occur less than 20 miles away, the district decides to have students transport themselves. What are some possible issues and solutions?

## Principle 3:

### Responsibility to Students

#### Scenario 6: Boys Will Be Boys

Mrs. J is a middle school teacher with 25 years of experience. A 6<sup>th</sup> grade female student approached her complaining that a group of boys were snapping her bra closure on her back every day and that they would try to purposefully bump into her in the hallway, often grabbing her chest claiming it was “just an accident”. Mrs. J told her not to worry, that the boys probably like her, and if she simply ignores them, they will stop. Mrs. J also suggested to the female student that she should wear a large sweatshirt over her clothes every day to see if that would help the boys ignore her.

*Context:* The harmful effects of bullying can include experiencing physical symptoms and illnesses, poor school performance, and lowered self-esteem. In extreme cases, bullying has been linked to violence and suicide. There are ways to help those who inflict cruelty learn better ways of interacting; to help those who are bullied learn strategies for coping; and to help witnesses learn to stand up to being bullied and deprive them of an audience. If left unchecked, mean spirited students get the message that cruel behavior is acceptable to adults. Creating open lines of communication and support networks at home and at school, teachers, parents, and students can work together to create a safer school community. Title IX also bars schools from ignoring harassment based on gender stereotyping.

Discussion Questions – have the participants give answers (small groups can discuss and report back) and assist with possible answers only if needed:

**1. What possible issues/concerns might this scenario raise?**

- *Mrs. J's lack of action could be perceived as supportive of the behavior.*
- *Mrs. J will be held responsible for the safety of the female student it was reported to her*
- *Mrs. J is not following district policy*
- *Mrs. J is blaming the victim*
- *The student does not feel safe at school*

**2. How could this situation become a violation of the law, the MCEE, the BoEE Code of Professional Conduct and Ethics, or other school /district policies?**

MCEE Principal 3 – Responsibility to Students

- *Interacting with students with transparency and in appropriate settings;*
- *Avoiding multiple relationships with students which might impair objectivity and increase the risk of harm to student learning or well-being or decrease educator effectiveness;*
- *Establishing and maintaining an environment that promotes the emotional, intellectual, physical, and sexual safety of all students.*

Iowa BoEE Code of Professional Conduct:

25.3 (6) Standard VI. unethical practice toward other members of the profession, parents, students, and the community.

*c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.*

**3. In this situation, what are some potential negative consequences for the teacher, for the students and the school community (what's the worst that could happen)?**

- *Tacit approval by the teacher could encourage continued cruelty toward the student outside of the classroom where there is greater opportunity for escalation*
- *The student may feel physically and emotionally unsafe in the classroom or school building which may negatively impact academic performance – (the student may also suffer from anxiety, depression, etc.)*
- *Some students may be mistrustful of the teacher, thinking that they could be a future target of ridicule and cruelty if the teacher refuses to address the behavior*
- *The teacher could be subject to an ethics complaint and a possible licensure sanction or face termination*

**4. What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?**

*The school district is required to have clear policies and procedures regarding bullying. The teacher is required to follow the policies, including recognizing that the behavior is significant. The teacher is required to protect the safety of the student.*

**5. Optional follow-up scenario:**

A middle school principal sends home a letter reminding parents and students about the school's dress code policy, and that they are also banning girls' leggings and yoga pants because they are too distracting for the boys. What are some possible issues and solutions?

**6. Optional follow-up scenario:**

A high school teacher sees conversations online which indicate that one of her students is the victim of cyberbullying. The student is quiet and withdrawn at school. The teacher decides not to talk to the student about it, since it happened online at night and not during school hours. What are some possible issues and solutions?

## Principle 3:

### Responsibility to Students

#### Scenario 7: Marker Joke

Mr. M is a 15-year veteran middle school teacher known for his humor and sarcasm. When students fall asleep in his class, he writes “ZZZZZ” in permanent marker on their arms and hands. The other students in the class watch and laugh along with Mr. M when this occurs. Mr. M believes that he is sending an effective message since students never fall asleep twice. The other teachers and administrators dismiss the behavior because it’s just “Mr. M”.

#### Context:

Bullying can be student-student, educator-student, or educator-educator. Sometimes educators think that their sense of humor and sarcasm is shared and appreciated by all, when in fact student or adults may be hurt by their words or actions.

#### 1. What possible issues/concerns might this scenario raise?

- *The teacher is ridiculing the student, and in front of others*
- *The student is being harassed and bullied by the teacher*
- *The student may potentially need specific family assistance if they are not getting enough sleep*

#### 2. How could this situation become a violation of the law, the MCEE, the BoEE Code of Professional Conduct and Ethics, or other school /district policies?

##### MCEE Principal 3 – Responsibility to Students

- *Establishing and maintaining an environment that promotes the emotional, intellectual, physical, and sexual safety of all students.*
- *Communicating with students in a clear, respectful, and culturally sensitive manner;*
- *Engaging in physical contact with students only when there is a clearly defined purpose that benefits the student and continually keeps the safety and well-being of the student in mind;*

Iowa BoEE Code of Professional Conduct:

25.3 (6) Standard VI. unethical practice toward other members of the profession, parents, students, and the community.

*c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.*

*d. Conducting professional business in such a way that the practitioner repeatedly exposes students or other practitioners to unnecessary embarrassment or disparagement.*

**3. In this situation, what are some potential negative consequences for the teacher, for the students and the school community (what's the worst that could happen)?**

- *Led by the actions of an adult, this could encourage continued cruelty toward the student outside of the classroom where there is greater opportunity for escalation*
- *The student may feel physically and emotionally unsafe in the classroom or school building which may negatively impact academic performance*
- *Some students may be mistrustful of the teacher, thinking that they could be a future target of ridicule and cruelty if the teacher refuses to address the behavior*
- *The student could suffer from depression and anxiety and their potential effects*
- *The student may be suffering from another health condition or home condition that is affecting their sleep which is not being addressed by this teacher*
- *The teacher could be subject to an ethics complaint and a possible licensure sanction or face termination*

**4. What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?**

*The school should have clear guidance regarding respecting students. The teacher is required to protect the safety of the student. An attempt at humor should never be at the cost of a student, parent, or colleague.*

**5. Optional follow-up scenario:**

A coach uses running laps as punishment for student behavior. What are some possible issues and solutions?

## Principle 3:

### Responsibility to Students

#### Scenario 8: Sharing is Not Always Caring

Mr. L teaches high school English/Language Arts and directs the school play. Student K is a very outgoing sophomore male student who enjoys acting, and he was cast in a small role last year. There are a few rumors around school that Student K might be gay, and Mr. L has also heard these rumors (Student K is gay, but he has not told anyone including his parents). During the auditions, Mr. L felt that Student K was hanging around him a little too much, and he thought Student K might be flirting with him. He called a meeting with Student K, his parents, and the principal. Mr. L told the group about Student K's behavior, that he knows Student K is gay, and under the circumstances he doesn't think that it will be appropriate to cast him in the play this year. Mr. L thinks it will be best if they have some space and boundaries from each other, and that it might also make the other students uncomfortable to have to be around Student K in the play.

#### Context:

Educators are not allowed to discriminate against students, including based on sexuality. Educators should not act on unsubstantiated rumors, or pass along information that may place a student in harm's way (parents or peers may be unsupportive). LGBT students are at increased risk for bullying and suicidal thoughts and attempts. Comprehensive approaches are needed to make school environments safe and welcoming for LGBT students and staff, and to allow students to learn and socialize with peers without fearing disclosure, exclusion, humiliation, or violence.

#### 1. What possible issues/concerns might this scenario raise?

- *Discrimination against a student*
- *Perpetuating a rumor (disclosing information to the principal and parents)*

#### 2. How could this situation become a violation of the law, the MCEE, the BoEE Code of Professional Conduct and Ethics, or other school /district policies?

MCEE Principal 3 – Responsibility to Students

- *Respecting the dignity, worth, and uniqueness of each individual student including, but not limited to, actual and perceived gender, gender expression, gender identity, civil status, family status, sexual orientation, religion, age, disability, race, ethnicity, socio-economic status, and culture; and*
- *Establishing and maintaining an environment that promotes the emotional, intellectual, physical, and sexual safety of all students.*

Iowa BoEE Code of Professional Conduct:

25.3 (6) Standard VI. unethical practice toward other members of the profession, parents, students, and the community.

*c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.*

*d. Conducting professional business in such a way that the practitioner repeatedly exposes students or other practitioners to unnecessary embarrassment or disparagement.*

*e. Engaging in any act of illegal discrimination, or otherwise denying a student or practitioner participation in the benefits of any program on the grounds of race, creed, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin.*

**3. In this situation, what are some potential negative consequences for the teacher, for the students and the school community (what's the worst that could happen)?**

- *Led by the actions of an adult, this could encourage continued rumors toward the student outside of the classroom where there is greater opportunity for escalation.*
- *The student may feel physically and emotionally unsafe in the classroom or school building which may negatively impact academic performance.*
- *The student could suffer from depression and anxiety and their potential effects.*
- *The student may suffer from abuse or homelessness as a result of being exposed involuntarily*
- *The teacher could be subject to an ethics complaint and a possible licensure sanction*

**4. What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?**

*The school should have clear guidance regarding respecting students, including LGBT students. The teacher is required to protect the safety of the student. The teacher should have cast the student in the play, and the teacher should not have perpetuated a rumor about the student.*

**5. Optional follow-up scenario:**

A teacher hears a student laughing and saying "that's so gay" (in the context of something negative) during a group discussion in her classroom. The teacher ignores the comment and quickly tries to move on to the next topic. What are some possible issues and solutions?

## Principle 4:

### Responsibility to the School Community

#### Scenario 9: Mentor Buddies

Ms. N is a new 4<sup>th</sup> grade teacher, and her mentor is Mrs. E, who has 20 years of experience as an elementary teacher. They have been neighbors for many years and attend the same church. Mrs. E decides that they don't need to meet as mentor/mentee because "she already knows that Ms. N is excellent". The district pays for the teachers to attend a professional conference, and they skip most of the sessions to go sightseeing. The mentor receives the district stipend for the work, and later the principal signs a form verifying that the new teacher has completed the required mentoring program.

#### Context:

Educators have a responsibility to uphold professional standards, regardless of our other relationships with colleagues. Extra diligence is sometimes required to ensure fidelity in the process.

#### 1. What possible issues/concerns might this scenario raise?

- *The mentor is accepting the stipend for work not completed*
- *The mentee is not getting the support they need*
- *They use district funding for a conference, but they don't attend most sessions*
- *The principal does not verify that the work is being completed*

#### 2. How could this situation become a violation of the law, the MCEE, the BoEE Code of Professional Conduct and Ethics, or other school /district policies?

##### MCEE Principal 4 – Responsibility to the School Community

- *Collaborating with colleagues in a manner that supports academic achievement and related goals that promote the best interests of students;*
- *Enhancing the professional growth and development of new educators by supporting effective field experiences, mentoring or induction activities across the career continuum;*
- *Ensuring that educators who are assigned to participate as mentors for new educators, cooperating teachers, or other teacher leadership positions are prepared and supervised to assume these roles;*
- *Considering the risks that multiple relationships might impair objectivity and increase the likelihood of harm to students' learning and well-being or diminish educator effectiveness;*

Iowa BoEE Code of Professional Conduct:

25.3 (3) Standard III. misrepresentation, falsification of information.

*b. Falsifying or deliberately misrepresenting or omitting information regarding compliance reports submitted to federal, state, and other governmental agencies.*

25.3(4) Standard IV. misuse of public funds and property.

*d. Failing to use time or funds granted for the purpose for which they were intended.*

25.3 (6) Standard VI. unethical practice toward other members of the profession, parents, students, and the community.

*m. Failing to comply with federal, state, and local laws applicable to the fulfillment of professional obligations.*

**3. In this situation, what are some potential negative consequences for the teacher, for the students and the school community (what's the worst that could happen)?**

- *Word could spread and others could decide to skip the program*
- *The mentee may not serve students as well as she could have with proper mentoring*
- *The mentor could be subject to an ethics complaint and a possible licensure sanction*
- *The principal could be subject to an ethics complaint and a possible licensure sanction*

**4. What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?**

The district needs to set clear expectations for the mentoring program. The mentoring program parameters or TLC parameters are approved by the Department of Education. There needs to be a system of checks in place to ensure the program is being delivered with fidelity.

**5. Optional follow-up scenario:**

A high school social studies teacher has a "Black Lives Matter" bumper sticker on his car. Another teacher notices it, and decides to distribute "All Lives Matter" flyers to teachers through the office mailboxes. What are some possible issues and solutions?

**6. Optional follow-up scenario:**

A veteran coach working in a small community knows many of the families personally. The families expect their children to have more playing time etc. since they know the coach. What are some possible issues and solutions?

## Principle 5:

### Responsible and Ethical Use of Technology

#### Scenario 10: Email Rant

Mrs. D is an elementary special education teacher with 30 years of experience. She is greatly looking forward to meeting other teachers after work for some adult beverages and food after a very tough week with students. She sends an email to the other teachers, with the following text: “Hey all – I will probably be late after school ☹️ I have an IEP meeting for John Jones because of his so-called “learning disability” (cough), and his mother is totally crazy :-/!!”

#### Context:

Federal law requires educational agencies to guarantee each student basic privacy rights. To maintain these rights, schools are required to have guidelines for collecting, maintaining, disseminating, and verifying the accuracy of information that they collect. As a general rule, discussions about pupils should concern only their educational goals and appropriate instructional strategies and those conversations should be exclusive to the school personnel directly related to the student’s educational program. Additionally, educators should not accept positions for which they are not committed or qualified.

#### 1. What possible issues/concerns might this scenario raise?

- *The teacher discloses confidential information*
- *The teacher makes a derogatory remark about the parent*
- *The teacher is serving in an area that he is not well prepared for*

#### 2. How could this situation become a violation of the law, the MCEE, the BoEE Code of Professional Conduct and Ethics, or other school /district policies?

##### MCEE Principal 5: Responsible and Ethical Use of Technology

- *Understanding and abiding by the district’s policy on the use of technology and communication;*
- *Recognizing that some electronic communications are records under the Freedom of Information Act (FOIA) and state public access laws and should consider the implications of sharing sensitive information electronically either via professional or personal devices/accounts; and*
- *Taking appropriate and reasonable measures to maintain confidentiality of student information and educational records stored or transmitted through the use of electronic or computer technology;*
- *Understanding the intent of Federal Educational Rights to Privacy Act (FERPA) and how it applies to sharing electronic student records;*

Iowa BoEE Code of Professional Conduct:

25.3(4) Standard IV. misuse of public funds and property.

*b. Converting public property or funds to the personal use of the practitioner.*

25.3 (6) Standard VI. unethical practice toward other members of the profession, parents, students, and the community.

*c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.*

*h. Intentionally disclosing confidential information including, but not limited to, unauthorized sharing of information concerning student academic or disciplinary records, health and medical information, assessment or testing results, or family income. Licensees shall comply with state and federal laws and local school board policies relating to the confidentiality of student records, unless disclosure is required or permitted by law.*

**3. In this situation, what are some potential negative consequences for the teacher, for the students and the school community (what's the worst that could happen)?**

- *The teacher could be subject to legal action, and could be putting the district at risk for legal action*
- *The teacher could be subject to an ethics complaint and a possible licensure sanction or face termination*
- *The other teachers could also disclose confidential information now that they know the information*

**4. What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?**

*The district should have clear protocols regarding student confidentiality and treating students, parents, and the community with respect. The district should have a clear acceptable use policy for electronics and communication, including information about FOIA and FERPA.*

**5. Optional follow-up scenario:**

Two teachers are venting after school about their day including discussing specific students. One of the students is outside the door, and begins live tweeting the entire conversation. What are some possible issues and solutions?

## Principle 5:

### Responsible and Ethical Use of Technology

#### Scenario 11: Texting and Social Media

Ms. F has been teaching for 10 years and is very popular with students. She frequently offers students extra help after school, so it's not uncommon to see students visiting her classroom after school. She has tutored one of her HS students in a variety of subjects over a two-year period. During that time, Ms. F has used Facebook private messaging and texting to communicate with the student. At first, the exchanges were very general; sometimes unrelated to school work (e.g., asking the student about his family, or how he was getting along with friends). Recently, the student began to text the teacher about more personal feelings, including romantic feelings that he has for her.

#### *Context:*

Across the country, school officials are grappling with the growth of social media and the implications for their schools. Technological communication between students and teachers outside of school is often at the heart of the problem. More and more, school officials are making ethical and policy decisions balancing the ease of communication with student safety and decorum. Scores of teachers have e-mailed or texted their way into the headlines, crossing the bounds of appropriate relationships with students by engaging in inappropriate emailing and/or texting. Often, the problem with this form of communication is that it can obscure the boundaries between teacher and student. It is important for educators to understand the benefits as well as the dangers of using electronic communication with students.

**Two teachers are talking about their day, including venting about specific students. One of the students is outside the room, and starts live tweeting the conversation. What possible issues/concerns might this scenario raise?**

- *Boundary issues and possible implications of misconduct*
- *Student was allowed to cross boundaries as well, putting the student at risk*

**2. How could this situation become a violation of the law, the MCEE, the BoEE Code of Professional Conduct and Ethics, or other school /district policies?**

#### MCEE Principal 5 – Responsible and Ethical Use of Technology

- *Using social media responsibly, transparently, and primarily for purposes of teaching and learning per school and district policy. The professional educator considers the ramifications of using social media and direct communication via technology on one's interactions with students, colleagues, and the general public;*
- *Understanding and abiding by the district's policy on the use of technology and communication;*

- *Exercising prudence in maintaining separate and professional virtual profiles, keeping personal and professional lives distinct*

Iowa BoEE Code of Professional Conduct:

25.3 (1) Standard I. Conviction of crimes, sexual or other immoral conduct with or toward a student, and child and dependent adult abuse.

*e. Student Abuse. Licensees shall maintain professional relationships with all students, both in and outside the classroom. The following acts or behavior constitutes unethical conduct without regard to the existence of a criminal charge or conviction:*

*(4) Soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student;*

25.3 (6) Standard VI. unethical practice toward other members of the profession, parents, students, and the community.

*c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.*

**3. In this situation, what are some potential negative consequences for the teacher, for the students and the school community (what's the worst that could happen)?**

- *The teacher could be accused of having an inappropriate relationship*
- *The student could send further inappropriate messages, including pictures or other compromising material*
- *The teacher could be subject to an ethics complaint and a possible licensure sanction or face termination*

**4. What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?**

*Proactively, the district should create and review electronic use and social media policies and ethics to prevent boundary issues, blending personal and professional lives, and communicating effectively and safely with students and families. It is still important to connect with students and to be supportive, but it must be clearly professional and fully transparent.*

**5. Optional follow-up scenario:**

A helpful teacher leaves her cell phone on the corner of her desk so that students can use it as a calculator or to connect to the internet. What are some possible issues and solutions?

## Principle 5:

### Responsible and Ethical Use of Technology

#### Scenario 12: Summer Painting

Mr. D, a 4<sup>th</sup> grade teacher, has a house painting business on the side to generate extra income in the summer. He often uses his school computer to update his website and to generate invoices. He is careful to only do this during before and after school hours and during the summer. The district athletic director (who happens to be close friends with Mr. D) hires Mr. D's painting company to paint all of the athletic buildings in the district this coming summer. Mr. D uses the industrial technology room to store his equipment and uses the tools in the room to help with painting prep.

#### Context:

There are many things that we use in both our personal and our professional lives. For educators, these could include teaching supplies e.g. paper, calculators, manipulatives or models as well as technological resources e.g. computers, DVD players, Internet, email, course-related equipment, video production equipment, kitchen appliances, microscopes, lab or shop equipment and even time during the school day. Educators need to be conscious about using resources available to them as an educator for the purposes of teaching and learning and not using resources provided by their school or district for personal use or personal gain.

#### 1. What possible issues/concerns might this scenario raise?

- *Mr. D is using the school computer and industrial technology room for his personal use*
- *Mr. D may be personally profiting from the district because of his friendship with the AD*
- *The AD may not have used district protocols for selecting a contractor*

#### 2. How could this situation become a violation of the law, the MCEE, the BoEE Code of Professional Conduct and Ethics, or other school /district policies?

MCEE Principal 5– Responsibility to Students

- *Understanding and abiding by the district's policy on the use of technology and communication;*
- *Exercising prudence in maintaining separate and professional virtual profiles, keeping personal and professional lives distinct.*

Iowa BoEE Code of Professional Conduct:

25.3(4) Standard IV. misuse of public funds and property.

*b. Converting public property or funds to the personal use of the practitioner.*

**3. In this situation, what are some potential negative consequences for the teacher, for the students and the school community (what's the worst that could happen)?**

- *The teacher and the AD could be subject to an ethics complaint and a possible licensure sanction*
- *The teacher and the AD could lose credibility in the school community*
- *The teacher and the AD could face other legal issues concerning the business contract*

**4. What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?**

*The district should have a clear acceptable use policy for electronics and communication, including information about what is acceptable for personal use. The district should also have a clear protocol for accepting bids.*

**5. Optional follow-up scenario:**

A district is getting rid of some older laptops. A teacher is in charge of donating them to a local charity. He decides to keep one of the laptops because it is better than what his son has at home, and the district has already removed them from the inventory anyway. What are some possible issues and solutions?

## Resources and Acknowledgements

National Association of State Directors of Teacher Education and Certification  
([www.nasdtc.net](http://www.nasdtc.net))

[Model Code of Ethics for Educators \(2015\)](#)

Iowa Board of Educational Examiners ([www.boee.iowa.gov](http://www.boee.iowa.gov))

[Code of Professional Conduct and Ethics](#)

[Board Decisions](#)

Lane, Frederick. (2015) Cybertraps for Educators. Frederick Lane (self-published).

[www.fredericklane.com](http://www.fredericklane.com) – Cybertraps Blog

Connecticut Code of Professional Responsibility for Educators (and sample scenarios)

<http://www.ctteam.org/>