

APPENDIX D

Standards of Ethical and Professional Performance for Holders of Public School Certificates

RULE 27

REGULATIONS AND STANDARDS FOR PROFESSIONAL PRACTICES CRITERIA

TITLE 92, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 27

Effective Date: November 12, 2003

004 Standards of Ethical and Professional Performance for Holders of Public School Certificates

The following standards apply to all holders of public school certificates.

004.01 Preamble:

The educator shall believe in the worth and dignity of human beings. Recognizing the supreme importance of the pursuit of truth, the devotion to excellence and the nurture of democratic citizenship, the educator shall regard as essential to these goals the protection of the freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator shall accept the responsibility to practice the profession to these ethical standards.

The educator shall recognize the magnitude of the responsibility he or she has accepted in choosing a career in education, and engages, individually and collectively with other educators, to judge his or her colleagues, and to be judged by them, in accordance with the provisions of this chapter.

The standards listed in this section are held to be generally accepted minimal standards for public school certificate holders in Nebraska with respect to ethical and professional conduct and are, therefore, declared to be the criteria of ethical and professional performance adopted pursuant to the provisions of Section 79-866 R.R.S. for holders of public school certificates.

If the certificate holder is employed in a nonpublic school, that context shall be taken into account in the application of these standards.

004.02 Principle I-Commitment as a Professional Educator:

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

In fulfillment of the educator's contractual and professional responsibilities, the educator:

004.02A Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, colleagues, parents, school patrons, or school board members.

004.02B Shall not discriminate on the basis of race, color, creed, gender, marital status, age, national origin, ethnic background, or disability.

004.02C Shall not use coercive means, or promise or provide special treatment to students, colleagues, school patrons, or school board members in order to influence professional decisions.

004.02D Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible.

004.02E Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage.

004.02F Shall not sexually harass students, parents or school patrons, employees, or board members.

004.02G Shall not have had revoked for cause of a teaching certificate, administrative certificate, or any certificate enabling a person to engage in any of the activities for which a special services certificate is issued in Nebraska.

004.02H Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties.

004.02I Shall report to the Commissioner any known violation of Sections 004.02G, 004.04E, or 004.05B of this chapter.

004.02J Shall seek no reprisal against any individual who has reported a violation of this chapter.

004.03 Principle II-Commitment to the Student:

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

In fulfillment of the obligation to the student, the educator:

004.03A Shall permit the student to pursue reasonable independent scholastic effort, and shall permit the student access to varying points of view.

004.03B Shall not deliberately suppress or distort subject matter for which the educator is responsible.

004.03C Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety.

004.03D Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student.

004.03E Shall keep in confidence personally identifiable information that has been obtained in the course of professional service, unless disclosure serves professional purposes, or is required by law.

004.03F Shall not tutor for remuneration students assigned to his or her classes unless approved by the local board of education.

004.03G Shall not discipline students using corporal punishment.

004.04 Principle III-Commitment to the Public:

The magnitude of the responsibility inherent in the education process requires dedication to the principles of our democratic heritage. The educator bears particular responsibility for instilling an understanding of and confidence in the rule of law, a respect for individual freedom, and a responsibility to promote respect by the public for the integrity of the profession.

In fulfillment of the obligation to the public, the educator:

004.04A Shall not misrepresent an institution with which the educator is affiliated, and shall take added precautions to distinguish between the educator's personal and institutional views.

004.04B Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities.

004.04C Shall neither offer nor accept gifts or favors that will impair professional judgment.

004.04D Shall support the principle of due process and protect the political, citizenship, and natural rights of all individuals.

004.04E Shall not commit any act of moral turpitude or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21.

004.04F Shall, with reasonable diligence, attend to the duties of his or her professional position.

004.05 Principle IV-Commitment to the Profession:

In the belief that the quality of the services to the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to improve service, to promote a climate in which the exercise of professional judgment is encouraged, and to achieve conditions which attract persons worthy of the trust to careers in education. The educator shall believe

that sound professional relationships with colleagues are built upon personal integrity, dignity, and mutual respect.

In fulfillment of the obligation to the profession, the educator:

004.05A Shall provide upon the request of an aggrieved party, a written statement of specific reasons for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.

004.05B Shall not misrepresent his or her professional qualifications, nor those of colleagues.

004.05C Shall practice the profession only with proper certification, and shall actively oppose the practice of the profession by persons known to be unqualified.

004.06 Principle V-Commitment to Professional Employment Practices:

The educator shall regard the employment agreement as a pledge to be executed both in spirit and in fact. The educator shall believe that sound personnel relationships with governing boards are built upon personal integrity, dignity, and mutual respect.

In fulfillment of the obligation to professional employment practices, the educator:

004.06A Shall apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualifications.

004.06B Shall not knowingly withhold information regarding a position from an applicant or employer, or misrepresent an assignment or conditions of employment.

004.06C Shall give prompt notice to the employer of any change in availability of service.

004.06D Shall conduct professional business through designated procedures, when available, that have been approved by the employing agency.

004.06E Shall not assign to unqualified personnel, tasks for which an educator is responsible.

004.06F Shall permit no commercial or personal exploitation of his or her professional position.

004.06G Shall use time on duty and leave time for the purpose for which intended.

006 Standards for Continuance in Professional Service for all Certificate Holders

Continuance in professional service requires the maintenance of a valid teaching, administrative, or special services certificate in accordance with the laws of the State of Nebraska.

007 Standards for Contractual Obligations for all Certificate Holders

Educators shall adhere fully to the terms of a contract or appointment.

Summary

Teaching in the public schools of Nebraska and related administrative and supervisory services are recognized as a profession by the Legislature.



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.

A. 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 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; and
 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.

MCEE 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 time¹.

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.

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.

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

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.¹

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 are 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

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.²

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.

¹ <http://learningforward.org/standards/learning-communities#.VTVerkv7Q3Y>

² <http://edglossary.org/school-community/>