ETHICS AND
CONDUCT
WHAT IS THE
PURPOSE?

Essential Questions

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

PURPOSE

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

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


CHILD SAFETY SHOULD NOT BE DETERMINED BY ZIP CODE
The Difference

Code of Conduct
NH’s Principles of Professional Conduct

Code of Ethics
The Code of Ethics for New Hampshire Educators

Principle 1 – Responsibility to Students

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

Principle 2 – Responsibility to the Education Profession and Educational Professionals

Principle 3 – Responsibility to the School Community

Principle 4 – Responsible and Ethical Use of Technology

Principle 5 – Duty to Report
**Code of Ethics**

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

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

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**Nexus Between Ethics and Conduct**

*(Hutchings, T. 2016)*

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

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

Vulnerabilities
- Acting in the Public Interest

Nuanced & Complex
Multiple Stakeholders
Competing Tensions

Possible Sanctions

Lowest Standard of Acceptable Behavior

Operate within the gray. Navigate the gray. Embrace the gray.
Timeline of NH’s Code of Ethics & Conduct

Phase 1

1. PSB decides to engage in a code of ethics
2. PSB researches and reviews model codes
3. PSB collects stakeholder feedback
4. PSB passes a proposal on ethics
5. Commissioner’s Task Force

Phase 2

6. Task Forces begins work focused on ethics.
7. Public hearing HB 210 NH Legislature, enabling legislation for SB rulemaking.
8. HB 210 signed by the Governor
9. Task Force transitions focus to principles of professional conduct
10. Public hearing on NH’s Code of Ethics and Principles of Conduct
11. State Board adoption ethics and conduct
Timeline of NH’s Code of Ethics & Conduct

Phase 3

1. State board considers substantive feedback from JLCAR & pursues revisions

2. State Board adopts final proposal & submits to JLCAR. JLCAR approves & returns to State Board for adoption & certification.

3. State and district implementation

September 2018
November 2018 - January 2019
Winter-Spring 2019

Setting Context:
NH by the Numbers

5 Year Slice, Reported Educator Misconduct Cases

2014: 170
2015: 190
2016: 202
2017: 195
2018: 222
Setting Context: NH by the Numbers

5 Year Slice, Revocations & Suspensions

2014: 11
2015: 9
2016: 11
2017*: 11 R, 2 S, 3 Surrenders
2018: 5 R, 0 S, 3 Surrenders

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

Highlights

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

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

:\textit{GBEA, GBEAB, GEBE}

WHAT SHOULD I DO IF I AM A BOARD MEMBER?

Policy – Policy – Policy
*NEW POLICY*
MANDATORY REPORTING

Mandatory Code of Conduct Reporting

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

1. reporting any “suspected violation of the code of conduct” (see NH Code of Conduct at Ed 510.05 (a)); and

2. self-reporting within five (5) days any arrest for violations of crimes enumerated in RSA 189:13-a, V (“Section V Offenses”).

Inspire integrity by speaking up.
Mandatory Reporting

Reports by Covered Individuals of Suspected Misconduct or Violations.

- Any Covered Individual having reason to suspect that any other district or SAU employee, designated volunteer, or third party consultant/contractor has violated any provision of the NH Code of Conduct, and or District Policy (**GBEB**), whether on or off duty, shall report the same to such Covered Individual’s building principal, or to the Superintendent.

- If the person who is the subject of the alleged misconduct/violation is the Superintendent, then the Covered Individual shall report the suspected violation to the **[_______Business Administrator/Human Resources Director (note: the titled administrator should be the most senior level SAU administrator who is not the superintendent)]**, who is hereby granted authority to consult with the District’s attorney on the matter.

- Additionally, if the Covered Individual is also a Credential Holder, he/she shall report the Superintendent’s suspected violation/misconduct directly to the N.H. Department of Education. Likewise, if a Credential Holder has made a report to the Principal and/or the Superintendent, and believes that the District’s reporting procedures as expressed in this Policy have not been followed, the Credential Holder shall so notify the New Hampshire Department of Education directly.

Existing Policies

Requiring an Update: **Ethics**

**New Hampshire School Boards Association**

Sample Policy GBEA

**STAFF ETHICS**

Category: Recommended

Related Policies GBEA, GBEB & GREEB

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

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

**C. Additional Ethical Standards.**

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

**D. Dissemination.**

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

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

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