

A HIGHER ETHICAL STANDARD...

Presented by:

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TOMERLIN AND ADAMS CASES

The Florida 1st District Court of Appeals said that teachers are held to a higher standard.

“A school teacher holds a position of great trust. We entrust the custody of our children to the teacher. We look to the teacher to educate and to prepare out (sic) children for their adult lives. To fulfill this trust, the teacher must be of good moral character; to require less would jeopardize the future lives of our children.: Tomerlin v. Dade County School Board. 318 So.2d 159 (Fla. 1st DCA 1975).

“...it should be noted that educators are held to a more rigorous moral standard than other professionals because of their role in educating children.” Adams v. State Professional Practices Council. 406 So.2d 1170 (Fla.1st DCA 1981).

CODE OF ETHICS

The educator **values**:

- ◆ the worth and dignity of every person
- ◆ the pursuit of truth
- ◆ devotion to excellence
- ◆ acquisition of knowledge
- ◆ the nurture of democratic citizenship

The educator's **primary professional concern** will always be for the student and the development of the student's potential.

The educator **strives** to achieve and sustain the highest degree of ethical conduct.

PRINCIPLES OF PROFESSIONAL CONDUCT

Obligations to the Student

The educator will:

- ◆ **commit** to academic openness, fairness, honesty, and objectivity to students and the learning material; and
- ◆ **avoid** harassment of, embarrassment of, or discrimination against students.

Obligations to the Public

The educator will:

- ◆ **distinguish** between personal views and the views of the educational institution with which the educator is affiliated;
- ◆ **refuse to accept** gifts or favors which will influence professional judgment; and
- ◆ **avoid** using professional position for personal gain or advantage.

Obligations to the Profession

The educator will:

- ◆ **respect** and be fair to colleagues;
- ◆ **report** alleged violations of state or local school board rules by other educators; and
- ◆ **avoid** misrepresenting qualifications or assisting unqualified personnel to gain or continue employment in the profession.

DISMISSAL, SUSPENSION OR REVOCATION OF CERTIFICATE

Section 1012.33, Florida Statutes, describes the circumstances for “just cause” dismissal from district employment, and Section 1012.795, Florida Statutes, describes causes for disciplinary actions taken against an educator’s certificate.

JUST CAUSE FOR DISMISSAL FROM DISTRICT EMPLOYMENT	REVOCATION/ SUSPENSION OF CERTIFICATES
<p>Includes but is not limited to:</p> <ol style="list-style-type: none">1. MISCONDUCT IN OFFICE2. INCOMPETENCY3. GROSS INSUBORDINATION4. WILLFUL NEGLECT OF DUTIES5. CONVICTION OF A CRIME INVOLVING MORAL TURPITUDE	<ol style="list-style-type: none">1. FRAUDULENT CERTIFICATE2. INCOMPETENCY3. COMMITTED AN ACT OF MORAL TURPITUDE4. HAS BEEN GUILTY OF GROSS IMMORALITY5. REVOCATION OF CERTIFICATE IN ANOTHER STATE6. CONVICTION OF A MISDEMEANOR, FELONY, OR ANY OTHER CRIMINAL CHARGE OTHER THAN A MINOR TRAFFIC VIOLATION7. IS GUILTY OF PERSONAL CONDUCT WHICH SERIOUSLY REDUCES EFFECTIVENESS AS AN EMPLOYEE OF THE SCHOOL BOARD8. BREACH OF LOCAL CONTRACT9. HAS VIOLATED THE PRINCIPLES OF PROFESSIONAL CONDUCT FOR THE EDUCATION PROFESSION IN FLORIDA10. HAS OTHERWISE VIOLATED THE PROVISION OF LAW, THE PENALTY FOR WHICH IS THE REVOCATION OF THE EDUCATION CERTIFICATE11. HAS VIOLATED ANY ORDER OF THE EDUCATION PRACTICES COMMISSION
<p>GOOD AND SUFFICIENT REASON FOR DISMISSAL FROM DISTRICT EMPLOYMENT</p>	
<p>Includes 1-5 plus:</p> <ol style="list-style-type: none">6. IMMORALITY7. DRUNKENNESS	

TYPES OF CASES INVOLVING SUSPENSION / REVOCATION ISSUES

1. ASSAULT/ BATTERY/RAPE
2. BREACH OF CONTRACT
3. FRAUDULENT CERTIFICATE/APPLICATION
4. ILLEGAL DRUG USE/ TRAFFICKING
5. ALCOHOL ABUSE
6. MISAPPROPRIATION OF SCHOOL MONEY/PROPERTY (FTE, Fraudulent Sick Leave, Travel)
7. PUBLIC ASSISTANCE FRAUD (Welfare, Food Stamps)
8. WORTHLESS CHECKS
9. SHOPLIFTING/PETIT THEFT
10. ILLEGAL USE OF FIREARMS/WEAPONS
11. IMPROPER USE OF CORPORAL PUNISHMENT
12. INCOMPETENCE
13. GRAND THEFT/LARCENY (Credit Card, Possession of Stolen Property)
14. MANSLAUGHTER/MURDER/ATTEMPTED MURDER
15. MISCELLANEOUS FELONY (Burglary, Robbery, Arson, Counterfeiting)
16. MISCELLANEOUS MISDEMEANORS (Trespassing, Loitering, Prowling, Violation of Probation)
17. REDUCTION OF EFFECTIVENESS:
 - 17A. ALTERING STUDENT GRADES, RECORDS, FTE RECORDS; TEST ANSWERS TO STUDENTS
 - 17B. ALCOHOL OR OTHER DRUGS TO/WITH STUDENTS
 - 17C. ABSENT WITHOUT LEAVE; FRAUDULENT LEAVE RECORDS
 - 17D. MISCELLANEOUS MISCONDUCT IN OFFICE LEADING TO REDUCTION OF EFFECTIVENESS

18. REVOCATION SUSPENSION IN OTHER STATE (S)

19. SEXUAL MISCONDUCT:

19A. HETEROSEXUAL ROMANTIC (Hugs, Kisses, Comments)

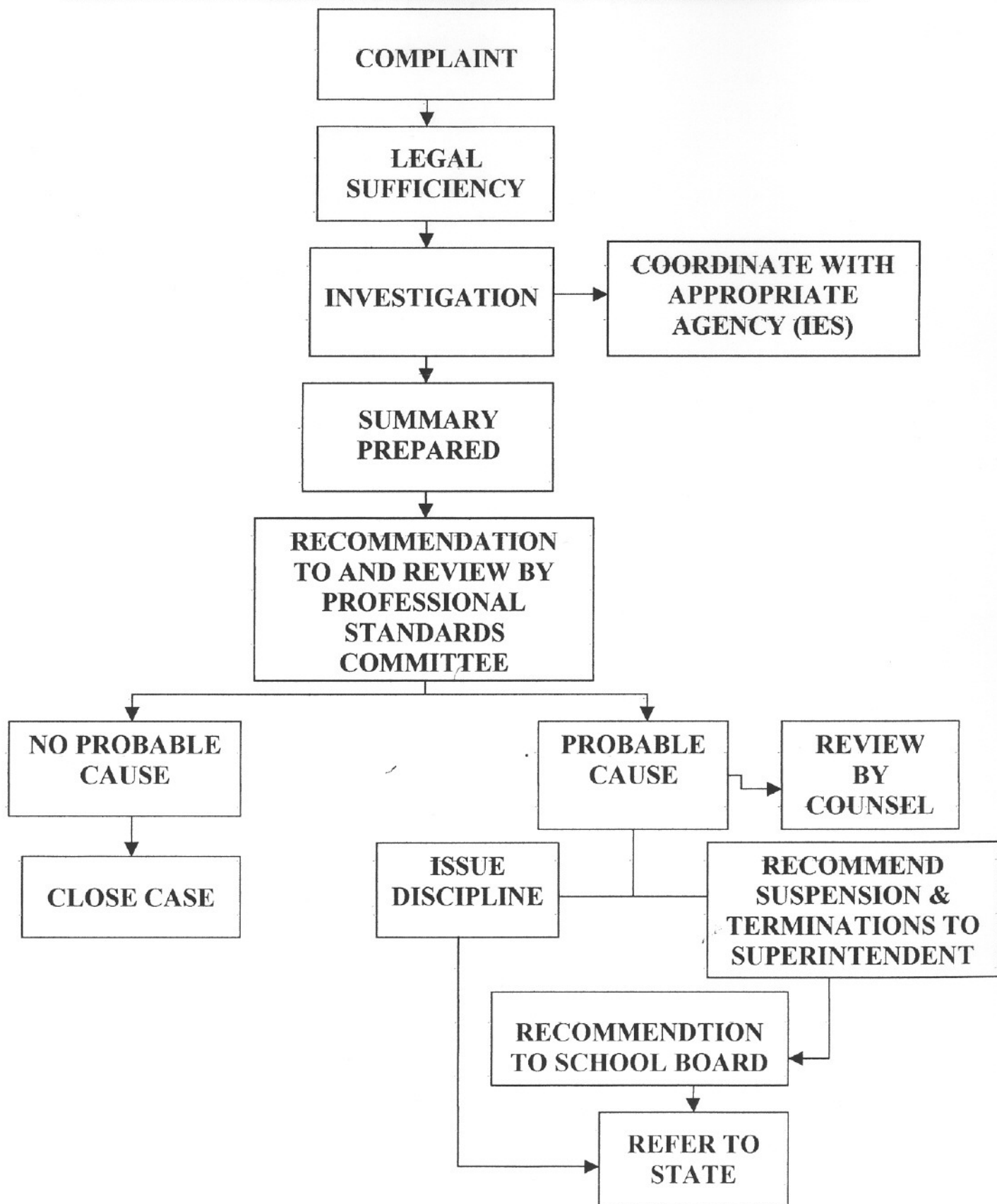
19B. HETEROSEXUL LEWD & LASCIVIOUS (Fondling, Propositions)

19C. HETEROSEXUAL BATTERY (Intercourse, Oral Sex)

19D. HOMOSEXUAL LEWD & LASCIVIOUS WITH MINORS

19E. ADULT SEXUAL MISCONDUCT (Exposure, Solicitation for Sex, Sexual Harassment)

EXAMPLE COMPLAINT INVESTIGATION PROCEDURE



HOW TO USE COMMON SENSE AND PROFESSIONAL JUDGMENT TO AVOID LEGAL COMPLICATIONS IN TEACHING

A. Interactions with Students

1. Maintain a professional barrier between you and students. You are the adult, the teacher, and the professional; act like the expert not like another one of the “kids.”
2. Keep the classroom door open when talking with students.
3. Refer students to the appropriate resource person for counseling and/or discussions about personal matters
4. Do **NOT** flirt with students.
5. Do **NOT** discuss your personal life or personal matters with students. Do **NOT** discuss your husband, wife, girlfriend, boyfriend, or dates with students.
6. When transporting students, coordinate transportation ahead of time, and use school or mass transportation if possible. If necessary, call a taxi for the student. If you must transport a student in your vehicle, ask a co-worker to accompany you.
7. Avoid leaving your students unsupervised; have an alternate plan of action.
8. Keep your hands and other parts of your body to yourself.
9. Use verbal praise and reinforcement.
10. Know your school policies and district and state laws governing corporal punishment. Establish and follow a consistent behavior plan. Treat each student with respect. Know the students’ rights.
11. Chaperone only school-sponsored functions. Do **NOT** socialize with students. If you chaperone a field trip, put in writing what your responsibilities will be. Do **NOT** drink alcoholic beverages in front of students. Do **NOT** take children home with you.
12. Do **NOT** make telephone calls, or write notes, of a personal nature to students.

13. Do **NOT** harass students; respect their differences. What you intend as humor may, In fact, be cultural bias or harassment.

B. Record Keeping and Accounting Procedures

1. Know the laws, school board policies, and school rules and follow them. Know your rights.
2. Know your school policies and district and state laws regarding collecting money, purchasing materials and equipment, and follow them. Work with an adult when collecting large amounts of money.
3. Establish a policy regarding your grading system consistent with school and district policies, where applicable. Give a written explanation of it to students and parents at the beginning of the year or when they begin your class or unit of instruction.
4. Establish a policy regarding your behavioral management system. Give a written explanation of it to students and parents at the beginning of the year or when they begin your class or unit of instruction.

C. Reputation in the Community

1. Keep your co-workers and supervisors informed; work and communicate as a team; plan and teach together.
2. Communicate with parents and document your communication.
3. Dress and act appropriately and professionally. You are a role model in the community as well as in the school; be a good example for students.
4. Use common sense and good judgment. Ask yourself how someone else could perceive your comments or actions. Ask yourself if your comments or actions could be taken out of context and/or misinterpreted.
5. Avoid putting yourself in a position where you have to defend, explain, or justify your behavior or actions. Avoid putting yourself in a position where it's your word against another person's word.
6. Maintain a professional reputation in the community. When you "party", be discreet.

GUIDELINES AND COMMON SENSE

- ◆ The Code of Ethics mandates you to value the worth and dignity of individuals, to place you primary concern for the development of each student's potential, and to strive to achieve and sustain the highest degree of ethical conduct.
- ◆ The Principles of Professional Conduct obligate you to perform to standards of behavior dealing with STUDENTS, the PUBLIC, and the PROFESSION.
- ◆ In addition to the more obvious actions (e.g., child abuse/molestation), you can also be charged with crime of moral turpitude or gross immorality, if you shoplift, drink on school grounds or have multiple arrests for DUI, possess or sell drugs with or without student involvement, make comments of sexual nature to students, fondle or touch students in an inappropriate manner, commit food stamp or public assistance fraud, commit assault, misuse school funds, or submit fraudulent transcripts. These are just a few examples.
- ◆ As you can see, you are held to a higher moral standard than other professionals because of your role in educating children. You are held accountable for your private life as well as your public life.
- ◆ Keep in mind that relatively few educators ever commit violations.
- ◆ It is best to arm yourself with knowledge so that you do not advertently or inadvertently violate any standard and become one of the statistics.
- ◆ Many problems educators have encountered could have been avoided if they used some common sense and rational judgment.

SOME THINGS I KNOW

- ◆ More often than not, a person who will lie for you will lie to you.
- ◆ Nobody, individual or group, has a corner on right.
- ◆ Everyone has supporters and detractors. The most effective of us don't spend a whole lot of time or energy worrying about our detractors.
- ◆ The best measure of who we are, both as individuals and organizations, is found in how we treat those of whom we are not particularly fond.
- ◆ There is nothing sweeter than a child's hug.
- ◆ What we accept is our standard.
- ◆ All people have great burdens and the real ends are the means that we employ as we work with people daily. No achievement is as important as the way we treat other people.

—J. Surratt