



Code of Ethics
and
Code of Conduct
for
New Hampshire Educators



New Hampshire

Department of Education

New Hampshire State Board of Education

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New Hampshire Code of Ethics & Code of Conduct for Educational Professionals

It is our pleasure to present the field of education with New Hampshire's Code of Ethics and Code of Conduct for Educational Professionals. Both documents were created by members of the education field, for the field, in an effort to elevate the profession of teaching in New Hampshire.

Educational professionals have a distinguished record of service in New Hampshire. The Code of Ethics and Code of Conduct makes explicit the values and standards that New Hampshire's educators have exemplified over the years. The Code of Ethics and the Code of Conduct are both divided into the same four basic principles: *Responsibility to the Education Profession and Colleagues; Responsibility to Students; Responsibility to the School Community;* and *Responsibility and Ethical Use of Technology*. Together these two documents seek to provide guidance to the educational field while also supporting and promoting teaching as a profession.

It is our sincere hope that the Code of Ethics and Code of Conduct will be a valuable tool for educational professionals who, on a daily basis, devote themselves to enhancing the lives of New Hampshire's most valuable resource—children.

Frank Edelblut
Commissioner

Christine M. Brennan
Deputy Commissioner

GUIDING PRINCIPLES:

The Code of Ethics for New Hampshire Educators

Statement of Purpose

A New Hampshire educator is entrusted by the state and the public with a responsibility to teach New Hampshire's children the skills and model the values that will make each child a knowledgeable, capable, and engaged member of a democratic society. The educator accepts the responsibility to practice within the educational profession according to the highest ethical standards and aspires to continuously and consistently make decisions which are, first and foremost, within the best interests of the student.

This "Code of Ethics for New Hampshire Educators" is created as a set of guiding principles which articulate the responsibilities common to all members of the education profession. The Code of Ethics is designed to provide guidance to educators in the decision making process involving their interactions with students, the school community, colleagues, parents, and the public. The principles set forth in the Code of Ethics should be interpreted with reference to the context of the classroom, the learning community, and the educational profession.

This Code of Ethics is created upon the recognition that teaching is a profession. As such, there is an acknowledgement within the educational field that The Code of Ethics is applicable to all aspects of an educator's life.

The Code of Ethics establishes guidance for all school personnel and is not intended to be a basis for civil liability nor is it designed to be a basis for employment action. The Code of Ethics establishes guidance for educators.

DEFINITIONS

The term "student" as used in The Code of Ethics means an individual who is enrolled or participating in any class or program from preschool through grade 12 at any school or educational institution. "Student" includes individuals through nine months after graduation.

Principle I

Responsibility and Commitment to the Education Profession and Colleagues

The educator is committed to a high level of professional ethics at all times. As such, the educator is expected to uphold and adhere to laws, regulations, policies, and procedures which are relevant to the educational profession regardless of personal viewpoints. There is also a recognition that the decisions and actions that the educator makes, whether inside or outside of the school and classroom, may be reflective of ones' professional judgment.

In addition to holding oneself accountable to a high level of professional ethics, the educator encourages colleagues to meet the same high standards and to engage in discussions with appropriate colleagues on ethical matters.

In fulfillment of this principle, the educator:

- Values honesty and established commitments;
- Respects intellectual property and ownership rights when using or sharing materials such as lesson plans, research and assessment, curricula, syllabi, or gradebooks;

- Recognizes the possible impact and ramifications upon a colleague's professional reputation when speaking about a colleague in public and private communications;
- Communicates with colleagues in a clear, respectful, and culturally sensitive manner;
- Considers the ramifications of accepting or offering any gratuity, gift or favor which would influence or appear to influence ones' professional decisions; and
- Considers the ramifications of using institutional or professional privileges for personal or partisan advantage

Principle II

Responsibility and Commitment to the Student

An educator holds a position which is imbued with public trust. As such, one of the educator's obligations is to ensure that each student is treated with dignity and respect. An educator also establishes and maintains appropriate verbal, physical, emotional and social boundaries with every student.

In fulfillment of this principle, the educator:

- Interacts with students within appropriate settings;
- Communicates with students in a clear, respectful, and culturally sensitive manner;
- Considers the potential implications and possible perception of accepting a gift from a student and considers the potential implications and possible perception of giving a gift to a student;

- Considers the ramifications and possible perceptions 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;
- Recognizes and respects confidential information acquired in the course of employment regarding individual student safety, education, health, and personal information of students and their families.

Principle III

Responsibility and Commitment to the School Community

The educator models effective relationships and communicates responsibly among members of the school community, while maintaining appropriate professional boundaries. The educator acts in the best interests of all students by advocating for equitable educational opportunities and endeavoring to present facts with fidelity to the content and without distortion, bias or personal prejudice.

In fulfillment of this principle, the educator:

- Communicates with parents and guardians in a respectful manner which represents students' best interests;
- Has an awareness and respect of the confidential nature of material received and communicated from a variety of audiences.
- Commits to equality, equity, and inclusion of colleagues, staff, students, parents or guardians and other members of the school community;

- Respects diversity amongst colleagues, staff, students, parents or guardians, and other members of the school community;
- Considers and recognizes the potential ramifications of having a personal relationship with colleagues, staff, students, parents, or guardians and other members of the school community in consideration of the role and the perception of the educator within the classroom and the community; and
- Recognizes that the educator often serves multiple roles within the school, and as such, must consider that the varied relationships have the potential to impair ones' objectivity.

Principle IV

Responsible and ethical use of technology as it relates to students, schools, and other educational professionals

The educator considers the impact of consuming, creating, distributing and communicating information through the use of any and all types of technology.

In fulfillment of this principle, the educator:

- Utilizes social media responsibly, transparently and primarily for the purpose of teaching and learning;
- Considers the ramifications and public perception of using social media;
- Exercises prudence to establish and maintain appropriate professional boundaries of time and place in all electronic communications with students.

Commissioner's Task Force on Educator Ethics Membership

Adam Marcoux, New Hampshire Chapter of the American Federation of Teachers (NH AFT)

Barrett Christina, New Hampshire School Board Association (NHSBA)

Carl Ladd, New Hampshire School Administrators Association (NHSAA)

Dean Cascadden (NHSAA), 2017

Diana Fenton, New Hampshire Department of Education (NHDOE)

Dianna Terrell, New Hampshire State Board of Education, Professional Standards Board (PSB), 2016

Doug Ley (NH AFT)

Frank Hoell, New Hampshire Council for Teacher Education (CTE), 2017

Gail Adams-Davis (NHASP)

Helen Honorow, New Hampshire State Board of Education (NHSBE), 2016

Irv Richardson, National Education Association, New Hampshire (NEA NH)

KimberlyYarlott, (PSB)

Laura Waiselewski (CTE), 2016

Lorrain Tacconi-Moore (NHSAA)

Michael Perez, New Hampshire Association of School Principals (NHASP)

Nancy Morse (NEA NH)

Nicole Heimareck (NHDOE)

Phil Littlefield (NHSAA)

Suzanne Canali (CTE)

Virginia Clifford (NHDOE,) 2016

CODE OF CONDUCT

Ed 501.01 Purpose. The rules of this part implement the statutory responsibilities of the New Hampshire board of education to:

- (a) Develop and administer credential standards for educational personnel;
- (b) Develop continuing professional education requirements and prerequisites for the renewal or reinstatement of credential holders;
- (c) Develop and administer a code of conduct for all credential holders and to inform members of the public of the code of conduct applicable to credential holders;
- (d) Specify unprofessional conduct which justifies disciplinary sanctions against credential holders; and
- (e) Provide oversight of adjudicatory proceedings required for discipline of credential holders while providing such with fair hearing practices and rights of appeal.

Ed 501.02 Definitions. Except where the context makes another meaning manifest, the following words shall have the meanings indicated when used in this chapter:

- (a) “Administrator” means the administrator of the bureau of credentialing;
- (b) “Authorization” means a document issued by the department giving permission for a person to serve in the role of a licensed educator prior to completing the licensure endorsement requirements for that role, or for a temporary period of time established by the document;
- (c) “Board” means the state board of education created by RSA 21-N:10;
- (d) “Bureau” means the bureau of credentialing, division of program support, department of education;

- (e) “Certificate” means the document issued when a credential holder meets full licensure requirements;
- (f) “Commissioner” means the commissioner, department of education;
- (g) “Credential” means any authorization or license issued by the bureau including, but not limited to, beginning educator license (BEL), experienced educator license (EEL), in process of licensure authorization (IPLA), intern authorization (IA), emergency authorization, statement of eligibility (SOE), paraeducator I & II, school nurse, and master teacher license (MTL);
- (h) “Credential holder” means any individual who holds a credential, as defined in Ed 501.02(g);
- (i) “Denial” means the refusal to grant credential to an applicant;
- (j) “Department” means the New Hampshire department of education;
- (k) “Director” means the director, division of program support;
- (l) “Division” means the division of program support;
- (m) “Educator” means any professional employee of any school district whose position requires certification by the state board pursuant to RSA 189:39. Administrators, specialists, and teachers are included within the definition of this term;
- (n) “Emergency authorization” means the authorization issued by the bureau to a school district or school administrative unit to employ a non-credentialed educator to fill a vacancy as specified in Ed 504.04;
- (o) “Endorsement” means the specific subject area for which the credential is issued;
- (p) “Intern authorization” means the authorization granted to applicants pursuant to Ed 505.04, and Ed 505.05 to perform educational services while the plans are being implemented;

- (q) “License” means the document issued when a credential holder meets full licensure requirements;
- (r) “Licensure” means the official recognition by the board that an individual has met minimum requirements and is approved to practice in their endorsement area(s);
- (s) “Mentor” means a person who:
 - (1) Is appointed to provide assistance to an applicant for certification pursuant to Ed 505.04 or Ed 505.05; and
 - (2) Meets at least one of the following qualifications:
 - a. Is a credential holder with 3 years of experience as an educator in the area of endorsement; or
 - b. Has experience equivalent to the experience requirement under a. above such as, but not limited to, involvement in a collegiate teacher preparation program;
- (t) “Professional conduct” means a set of established professional norms and behaviors as defined in Ed 510.01 through Ed 510.04 which extend beyond the workplace;
- (u) “Reprimand” means a note to file of a credential holder for his or her conduct, which does not rise to the level of a suspension or revocation of a credential, which can be used in the event of a subsequent investigation;
- (v) “Revocation” means the department has permanently rescinded a credential from a credential holder;
- (w) “Statement of eligibility” means a verification issued by the department of education that indicates that an individual has successfully met the entry requirements of an intern authorization for:
 - (1) Pathway 4 certification as specified in Ed 505.04; or
 - (2) Pathway 5 certification as specified in Ed 505.05;
- (x) “Suspension” means the department has rescinded a credential from a credential holder for a specified period of time; and

- (y) “Student” means an individual who is enrolled or participating in any class or program from preschool through grade 12, or any “adult student” as specified in Ed 1102.01(f)(1), at any school or education institution except as otherwise noted in these rules.

PART Ed: 510 — CODE OF CONDUCT

Ed 510.01 — Principle 1

Responsibility to the Education Profession and Educational Professionals

- (a) In fulfilling responsibilities to the education profession and educational professionals, a credential holder shall exemplify honesty and integrity in the course of professional practice.
- (b) Unprofessional conduct shall include, but not be limited to:
 - (1) Discrimination against a fellow professional as specified in RSA 354-A:1;
 - (2) Failure to self-report within 5 business days if he or she has been arrested for any violation of offenses enumerated in RSA 189:13-a, V;
 - (3) Falsifying, fraudulently altering, or deliberately misrepresenting professional qualifications, including, but not limited to, degrees, academic awards, and related employment history when applying for a credential;
 - (4) Unlawful possession of a drug;
 - (5) Possessing, using, or being under the influence of alcohol or drugs not prescribed for the use of the credential holder when on school premises or at a school sponsored activity where students are present or may reasonably be expected to be present;

- (6) Failure to notify the state at the time of application for credential of past criminal convictions, or of revocations or suspensions of a credential or license by New Hampshire or any other jurisdiction; and
- (7) Falsifying or deliberately misrepresenting information submitted to the department in the course of an official inquiry, investigation, or both.

Ed 510.02 — Principle 2

Responsibility to Students

- (a) In fulfilling responsibilities to students a credential holder shall maintain a professional relationship with all students, both inside and outside the educational setting, and make reasonable efforts to protect students from conditions which are harmful to their health and safety.
- (b) Unprofessional conduct shall include, but not be limited to:
 - (1) Discrimination against a student as specified in RSA 354-A:1;
 - (2) Failure to provide appropriate supervision of students, pursuant to local school district policy adopted as specified in Ed 306.04, at school or school-sponsored activities or the failure to ensure the safety and well-being of students;
 - (3) Furnishing alcohol or illegal or unauthorized drugs to any students, or allowing or encouraging a student to consume alcohol or illegal or unauthorized drugs;
 - (4) Committing any of the following acts to any minor, or any student or prior student up to 10 months after the student's graduation, departure, or departure in cases as specified in Ed 1102.01(f)(1), including, but not limited to:

- a. Abuse, including, but not limited to physical and emotional abuse;
 - b. Cruelty or any act of endangerment;
 - c. Any sexual act with or from any student; and
 - d. Harassment as defined by state or federal law or regulations;
- (5) Soliciting or encouraging participation in a romantic or sexual relationship, whether written, verbal, or physical, with a student the credential holder knows or should know is a student or prior student up to 10 months after the student's graduation, departure, or departure in cases as specified in Ed 1102.01(f)(1); and
- (6) Soliciting a student, or a former student up to 10 months after the student's graduation, departure, or departure in cases as specified in Ed 1102.01(f)(1), to engage in any illegal activity.

Ed 510.03 — Principle 3

Responsibility to the School Community

- (a) In fulfilling the responsibilities to the school community a credential holder shall communicate responsibly among members of the school community, while maintaining appropriate professional boundaries.
- (b) Unprofessional conduct shall include, but not be limited to:
 - (1) Discrimination against a parent or guardian of a student or other member of the community who is on the school property as specified in RSA 354-A:1;
 - (2) Accepting or soliciting gratuities, gifts, or favors for personal use or gain where there might be an actual or appearance of a conflict of interest. Gifts of a small amount shall not be deemed a conflict of interest;

- (3) Misuse of funds intended for use by the school, to include funds which are collected from parents and students; and
- (4) Intentionally altering or misrepresenting student assessments, assessment results, or official school records.

Ed 510.04 — Principle 4

Responsible and Ethical Use of Technology

- (a) In fulfilling the responsibilities and ethical use of technology a credential holder shall consider the impact of consuming, creating, distributing, and communicating information through the use of any and all types of technology.
- (b) Unprofessional conduct shall include, but not be limited to:
 - (1) Engaging in any activities as specified in Ed 510.02(b)(4)-(7) via electronic media with a student or former student up to 10 months after the student's graduation, departure, or departure as specified in Ed 1102.01(f)(1); and
 - (2) Engaging in inappropriate communication with a student, or former student up to 10 months after the student's graduation, departure, or departure as specified in Ed 1102.01(f)(1) via electronic media.
- (c) For the purposes of this section, inappropriate communication shall be determined by considering:
 - (1) The intent, timing, subject matter, and amount of communication; and
 - (2) Whether:
 - a. The communication made was covert in nature;
 - b. The communication could reasonably be interpreted as solicitous, sexually explicit, or romantic in nature; and

- c. The communication involved discussion(s) of the physical or sexual attractiveness or the sexual activities or fantasies of either the credential holder or the student.

Ed 510.05 — Principle 5

Duty to Report

- (a) Any credential holder shall report any suspected violation of the code of conduct following the school, school district, or SAU reporting procedures.
- (b) Each principal shall report to the superintendent of the school district or SAU where the principal is employed, the chief executive officer of a chartered public school or public academy, or the headmaster of a nonpublic school, if the principal has been notified of, or is personally aware that a credential holder has violated any of the rules of professional conduct as enumerated in Ed 510, which occurred on or off duty.
- (c) The superintendent, chief executive officer of a chartered public school or public academy, or headmaster of a nonpublic school, shall report any of the following to the office of credentialing:
 - (1) When a superintendent has knowledge that a credential holder, as defined in Ed 501.02(h), has been arrested and charged with an offense enumerated in RSA 189:13-a, V; and
 - (2) When a superintendent has knowledge that a credential holder has violated the code of conduct as specified in Ed 510.01 through Ed 510.04.

- (d) If a credential holder suspects that a superintendent has violated the code of conduct, as specified in Ed 510.01 through Ed 510.04, or if a credential holder has made a report and believes the local reporting procedures have not been followed, the reporting credential holder shall notify the department directly.
- (e) Credential holders who have reason to suspect that a student has been, or is being, abused or neglected, shall report the same to:
 - (1) His or her immediate supervisor, superintendent, or both; and
 - (2) The department of health and human services, pursuant to RSA 169-C:29.
- (f) If the department has reason to suspect that any violation of the code of conduct enumerated in Ed 510.01 through Ed 510.04 was known by a credential holder and not reported, the department shall undertake an investigation, as enumerated in Ed 511.01, against that credential holder as required by Ed 510.05(a), (b), or (c).
- (g) The office of credentialing shall open a case, as enumerated in Ed 511.01, in response to a report made pursuant to Ed 510.05(a), (b), (c), or (d) above.