

April 23, 2018

To: VSBPE Licensure Committee
Submitted by: Ron Ryan, Deb Giles
Items for Discussion: Review of the current VSBPE Code of Professional Ethics/Rules of Professional Conduct and the more recent NASDTEC Model Code of Ethics

History of VSBPE Code of Professional Ethics/Rules of Professional Conduct:

Back on April 15, 2009 the VSBPE Board adopted the Professional Ethics/Rules of Professional Conduct.

Act 214 of the 2006 Vermont legislative session mandated that the VSBPE develop a code of professional ethics and act as advisors regarding its interpretation. The Code of Professional Ethics and Rules of Professional Conduct for Vermont Educators were meant to ensure that our educators demonstrate the highest professional conduct and care for our learners. At the time VSBPE reviewed codes of conduct from several states to assure its standards were aligned with current practices from across the country. These included: Pennsylvania, Minnesota, New York, and Connecticut.

Application Notes:

1. The foregoing Code of Professional Ethics was adopted in accordance with 16 V.S.A. § 1694(5).
2. Nothing in these Rules can, or is intended to, vary the definition of “unprofessional conduct” which is contained in 16 V.S.A. § 1698. Rather, these Rules enumerate a non-exclusive list of conduct which, if proven in a particular case, might constitute unprofessional conduct.

History of NASDTEC Model Code of Ethics:

NASDTEC, which has led the development of the MCEE, has been at the forefront of promoting high standards for educator conduct, teacher mobility across state lines, and

comprehensive personnel screening by maintaining a Clearinghouse on teacher discipline. The organization represents bodies responsible for the preparation, licensure and discipline of educational personnel, including professional standards boards and commissions and state departments of education in all 50 states, the District of Columbia, the Department of Defense Education Activity, the U.S. Territories, Alberta, British Columbia, and Ontario. NASDTEC's core mission is to exercise leadership in matters related to the preparation and certification of effective and ethical professional school personnel.

The work toward a Model Code of Ethics, which initially began within the PPI membership in 2009, gained much momentum in 2012, when an Ethics Teaching Symposium was convened by Educational Testing Service (ETS). The purpose of this symposium was to bring together a group of national experts on educator ethics, representatives of state education agency representatives and national organizations, and other interested parties to look at the current state of educator ethics, to determine what constitutes educator ethics, and to examine how educator ethics might be measured. The following were key recommendations to emerge from the symposium: (1) there is a critical need to develop "model" or national standards for ethics in teaching; (2) a critical component of "professionalizing teaching" is developing a common vocabulary and understanding about ethics; (3) targeted research into the ethical dilemmas faced by educators is needed; and (4) training and assessment of ethical understandings should be developed as part of pre-service preparation or in-service professional development; and (5) NASDTEC—a key player in representing educator licensing bodies—was identified as needing to play a critical role in this work.

In 2013, NASDTEC's Preparation Program and Continuing Development Committee selected educator ethics preparation as its central focus. A nationwide survey was distributed to jurisdictions regarding policies and practice in the preparation of educator candidates and practitioners related to educator ethics. Survey results were shared at the annual PPI Conference and further ignited interest and dialogue on educator ethics within educational agencies and organizations.

In 2013, The National Network of State Teachers of the Year (NNSTOY), published a white paper on "Re-Imagining Teaching: Five Structures to Transform the Profession," in which teacher preparation, evaluation, and the characteristics of effective teaching were discussed as the center of contemporary education research and policymaking. In the document, NNSTOY outlined five key structures—found in almost every other field—that have the potential to transform teaching into a profession that fosters continuous improvement, high expectations, and shared accountability. One of these structures was the development of Guiding or Ethical Principles to be developed by education practitioners and to which the profession would be held accountable.

In 2013, a core group consisting of members of the NASDTEC Executive Board began targeted discussion on actualizing the vision of creating a Model Code of Ethics for Educators. Later that year, the NASDTEC Executive Board appointed the NASDTEC Model Code of Ethics Steering Committee to guide the work. In 2014, NASDTEC convened an MCEE Communication Partners' meeting in Washington, D.C., to learn about the coming work. Nominations for practitioners to serve on the MCEE Task Force were secured and invitations sent and accepted.

On September 26-28, 2014, the Task Force convened for its first meeting under the leadership of NASDTEC with support from ETS, NNSTOY, and the University of Phoenix. Over the next seven months, the Task Force examined the research on educator ethics and other professions' ethics codes, developed a draft Code which was released for public comment in February 2015, and finalized the Code in April.

In June 2015, the MCEE was brought to the NASDTEC Executive Board for adoption. It is the expectation of NASDTEC and its partners that the MCEE will be a living document that will be enhanced as needed to respond to emerging issues in the education profession.

Review the attached document/crosswalk of the current Code of Professional Ethics/Rules of Professional Conduct developed by the VSBPE Board and the newest Model Code of Ethics for Educators from NASDTEC.

Questions for Discussion:

1. As the VSBPE Board, what are the advantages and disadvantages of keeping the State Model vs. a National Model?
2. Should the VSBPE Board keep the current Code of Professional Ethics/Rules of Professional Conduct as adopted in 2009?
3. Should the VSBPE Board consider adopting the newest Model Code of Ethic for Educators from NASDTEC?

CODE OF ETHICS COMPARISON

VERMONT

NASDTEC

VSBPE/Licensing

Committee Review &

Comments May 8, 2018

Number of pages	4	7	
Introduction/Rational	Introduction	Rational	
Glossary of terms	No	Yes	
Number of Principles	10	5	
Number of Sub-categories	25	98	
Adopted	April 15, 2009	June 25, 2015	
Background	Some comparison made to other states	Determine commonalities and differences in states, current codes. Identifying current needs of each state and establishing potential outcomes.	
Delivery of Text	Disciplinary/Negative overtone	Professional/Positive overtone	
Format Setup of Text	<ul style="list-style-type: none"> • Principle • Example 	<ul style="list-style-type: none"> • Principle • Definition • The Professional Educator Demonstrates By: • Example of Action Items. 	
Principle I	Conduct and Regulations VSA 1698(1)	Responsibility to the Profession P I A #2 Aligns with VT Principle I	
Principle II	Maintains Professional Relationships Examples of Unprofessional Conduct	Responsibility for Professional Competence P II C #3 P III A #6,7,8,9 P III B #2,3 P IV B #8 E #1,2,3 P V A #5 Align with VT Principle II	

Principle III	Use of Alcohol and Drugs	Responsibility to Students P I A #1,2,3,4,5 Align with VT Principle III	
Principle IV	Exemplifies Honesty and Integrity	Responsibility to the School Community P I #1,2,3 Align with VT Principle IV	
Principle V	Public Funds and Property	Responsibility and Ethical Use of Technology P IV C #2,3 D #1 Align with VT Principle V	
Principle VI	Gifts or Favors – Conflict of Interest	P III A #5 P IV A #3 Align with VT Principle VI	
Principle VII	Confidentiality – Records	P III C #1 P V A #5,6 C #1,2,3 Align with VT Principle VII	
Principle VIII	Supervision and Safety of Students	P III A #6 B #2 Align with VT Principle VIII	
Principle IX	Report Unprofessional Conduct	P I A #1,2,3,4 Align with VT Principle IX	
Principle X	Acts of Harassment and Pictures	P IV B #8 P V B #3 Align with VT Principle X	



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; 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.

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

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

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.²

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

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.³

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

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

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.

CODE OF PROFESSIONAL ETHICS AND RULES OF PROFESSIONAL CONDUCT FOR VERMONT EDUCATORS

Adopted by the VSBPE on April 15, 2009



5510 Code of Professional Ethics

The essential qualities of the competent and caring educator include moral integrity, humane attitudes, reflective practice, and a sound understanding of academic content and pedagogy. The public vests educators with trust and responsibility for educating the children of Vermont. We believe that fulfilling this charge requires educators to demonstrate the highest standards of professional conduct.

We, as professional educators, respect the dignity and individuality of every human being. We are committed to, and model for our students, the lifelong pursuit of learning and academic excellence.

We are dedicated to effective scholarly practice, further enhanced by collaboration with colleagues and with those in the greater educational community. Furthermore, we are dedicated to compassionate service on behalf of our learners and their families, and we advocate for them in the school and community settings.

We recognize and accept both the public trust and the magnitude of responsibility inherent in our profession. To this end, we put forth these rules of conduct as the foundation for professional practice for all Vermont educators to honor and follow.

5520 Rules of Professional Conduct

What follows is a statement of fundamental principles which all Vermont educators should follow, each of which is accompanied by an enumeration of examples of unprofessional conduct which could subject an educator to licensing action.

5521 Principle I. A professional educator abides by all federal, state and local laws and regulations. Unprofessional conduct includes all conduct listed in 16 V.S.A. § 1698(1).

5522 Principle II. A professional educator maintains a professional relationship with all learners, both inside and outside the classroom, and makes reasonable efforts to protect learners from conditions which are harmful to their health and safety. Unprofessional conduct includes, but is not limited to:

- A. Committing any act of child abuse, including physical and/or emotional abuse;
- B. Committing any act of cruelty to children, or any act of child endangerment;
- C. Committing any sexual act with, or soliciting any sexual act from, any minor, or any elementary or secondary student regardless of age;
- D. Committing any act of harassment as defined by state or federal law or regulation;
- E. Soliciting, encouraging or participating in a romantic or sexual relationship (whether written, verbal or physical) with a student, the educator knows or should know is a student, in the absence of countervailing facts;
- F. Using patently offensive language including, but not limited to, improper sexual comments;

- G. Taking patently offensive pictures (digital, photographic or video) of learners;
 - H. Patently improper contact with any minor, or with any elementary or secondary student regardless of age, using any means including electronic media;
 - I. Furnishing alcohol or illegal or unauthorized drugs to any student, or allowing or encouraging a student to consume alcohol or illegal or unauthorized drugs.
- 5523 Principle III. A professional educator refrains during the course of professional practice from the use of alcohol or drugs not prescribed for the educator's use. Unprofessional conduct includes, but is not limited to:
- A. Unlawful possession of a drug so as to evidence moral unfitness to practice as an educator;
 - B. Possessing, using or being under the influence of alcohol or drugs, not prescribed for the educator's use, when on school premises or at a school sponsored activity where learners are present or may reasonably be expected to be present. (1698(1A)).
- 5524 Principle IV. A professional educator exemplifies honesty and integrity in the course of professional practice. Unprofessional conduct includes, but is not limited to:
- A. Falsifying, fraudulently altering or deliberately misrepresenting professional qualifications, degrees, academic awards and/or related employment history, when applying for employment and/or licensure;
 - B. Failure to notify the state, at the time of application for licensure, of past criminal convictions, or of revocations or suspensions of a certificate or license by Vermont or any other jurisdiction;
 - C. Deliberately falsifying, deliberately misrepresenting, or deliberately omitting when requested, information regarding the evaluation of learners and/or personnel;
 - D. Deliberately improper administration of state or federal mandated standardized tests (including, without limitation, changing a student's test answers, copying or teaching identified test items, and reading a test to learners without authorization);
 - E. Falsifying, or deliberately misrepresenting, information submitted to the Department of Education in the course of an official educational inquiry and/or investigation.
- 5525 Principle V. A professional educator entrusted with public funds and/or property honors that trust with a high level of honesty, accuracy and responsibility. Unprofessional conduct includes, but is not limited to:
- A. Misusing, failure to account for, or unauthorized use of, public or school-related funds or property;
 - B. Using any school equipment for the purpose of gaining access to pornography.
- 5526 Principle VI. A professional educator maintains integrity with learners, colleagues, parents, and others regarding gifts and other favors. Unprofessional conduct includes, but is not limited to:

A. Soliciting or accepting gifts or other favors for personal use or gain where there may be an actual or apparent conflict of interest.

5527 Principle VII. A professional educator complies with state and federal laws and regulations, relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law. Unprofessional conduct includes, but is not limited to:

- A. Sharing of confidential information concerning student academic or disciplinary records, health and medical information, family status and/or income, and assessment/testing results, with unauthorized individuals or entities;
- B. Sharing of confidential information by an administrator about employees with unauthorized individuals or entities.

5528 Principle VIII. A professional educator fulfills all of his or her obligations to learners. Unprofessional conduct includes, but is not limited to, the failure to provide appropriate supervision of learners at school or school-sponsored activities, or the failure to ensure the safety and well-being of learners.

5529 Principle IX. A professional educator complies with obligations to report alleged unprofessional conduct. Unprofessional conduct of an administrator includes, but is not limited to:

- A. The failure of a superintendent who has reasonable cause to believe an educator has engaged in unprofessional conduct to submit a written report to the commissioner;
- B. The failure of a principal who submits to the commissioner a report of alleged unprofessional conduct to submit it to his or her superintendent as well.

5530 Principle X. A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, and in professional rights and responsibilities. Unprofessional conduct includes, but is not limited to:

- A. Conduct that unreasonably impairs a colleague's ability to teach or perform his or her professional duties, including acts of harassment or interfering with the free participation of colleagues in professional associations;
- B. Taking, sharing or disseminating inappropriate pictures (digital, photographic or video) of colleagues.

Application Notes:

1. The foregoing Code of Professional Ethics is adopted in accordance with 16 V.S.A. § 1694(5).

2. Nothing in these Rules can, or is intended to, vary the definition of "unprofessional conduct" which is contained in 16 V.S.A. § 1698. Rather, these Rules enumerate a non-exclusive list of conduct which, if proven in a particular case, might constitute unprofessional conduct.