

ORANGE COUNTY  
BOARD OF EDUCATION

AGENDA ITEM ABSTRACT

Meeting Date: February 7, 2011

AGENDA ITEM No. 11-02-17

ACTION ITEM: (Y/N) Y

SUBJECT: Code of Ethics and Standards of Conduct Policy #7805 – 1st Reading Approval

INFO. CONTACT: D. Michael Parker, Attorney PHONE: 919-732-8141

ATTACHMENTS: 1. Code of Ethics and Standards of Conduct Policy #7805.  
2. North Carolina State Board of Education - Policy Manual.

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**PURPOSE:** To present for 1<sup>st</sup> Reading Approval a new Code of Ethics and Standards of Conduct Policy #7805.

**BACKGROUND:** Orange County Schools has a number of policies governing employee conduct in the work place such as conflicts of interest (Policy #7730), solicitations (Policy #7745) and political activity on school grounds (Policy #7720). However, there is no comprehensive policy requiring employees to exhibit ethical conduct at all times in the school setting where they serve as examples and role models for the student population. This policy mirrors State Board of Education Policy # TCP-C-014 and sets forth the expectation that all school employees will conduct themselves with integrity and reflect positively on the school system.

**FINANCIAL IMPACT:** N/A

**RECOMMENDATION:** The Superintendent recommends the Board of Education approve the new Code of Ethics and Standards of Conduct Policy #7805 for 1<sup>st</sup> Reading Approval.

**CODE OF ETHICS AND  
STANDARDS OF CONDUCT**

Date Reviewed/Approved:

Policy Number: 7805

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Rescinds Policy Number:

Issued:

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*All school system employees hold positions of public trust; they are responsible for the education of students and also serve as examples and role models to students. Each employee is responsible for both the integrity and the consequences of his or her own actions. The highest standards of honesty, integrity, and fairness must be exhibited by each employee when engaging in any activity concerning the school system, particularly in relationships with vendors, suppliers, students, parents, the public, and other employees. Employee conduct should be such as to protect both the person's integrity and/or reputation and that of the school system. An unswerving commitment to honorable behavior by each and every employee is expected. Integrity can accommodate the inadvertent error and the honest difference of opinion; it cannot accommodate deceit or subordination of principle.*

*Employees shall perform their jobs in a competent and ethical manner without violating either the public trust or applicable law, policies, and regulations. It is not practical or possible to enumerate all of the situations that might fall under the guidelines of this policy. In addition to other policies, regulations, and approved practices that have been established covering specific areas of activity (such as purchasing), the absence of a law, policy, or regulation covering a particular situation does not relieve an employee from the responsibility to exercise the highest ethical standards at all times.*

*All professional educators shall be familiar with and comply with the State's Code of Ethics for North Carolina Educators. All professional educators shall be familiar with and comply with the State's Code of Professional Practice and Conduct for North Carolina Educators.*

*Failure to comply with this policy will result in disciplinary action up to and including dismissal.*

*Legal References: G.S. 14-234, -238, 115C-47(18), 115C-276, -288, -307, -308, -325; Title 16 N.C. Admin. Code, §§ 6D.0301, .0302, .0303 and .0304 and 6C-0601,-0602.*

**NORTH CAROLINA STATE BOARD OF EDUCATION  
Policy Manual**

**Policy Identification****Priority:** Twenty-first Century Professionals**Category:** Qualifications and Evaluations**Policy ID Number:** TCP-C-014**Policy Title:** 16 NCAC 6C.0601 Policy regarding the Code of Ethics for North Carolina Educators**Current Policy Date:** 02/05/1998**Other Historical Information:** Previous Board date: 06/05/1997**Statutory Reference:****Administrative Procedures Act (APA) Reference Number and Category:** 16 NCAC 6C.0601; 16 NCAC 6C.0602**CODE OF ETHICS FOR NORTH CAROLINA EDUCATORS****Preamble:** The purpose of this Code of Ethics is to define standards of professional conduct.

The responsibility to teach and the freedom to learn, and the guarantee of equal opportunity for all are essential to the achievement of these principles. The professional educator acknowledges the worth and dignity of every person and demonstrates the pursuit of truth and devotion to excellence, acquires knowledge, and nurtures democratic citizenship. The educator exemplifies a commitment to the teaching and learning processes with accountability to the students, maintains professional growth, exercises professional judgment, and personifies integrity. The educator strives to maintain the respect and confidence of colleagues, students, parents and legal guardians, and the community, and to serve as an appropriate role model.

To uphold these commitments, the educator:

- I. Commitment to the Student.
  - A. Protects students from conditions within the educator's control that circumvent learning or are detrimental to the health and safety of students.
  - B. Maintains an appropriate relationship with students in all settings; does not encourage, solicit, or engage in a sexual or romantic relationship with students, nor touch a student in an inappropriate way for personal gratification, with intent to harm, or out of anger.
  - C. Evaluates students and assigns grades based upon the students' demonstrated competencies and performance.
  - D. Disciplines students justly and fairly and does not deliberately embarrass or humiliate them.

- E. Holds in confidence information learned in professional practice except for professional reasons or in compliance with pertinent regulations or statutes.
- F. Refuses to accept significant gifts, favors, or additional compensation that might influence or appear to influence professional decisions or actions.

## II. Commitment to the School and School System

- A. Utilizes available resources to provide a classroom climate conducive to learning and to promote learning to the maximum possible extent.
- B. Acknowledges the diverse views of students, parents and legal guardians, and colleagues as they work collaboratively to shape educational goals, policies, and decisions; does not proselytize for personal viewpoints that are outside the scope of professional practice.
- C. Signs a contract in good faith and does not abandon contracted professional duties without a substantive reason.
- D. Participates actively in professional decision-making processes and supports the expression of professional opinions and judgments by colleagues in decision-making processes or due process proceedings.
- E. When acting in an administrative capacity:
  - 1. Acts fairly, consistently, and prudently in the exercise of authority with colleagues, subordinates, students, and parents and legal guardians.
  - 2. Evaluates the work of other educators using appropriate procedures and established statutes and regulations.
  - 3. Protects the rights of others in the educational setting, and does not retaliate, coerce, or intentionally intimidate others in the exercise of rights protected by law.
  - 4. Recommend persons for employment, promotion, or transfer according to their professional qualifications, the needs and policies of the LEA, and according to the law.

## III. Commitment to the Profession

- A. Provides accurate credentials and information regarding licensure or employment and does not knowingly assist others in providing untruthful information.
- B. Takes action to remedy an observed violation of the Code of Ethics for North Carolina Educators and promotes understanding of the principles of professional ethics.
- C. Pursues growth and development in the practice of the profession and uses that knowledge in improving the educational opportunities, experiences, and performance of students and colleagues.

Adopted by the State Board of Education June 5, 1997.

## **SECTION .0600 - CODE OF PROFESSIONAL PRACTICE AND CONDUCT FOR NORTH CAROLINA EDUCATORS**

**16 NCAC 6C.0601 – THE PURPOSE AND APPLICABILITY OF THE RULES OF PROFESSIONAL CONDUCT FOR EDUCATORS**

The purpose of these rules is to establish and uphold uniform standards of professional conduct for licensed professional educators throughout the State. These rules shall be binding on every person licensed by the SBE, hereinafter referred to as "educator" or "professional educator," and the possible consequences of any willful breach shall include license suspension or revocation. The prohibition of certain conduct in these rules shall not be interpreted as approval of conduct not specifically cited.

History Note: Authority G.S. 115C-295.3;  
Eff. April 1, 1998.

**16 NCAC 6C.0602 – THE STANDARDS OF PROFESSIONAL CONDUCT FOR NC EDUCATORS**

- (a) The standards listed in this Section shall be generally accepted for the education profession and shall be the basis for State Board review of performance of professional educators. These standards shall establish mandatory prohibitions and requirements for educators. Violation of these standards shall subject an educator to investigation and disciplinary action by the SBE or LEA.
- (b) Professional educators shall adhere to the standards of professional conduct contained in this Rule. Any intentional act or omission that violates these standards is prohibited.
  - (1) Generally recognized professional standards. The educator shall practice the professional standards of federal, state, and local governing bodies.
  - (2) Personal conduct. The educator shall serve as a positive role model for students, parents, and the community. Because the educator is entrusted with the care and education of small children and adolescents, the educator shall demonstrate a high standard of personal character and conduct.
  - (3) Honesty. The educator shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties including the following:
    - (A) statement of professional qualifications;
    - (B) application or recommendation for professional employment, promotion, or licensure;
    - (C) application or recommendation for college or university admission, scholarship, grant, academic award, or similar benefit;
    - (D) representation of completion of college or staff development credit;
    - (E) evaluation or grading of students or personnel;
    - (F) submission of financial or program compliance reports submitted to state, federal, or other governmental agencies;
    - (G) submission of information in the course of an official inquiry by the employing LEA or the SBE related to facts of unprofessional conduct, provided, however, that an educator shall be given adequate notice of the allegations and may be represented by legal counsel; and
    - (H) submission of information in the course of an investigation by a law enforcement agency, child protective services, or any other agency with the right to investigate, regarding school-related criminal activity; provided, however, that an educator shall be entitled to decline to give evidence to law enforcement if such evidence may tend to incriminate the educator as that term is defined by the Fifth Amendment to the U.S. Constitution.
  - (4) Proper remunerative conduct. The educator shall not solicit current students or parents

- of students to purchase equipment, supplies, or services from the educator in a private remunerative capacity. An educator shall not tutor for remuneration students currently assigned to the educator's classes, unless approved by the local superintendent. An educator shall not accept any compensation, benefit, or thing of value other than the educator's regular compensation for the performance of any service that the educator is required to render in the course and scope of the educator's employment. This Rule shall not restrict performance of any overtime or supplemental services at the request of the LEA; nor shall it apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents, or other persons in recognition or appreciation of service.
- (5) Conduct with students. The educator shall treat all students with respect. The educator shall not commit any abusive act or sexual exploitation with, to, or in the presence of a student, whether or not that student is or has been under the care or supervision of that educator, as defined below:
    - (A) any use of language that is considered profane, vulgar, or demeaning;
    - (B) any sexual act;
    - (C) any solicitation of a sexual act, whether written, verbal, or physical;
    - (D) any act of child abuse, as defined by law;
    - (E) any act of sexual harassment, as defined by law; and
    - (F) any intentional solicitation, encouragement, or consummation of a romantic or physical relationship with a student, or any sexual contact with a student. The term "romantic relationship" shall include dating any student.
  - (6) Confidential information. The educator shall keep in confidence personally identifiable information regarding students or their family members that has been obtained in the course of professional service, unless disclosure is required or permitted by law or professional standards, or is necessary for the personal safety of the student or others.
  - (7) Rights of others. The educator shall not willfully or maliciously violate the constitutional or civil rights of a student, parent/legal guardian, or colleague.
  - (8) Required reports. The educator shall make all reports required by Chapter 115C of the North Carolina General Statutes.
  - (9) Alcohol or controlled substance abuse. The educator shall not:
    - (A) be under the influence of, possess, use, or consume on school premises or at a school-sponsored activity a controlled substance as defined by N.C. Gen. Stat. § 90-95, the Controlled Substances Act, without a prescription authorizing such use;
    - (B) be under the influence of, possess, use, or consume an alcoholic beverage or a controlled substance on school premises or at a school-sponsored activity involving students; or
    - (C) furnish alcohol or a controlled substance to any student except as indicated in the professional duties of administering legally prescribed medications.
  - (10) Compliance with criminal laws. The educator shall not commit any act referred to in G.S. 115C-332 and any felony under the laws of the United States or of any state.
  - (11) Public funds and property. The educator shall not misuse public funds or property, funds of a school-related organization, or colleague's funds. The educator shall account for funds collected from students, colleagues, or parents/legal guardians. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.
  - (12) Scope of professional practice. The educator shall not perform any act as an employee in a position for which licensure is required by the rules of the SBE or by Chapter 115C or the North Carolina General Statutes during any period in which the educator's license has been suspended or revoked.
  - (13) Conduct related to ethical violations. The educator shall not directly or indirectly use or

threaten to use any official authority or influence in any manner that tends to discourage, restrain, interfere with, coerce, or discriminate against any subordinate or any licensee who in good faith reports, discloses, divulges, or otherwise brings to the attention of an LEA, the SBE, or any other public agency authorized to take remedial action, any facts or information relative to actual or suspected violation of any law regulating the duties of persons serving in the public school system, including but not limited to these Rules.

History Note: Authority G.S. 115C-295.3;  
Eff. May 1, 1998.