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Examining the Need for a Code of Conduct in New Jersey Teacher Union Contracts

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**EXAMINING THE NEED FOR A CODE OF CONDUCT IN NEW JERSEY
TEACHER UNION CONTRACTS**

by

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**Submitted in partial fulfillment of the
requirements for the Degree of Doctor of Education
Seton Hall University**

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SETON HALL UNIVERSITY
COLLEGE OF EDUCATION AND HUMAN SERVICES
OFFICE OF GRADUATE STUDIES

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Abstract

The purpose of this cross-sectional, comparison study attempted to investigate if a code of conduct existed in New Jersey teacher union contracts to nursing/hospital union contracts. Archived data of public school district and nursing/hospital union contracts held with the New Jersey Public Employment Relations Committee (NJ PERC) and Health Professionals and Allied Employees (HPAE) were used. Furthermore, the study investigated the severity of ethical content found in union contracts. A listing of ethical terms were developed and evaluated by a second party trained in contracts law.

Results show that a code of conduct does not exist within New Jersey teacher union contracts in comparison to nursing/hospital union contracts did not exist.

Nursing/hospital union contracts did show a code of conduct existed as part of Corporate Compliance of individual hospitals throughout New Jersey. When adding helping professions to the comparison, helping professions had met the same number of ethical standards. When comparing union contracts to the New Jersey Professional Standard, each category; teaching, nursing and helping professions had met an ethical standard.

Further investigation of ethical term severity of union contracts, results showed that hospitals/nursing union contracts had ethical content with a strong severity rating. Teacher union contracts had a low severity rating for ethical content. Data showed that all hospitals/nursing have a code of conduct included in union contracts. Examination of teacher union contracts showed that a code of conduct did not exist.

Practical implications are drawn from this research as well as recommendations for further extension of this research.

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Finally, and more importantly, I offer thanks and praise to God the Father, Jesus my Savior, Whom all things are possible, for giving me the ability and strength to persevere. *“Give thanks to God who has always been our strength for God's goodness lasts for ever. For our God has been close beside us from the very beginning and God's goodness lasts for ever”*– Psalm 105.

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Chapter I

Introduction and Background

Society expects teachers to be engaged in the ethical and moral development of students. The development of just citizens is one of the purposes of American education. Teachers are role models and they have a subtle and a significant effect on the ethical development of young people.

The character modeling by both parents and teachers can help to develop generations of fair, honest, and tolerant citizens for participation in a democratic society. Parents are a child's first role models. Usually children are more affected by what their parents do than by what their parents say. Children learn how to behave by seeing how their mothers and fathers behave and following their example. For this reason, parents need to be aware of the lessons they may unintentionally be teaching their children.

Since the year 2001, research conducted by state education departments such as the Texas Education Agency (2008), has found 3,496 teacher misconduct cases out of 2.6 million teachers (U.S. Census, 2009, ¶) nationwide. In New Jersey there have been 132 teachers in 2008 that have had their teaching credentials revoked or otherwise sanctioned over allegations of misconduct. Although the actual percentage of cases' related to the number of teachers is relatively small, the potential consequences for children are very serious. "Nationwide about 4.5 million students will report some type of educator misconduct during a student's K-12 schooling, with as many as 9 in 10 cases may go unreported" (Shakeshaft, 2007). Cases that have been reported, "statistics have shown that 839 out of 3,496 teachers who have had their credentials revoked, were sentenced for misconduct throughout the United States (US Department of Corrections, 2008). These

statistics show that teacher misconduct cases are greater than other helping professions such as nurses who have had 688 disciplinary actions out of 2.4 million nurses” (American Nurses’ Association, 2003; U.S. Census, 2009). Teachers are increasingly losing their teaching certificates or having their applications for permanent certification denied over sexual misconduct with students (Shakeshaft, 2007). Statewide, misconduct cases against teachers, coaches, administrators and aides are surfacing at a rate of more than one every two days of school (The Associated Press, 2008). These cases include theft, cheating, fraud, and inappropriate relationships with students.

Between the years of 2001 to 2005, sexual misconduct allegations led states to take action against the licenses of 2,570 educators throughout the United States. This figure includes licenses that were revoked, denied and surrendered. “Students were victims in at least 69% of the cases” (New York School Boards Association, 2007). Reporting of teacher misconduct cases has been inconsistent throughout the United States. With an increased awareness of teacher misconduct, community members and school administrators face a challenge in maintaining an ethical code of among their teaching staff.

Within the State of New Jersey, the New Jersey Department of Education or NJDOE, (2007) had developed an ethical standard for educators called the *New Jersey Professional Standards for School Leaders and Teachers* [italics added]. The standards covered clearly define an ethical code of conduct for school administrators such as Principals and Superintendents. However, for teachers the ethical code of conduct established is primarily for promoting student learning and for teaching in the classroom. Since teachers are responsible for ethical decision-making on a daily basis, it seems

important for teachers to have a clearly defined ethical code of conduct that exuded a professional spirit.

There are many options to establishing a code of conduct. Some options are college course requirements for ethics to pre-service teachers, district boards of education for new teacher orientation training, professional development requirements, and teacher contracts. For this study, the researcher used teacher union contracts. There are a number of reasons for establishing an ethical code of conduct in teacher union contracts. First, it is the responsibility of teachers to follow their contracts. Second, union contracts are legally binding and completed through a process called collective bargaining. Collective bargaining allows for decision-making power to exist among teacher union representatives and their employing school boards.

Collective bargaining agreements in the state's 565 public school districts in New Jersey (NJDOE, 2008) could include an ethical code of conduct in teacher union contracts that would give a decision-making power to union representatives and teachers (NJDOE, 2007). To understand the influence on ethics in teacher union contracts, a study design with a particular framework that could expand the present knowledge was developed, using public information and proprietary data. The researcher received Institutional Review Board (IRB) exemption from full review.

Teacher Union Contracts, Ethics, and Law

The contents of teacher union contract's may differ depending on the school district, but the reason for having collective bargaining and union contracts in New Jersey remains the same--to protect and to set expectations for teachers. There are a number of areas addressed in collective bargaining agreements and union contracts. Within teacher

union contracts, areas addressed can be benefits, salary, length of contract, current position, and working hours (New Jersey Educational Association or NJEA, 2008) or other terms and conditions of employment. Some teacher union contracts also include anticipated teacher participation in school activities, such as school dances, dramas, graduation exercises, and Back to School Night.

The more detailed a teacher union contract, the greater the expectation is of what is expected of teachers for that school year. By establishing an ethical code of conduct through the process of collective bargaining with teacher unions, teachers would have a clearly defined standard for behavior in their contracts. An ethical code would be supported by New Jersey laws and statutes, along with providing a specific guide as to what behaviors are desirable and undesirable in teachers. Behaviors such as being fair and reflective would be desirable and behaviors such as bias or providing personal information to a student would be seen as undesirable behaviors by school district administrators. Implementing an ethical code would allow teachers to understand their full professional responsibilities for being employed within public school districts. The challenges of building an ethical code into teacher contracts include the willingness of New Jersey School Boards and the New Jersey Educational Association (NJEA) to support the establishment of an ethical code for teachers.

In the 1954 *Brown v. Board of Education* case, the United States Supreme Court ruled that all teachers were considered a unionized group and not a true profession. As opposed to nurses, who have been ruled as a true profession according to N.J.S.A. Title 45:11-23 (State of New Jersey, 2008, ¶). A true profession has ethical frameworks that include a code of conduct for decision-making and understanding boundaries for

behavior, a written commitment to service, and formation of professional boards. Nursing has also been ruled as a profession through cases involving the National Labor Relations Act (NLRA). Some examples of these cases are: Nursing (N.L.R.B. v. Healthcare Retirement Corp., 1994) and University Professors (N.L.R.B. v. Yeshiva University, 1980), filed two separate court cases against the National Labor Relations Board (NLRB).

These two cases claimed that the National Labor Relations Act (NLRA), an act established to give the rights of collective bargaining, did not support nurses and university professors as professionals because nurses and university professors have the right to collective bargaining when negotiating yearly contracts. Since both nurses and university professors are unionized, this act also did not protect them because they were considered managers and/or supervisors. Teachers are considered supervisors in the capacity of their classrooms (United States Department of Labor, 2004). However, under the United States Supreme Court ruling for the National Labor Relations Act, managers and supervisors are entitled to the benefits of collective bargaining as are all unionized employees (NLRB, 2008).

New Jersey teachers do not have the right to strike, but they do have the right to be unionized. For teachers, being unionized has benefits such as the support and protection needed when developing what content will go into the next school years' teacher union contract through the process of collective bargaining. Using the process of collective bargaining to establish standards such as an ethical code of conduct, allows for teachers to be a part of decision-making. Having this decision-making ability to establish

an ethical code of conduct in teacher union contracts could increase the ethical standard of teaching, as well as increase participation in ethical decision making.

Collective bargaining plays an important and vital role when considering the expectations for teacher behaviors and an ethical code of conduct. School districts must be explicit as to the dispositions or traits desired in their teachers. Thus, public school district leaders could include an ethical code of conduct as part of teacher union contracts in order to monitor and to decrease teacher misconduct both present and future. Often professional teacher organizations, such as the Association of American Education (AAE), a non-union professional teacher association that advances teaching through professional development, teacher advocacy, and protection, will provide an ethical code of conduct for members to follow, but AAE is not a recognized organization in New Jersey (AAE, 2006).

One concern in New Jersey is that teacher unions, such as the NJEA, would not be playing their protective role by not enforcing an ethical code of conduct. Other types of educational organization or agencies, often times the NJEA, would then act to represent teachers who are reported for having unethical conduct. Teachers would be unlikely to embrace the idea that some other organization or agency may represent them in disciplinary matters since union dues are paid to education organizations such as the New Jersey Educational Association (NJEA), the state's largest union.

New Jersey Stance on Professionalism and Teacher Ethics

In New Jersey, teachers are considered state employees, which allow teachers to gain the protection of the state. However, even as state employees, New Jersey has a code of conduct called the Uniform Ethics Code that could cover teachers. The Uniform Ethics

Code was adopted by the State Ethics Committee to be used as a guide for conduct of state officers and employees of state agencies in the Executive branch of the state government. The Uniform Ethics Code provides standards of conduct for unionized, state employees such as law enforcement officers and firefighters (State of New Jersey, 2007). However, teachers are covered under the jurisdiction of the State Department of Education; teachers are excluded from following the Uniform Ethics Code.

According to the State of NJ (2007), the School Ethics Commission, developed by the NJDOE, is a committee of members whose job is to review, investigate, and render decisions on complaints against school officials alleging violations of the School Ethics Act. The School Ethics Act was set forth under NJ legislation, N.J.S.A. 18A (See Appendix B), which declares that school officials must avoid conduct that is in violation of public trust or creates a justifiable impression that the public trust is being violated (NJDOE, 2007).

A school official is defined as a board member, a charter school trustee, a managerial employee or officer of the New Jersey School Boards Association (NJSBA). The School Ethics Act defines proper conduct for school officials and creates mechanisms to monitor their conduct. Ethical standards of conduct for School Administrators such as Superintendents and Principals, like teachers, are covered under the *Professional Standards of School Leaders and Teachers* [italics added] (See Appendix C).

An ethical code of conduct for teachers could provide an expectation of behavior that would be clearly defined by teachers, school administrators and school district leaders. The expectations for teachers have changed drastically from the earlier years.

This includes changes in teacher preparation and the implementation of a state testing and year-long mentorship requirement.

In 1970, there was no requirement for taking the Praxis exam. Individuals interested in becoming teachers took 4 years of college, preferably in liberal arts for those looking to teach elementary school (See Appendix D). On graduation day, students received not only their college degree, but also their teaching certification. The way that teachers are being prepared has changed from 1970 to 2008 in order for teachers to meet the standard of higher qualifications as required by the NCLB law. According to the NJDOE (2008), the NJDOE is responsible for New Jersey teacher certification. The current regulations for licensing teachers in New Jersey went into effect in January of 2004. In New Jersey, an instructional certificate is necessary to teach in an elementary or secondary school. Certificates have endorsements which indicate the subject area or areas in which the individual is authorized to teach. Teachers are subject to professional standards that represent accepting a position of public trust (Association of American Education, 1999). By establishing an ethical code of conduct, teachers would be expected to help foster civic virtues such as integrity, diligence, responsibility, cooperation, loyalty, fidelity, and respect for the law, for human life, for others, and for the self.

The Problem Addressed in this Study

The use of teacher union contracts is a common practice and required among public school districts and viewed in this study for data analysis. Either with or without tenure (known as job security, which a teacher earns by working in the same school district for 3 years and 1 day), teachers are expected to provide written consent that they will be returning for the following school year. Tenured teachers simply sign a statement;

non-tenured teachers must sign a formal contract. Teacher union contracts developed through collective bargaining cover issues such as salary, benefits, and hours. Even within the process of collective bargaining, an ethical code of conduct has not been a visible part of New Jersey teacher union contracts.

During the period of time during which this study was conducted, the New Jersey State Board of Education and NJDOE recommended the establishment of a committee known as the Professional Teaching Standards Board (PTSB), comprised of teachers, administrators, and representatives of higher education, local boards of education, and the general public. The PTSB defined professional obligations for teachers with regard to ethics and policy. Within the New Jersey Standards of Professional Practice, a *suggestive practice* [italics added] was developed by PTSB known as Standard 11. Standard 11 states that teachers are to recognize that their individual actions reflect on the entire profession and understand that they are employees vested with the public trust (NJEA, 2009, p.60). Therefore, the problem of this study is addressed in the following question: “Does an ethical code of conduct exist in New Jersey teacher union contracts, to what extent does it exist, and if a code does exist, how does it compare to the code of conduct for nursing?”

Purpose of Study

Teachers hold a special role in society. They are responsible for the formal education of society’s young people and for ensuring that the students within their classrooms are provided with positive and safe environments. Teachers also have a duty of ethics towards their students. The growth in the number of teacher misconduct cases suggests a need for having an ethical standard for teachers.

Having a clear and defined ethical code of conduct may provide teachers with a guide for behavior that many within the helping professions, such as psychologists and nurses, (See Appendix E) already follow. Within the helping professions, education has been excluded from having an established set of ethical standards (Litwack, 1985). Since teachers have a responsibility for being temporary guardians for the students entrusted to them, an established ethical code of conduct may increase ethically sound decision-making both within and outside the classroom.

In other professional organizations, for example the American Psychological Association, or APA, there is a guide for behavior that is strictly enforced among psychologists (APA, 2007). This behavior guide identifies acceptable behavior, ethical standards, and an ethical code of conduct defined first by the profession and second, if necessary, by law. An ethical code of conduct provides a framework that allows the psychologist to not only make professional decisions, but it also affords explanations that over the years have decreased the number and severity of cases of inappropriate behavior patterns (Barrett, Neal, Stovall, & Whittel, 2006).

Within a government agency, such as the New Jersey Department of Education, a set standard of ethics for teachers could set benchmarks for teachers' in guidance, reflection, and for daily decision-making. If a teacher does not act in accordance with these standards toward all students, then the teacher's ethical standard for teaching is compromised. Teachers have the responsibility to foster a relationship of trust; they have the rights of a temporary guardian, and must encourage the relationship a child would have with this parental figure. Teachers are responsible legally and ethically for their students' well-being and care during the school day.

One example of an ethical guide is the Newfoundland Labrador Teachers' Association (NLTA) (2001). The following numbered sections are part of a code of ethics for teachers:

Teacher –Student

1. A teacher's first professional responsibility is to the enhancement of the quality of education provided to the students in his/her charge;
2. A teacher accepts that the intellectual, moral, physical and social welfare of his/her students is the chief aim and end of education;
3. A teacher recognizes that a privileged relationship exists between the teacher and his/her students and shall never exploit this relationship.

Teacher-Parent

1. A teacher seeks to establish friendly and cooperative relationships with the home and to provide parents with information that will serve the best interests of their children.

Government agencies such as the Department of Education at both the state and national level have a responsibility to provide clear and defined standards of ethical practice for teachers such as the already existing standard of ethics for school administrators (NJDOE, 2007).

Providing an ethical code of conduct may increase the credibility of teachers, in particular in teachers' daily decision-making. In states such as New York, Delaware, Pennsylvania, and Connecticut an ethical code of conduct is part of a yearly contract and provides a means of monitoring teacher misconduct through these states' boards of education (The Associated Press, 2008).

In this study, this researcher aims to develop a listing of ethical terms (See Appendix F) that may be used when establishing a code of conduct in teacher union contracts, data analysis concentrating on the role of teacher contracts, the contents of teacher union contracts, and the role that collective bargaining plans when developing teacher union contracts. Each school district is responsible through collective bargaining to develop teacher contracts through teacher union representatives. However, teachers' contracts may be a powerful tool for setting the standard for teacher conduct. This researcher developed questions that were used instead of a null hypothesis to guide this study. These questions can be supported by a null hypothesis.

Research Questions

The study is guided by four main questions.

Research Question 1

To what extent does the content of New Jersey teacher union contracts define a code of conduct promoting ethical behavior patterns for teachers?

Research Question 2

To what extent does an ethical standard and a code of conduct exist between New Jersey teacher union contracts and New Jersey nursing union contracts in comparison to the New Jersey professional standard?

Research Question 3

How does ethical attention to codes of conduct compare in union contracts among teaching, nursing, and helping professions?

Research Question 4

What content may be provided in New Jersey teacher union contracts when establishing a code of conduct?

Significance of the Study

As teachers continue to face increased awareness of professional practice such as ethical behavior patterns, the need for useful and effective data management is of importance. A study which provides in-depth profiles of ethical practices with regard to teaching, and the relationship of collective bargaining as it relates to ethics is important. School administrators, higher education institutions, and government agencies may use the information provided and insights gained in this study to re-examine their implementation and negotiations of teacher union contracts and teaching practices.

Research based on the State of New York, has introduced specific implementation tools and processes that contribute to systemic innovation and increased professional standards in teaching. An ethical code of conduct and its uses are important components of effective accountability systems and are of significant interest to school administrators, government agencies, union representatives, teachers, and higher education institutions. The findings presented in this research study may serve as a tool to endorse the importance of ethics for decision-making and encourage school union representatives to devote resources to the collection, analysis, and use of timely and genuinely set standards of ethical practices.

Government agencies and teacher union representatives may gain a better understanding of the need for an ethical code of conduct especially in the area of collective bargaining. They may also gain insight into the determination of professional

standards to effectively address the need for clearly defined ethics for staff development and programs that support daily decision-making. Policies and initiatives are intended to bring forth improvement specifically designed to the needs of all teachers. Results from this study may aid higher education administration, state and national government agencies, and school union representatives in their understanding of implementation of specific initiatives and the way in which those initiatives relate to the needs of teachers. The study results may add to the existing professional standards of teachers and broaden the scope of options to be used in deciding policies and innovations.

Definitions of Terms Used in this Study

The following terms will be used throughout this study and are provided to clarify the meaning of the data, or may be included herein to further define the areas of teaching and ethical terminology. Of the paradigms listed, justice and care were of specific importance for this study.

Absolutism - the thought that all statements are either absolutely true or absolutely false.

Accountable - legally liable or accountable and having the ability to perform.

Autonomy - independence or freedom, as of the will or one's actions

Authenticity - in evidence, to provide to the judge the qualification of a witness (particularly an expert witness) or a document or other piece of evidence that assures the court of the talent and experience of a witness or the authenticity of the document.

Beneficence - the doing of good; active goodness or kindness; charity.

Bias - unequal treatment of individuals.

Code of Conduct - any system of regulations to govern the conduct of the people of a community, society or nation, in response to the need for regularity, consistency and justice based upon collective human experience.

Collective Bargaining - the process by which wages, hours, rules, and working conditions are negotiated and agreed upon by a union with an employer for all the employees whom it collectively represents.

Conflict of Interest - the duty to protect more than one person or organization, without violating the interests of either party.

Confidentiality - certain written and verbal communications which can be kept private and need not be disclosed in court as evidence.

Decision-Making - Choosing between alternative courses of action using cognitive processes - memory, thinking, and evaluation.

Discrimination - unequal treatment of persons, for a reason which has nothing to do with legal rights or ability.

Dispositions - characteristics such as values, commitments, and professional ethics that influence behaviors toward students, families, colleagues, and communities, motivation, and development, as well as the educator's own personal growth.

Duty - a requirement that a person act toward others and the public with the watchfulness, attention, caution and prudence that a reasonable person in the circumstances would use.

Ethics - the causes of permanent disbarment include conviction of a felony involving "ethical turpitude," forgery, fraud, a history of dishonesty, consistent lack of attention to students, abandoning several clients, alcoholism or drug abuse which affect the teacher's ability, theft of funds, or any pattern of violation.

Ethical Decision-Making – the cognitive process of an individual reaching a decision based on autonomy, beneficence, justice, and nonmaleficence.

Fraud - the intentional use of deceit, a trick or some dishonest means to deprive another of individual money, property or a legal right.

Helping Individuals – A category of professionals trained to provide service to the general public.

Impartiality - principle of justice holding that decisions should be based on objective criteria, rather than on bias, prejudice, or preferring the benefit to one person over another for improper reasons.

Liabile - responsible or obligated.

Misconduct - a wrongful, improper, or unlawful conduct motivated by premeditated or intentional purpose or by obstinate indifference to the consequences of one's acts.

Moral - violation of standards of moral conduct.

New Jersey Core Content Curriculum Standards (CCCS) – In New Jersey, standards that describe what should be learned by students in public education (NJDOE, 2007).

Nonmalfeasance- not doing harm.

Obligation - an obligation is a requirement to take some course of action.

Negligence - failure to exercise the care toward others which a reasonable person would do in the circumstances or taking action which such a reasonable person would not.

Pluralism - part and parcel of politics

Praxis – a test developed by Educational Testing Services to evaluate general academic skills prior to entry into teacher education programs, measures subject-specific knowledge and teaching skills.

Privacy - the right to be free of unnecessary public scrutiny or to be let alone.

Prejudice - making a decision before becoming aware of the relevant facts of a case or event.

Self-Reflection - the process of examining the impact of personal values, beliefs, styles of communication, and experiences for developing a deeper understanding of one's culture, personal and cultural biases, experiences, and beliefs as these may influence future action and learning.

Stakeholder - a person, group, organization, or system which affects or can be affected by an organization's actions.

Standard – an established requirement.

Truth - extends from honesty, good faith, and sincerity in general, to agreement with fact or reality.

Union - an organization of workers who have banded together to achieve common goals in key areas such as wages, hours, benefits and working conditions.

Utilitarianism - the idea that the moral worth of an action is solely determined by its contribution to maximize happiness or pleasure as summed among all persons.

Values – the relative worth or importance of something.

Virtues - moral excellence of a person (Garner, 2004; Sperry, 2006; Hogue Werhane & Freeman, 1998).

Ethical Considerations for School Officials

Ethic of Justice – The ethic of justice relies on the law, on codified interpretations of the law, and on regulations and policies that go beyond the law, to consider issues of fairness and equality.

Ethic of Care – The ethic of care focuses on compassion and empathy, and emphasizes relationships and connections in the decision-making process. It fosters a nurturing climate in schools and often portrays school personnel as caregivers.

Ethic of Power – The ethic of power challenges educators to rethink traditional ideas of law and justice to consider who has the power and who makes the rules.

Ethic of the Community – In considering the ethic of the community, consideration as to who the community is becomes essential. This ethic examines how the community may affect ethical decision-making in both positive and negative ways.

Ethic of the Profession – The ethic of the profession calls for union leaders to consider the professional and personal ethical principals' and codes, along with the standards of the profession and the community interests in creating a model that makes the "best interests of the student" the central focus (Hartman & Stefkovich, 2004).

Chapter II

REVIEW OF RELEVANT RESEARCH, LAW, AND LITERATURE

Overview

This review of selected sources is intended to develop and justify the purpose of this research study. This literature review will show the progression of pertinent literature in the field of ethics as well as identify areas of teacher ethics which are in need of further research.

The literature review begins with an explanation of the differences between codes of conduct and standards. The research on teacher ethics clearly shows the importance placed on the role of having an ethical code of conduct in teacher union contracts by examining the current ethical requirements of teachers under the New Jersey Department of Education (NJDOE) and various teaching associations, to non-teaching associations such as the American Psychological Association (APA).

The next section of this literature review explores four areas relating to teaching and student learning: dispositions (i.e. characteristics and behavior), ethics, reflection, and teacher misconduct. With an understanding of ethical behavior, a review and analysis of teachers as part of the helping profession is examined in comparison to other helping professions, such as nursing, firefighting, and law enforcement. The literature review concludes with an analysis of collective bargaining which includes the background, process, and issues concerning collective bargaining. The conclusion of this literature review will establish the reason for, and the necessity of, this study.

Meaning and Examination behind Codes of Conduct and Standards

What is a code and what is a standard? According to U.S. Department of Justice (2004):

Code – “A standard that is an extensive compilation of provisions covering broad subject matter or that is suitable for adoption into law independently of other codes and standards.

Standard – A document, the main text of which contains only mandatory provisions using the word "shall" to indicate requirements and which is in a form generally suitable for mandatory reference by another standard or code or for adoption into law. These non-mandatory provisions shall be located in an appendix, footnote, or fine-print note and are not to be considered a part of the requirements of a standard” (U.S. Department of Justice, 2004, Introduction section, ¶).

The development of ethical standards by professional associations, boards, councils, and colleges of teachers responds in part to a ethic imperative that teachers be accountable to the wider community and in part to a desire to enhance the overall professionalism of educators’ behavior. In this chapter the researcher explored the conceptual aspects of defining a code of conduct for the teaching field, by first combining empirical evidence from previously reported research studies with the ethical dilemmas facing teachers; next, through examining the ability to execute a code of conduct; and lastly by understanding how ethical codes of conduct have defined teacher roles in other state education departments.

Examination of Codes of Conduct

Codes of conduct for certified staff are needed to establish standards of ethical behaviors not covered by New Jersey criminal law. Codes are to describe what constitutes corrupt practice, especially when proper professional conduct differs from otherwise widely accepted social norms. Gift giving for example, may be appropriate outside the classroom, but not as a requisite for receiving education. The effectiveness of codes depends on them being publicly known, respected at government and other top levels, and promoted as a guided process for professional development. Non-compliance must result in sanctions, including possibly the loss of teaching licenses. Theft, misuse of funds and other illegal acts of behavior carried out by teachers must be consistently dealt with by the courts to maintain respect for the rule of law. Professional associations or unions are suitable sources of such codes.

Barrett, Neal, Stovall, and Whittel, (2006) examined teachers' perceptions of the frequency and seriousness of different categories for describing teacher behavior. The researchers administered a 34-item questionnaire to 25 school professionals in northwestern South Carolina. For each item, participants related the extent to which teachers agreed or disagreed that the behavior occurred frequently and that it also represented a serious violation of professional ethics. Factor analysis of the ratings of seriousness yielded three domains of ethical concerns: (a) student-teacher boundary violations; (b) carelessness in behavior; and (c) subjectivity in grading and instruction. Teachers rated boundary violations as the most serious but least common violations and carelessness in behavior as the most frequent but least serious violation. Problems of subjectivity in grading were rated as moderately frequent and moderately serious. The

researchers found no differences between elementary and secondary teachers in their ratings of the seriousness or frequency of any of the three groups of ethical concerns. The $n = 25$ was a small sample and a study limitation.

Examination of Standards

Standards provide a domain that encompasses accreditation, licensure, and certification of teachers. The development of teaching standards were a part of an entire specific historical era in the profession, equal in significance to other major periods in education history such as the development of normal schools. In the late 1980s, the standards movement was so pervasive and powerful that the decade it was appropriately termed the Era of Standards (Roth, 1996).

The standards movement, in general, may be characterized by several salient features, such as: a deep-seated and growing distrust of teacher education; a change in the locus of control, with national policy emerging as a dominant influence; restructuring of licensing and governance; and reconceptualizing the nature of standards, with performance and outcomes assuming a preeminent role (Roth, 1996, p. 242). The State of New Jersey does have an ethical standard for school personnel. However, this practice of ethical standards exists for school board members. School board members are covered under the School Ethics Act. The School Ethics Act, which was created to decrease violations from occurring and to increase public trust.

Codes of Conduct versus Standards

The practice of teaching may be the most important school-related activity influencing student achievement. A code of conduct based on the professional standards will help teachers in becoming classroom leaders, who will then develop and articulate

practices which will form a knowledge dynamic that could be tested, modified and revised. The process of creating a code of conduct serves as a link between reflection and practice that has for some time been essential to good practice and ethical decision-making of teachers (Clift, Houston, & Pugach, 1990).

Ethical codes of conduct are not a new practice in private schools throughout New Jersey. One example is Don Bosco Preparatory High School in Mahwah, New Jersey. This teacher contract is designed with both an explanation of responsibilities and a guide for ethical decision-making. The teacher's union contract states:

1. The use of a code of conduct promotes description of the teacher's role, analysis, and evaluation inherent in the reflective process form as a basis for professional understanding and improvement. The reflective process has been recognized as being important in sustaining one's professional health and competence and that the ability to exercise professional judgment is in fact informed through reflection on practice.
2. *Description* is the first step in a reflective process. This stage briefly describes the relevant context for teacher practice and provides a basis for the other two segments of the reflection. This step may include the relevant features of the teacher's professional context.
3. *Analysis* of expectations and responsibilities. Equally important are accurate assessments of the quality and significance of the evidence, and explanations of how the code of conduct addresses New Jersey teacher standards.

4. *Reflective commentary* on the aspects of teacher practice represented.

Since reflection is a process that facilitates the development of future action from the contemplation of past and/or current behavior, it is also important to note the implications for the future practice as a teacher (Day, 1999, ¶ 1).

Parents as First Teacher

Parents are a child's first teachers and role models. Usually children are more affected by what their parents do than by what their parents say. Children learn how to behave by seeing how their mothers and fathers behave and following their example. For this reason, parents need to be aware of the "lessons" they may unintentionally be teaching your children. Children often learn without a parent's realizing it. For example, it's not unusual for a mother to overhear her four-year-old child scolding a younger sister or brother or a doll in the same sharp tones that she herself uses when scolding the children. Such unintentional influences are just as powerful as those parents carefully plan. Examples of this are the following:

(1) **Social skills.** Social skills and attitudes are often best taught by example. A child will learn good manners more easily when "please" and "thank you" are part of daily life. The learning is gradual and occurs more naturally at home. As children take part in social activities with a parent, children begin to notice how the parent reacts to other people and new situations. A child's own self-confidence in meeting people often depends on the parent's example;

(2) **Respect for others.** Children learn more than social skills and table manners from their parents. They also learn how to value other people and institutions. Parents who

regularly put down other people are teaching their child that other people are unimportant. Being aware or reflective as to how parents treat their children sets an example for how children are to treat others;

(3) **Leading by Example.** Consistency between teaching and example is very important. If you try to teach your child one thing but then behave in a different or opposite way yourself, your child will become confused and frustrated as to what to do and whom to believe;

(4) **The home environment.** Children not only unconsciously imitate the behavior of their parents, but they also absorb the general atmosphere of the home. A child reared in a home filled with love, affection, and cooperation can more easily show love to others. This doesn't mean that you have to avoid conflicts, but the way you handle conflicts is important. Parents who cope with problems by blaming others are not to be too surprised to hear their child say, "Sally did it, not me." If, on the other hand, a parent makes a real effort to tackle a problem, the child will be less likely to give up at the first sign of trouble; and

(5) **Explanation/Reasons.** Modeling is more effective when parents speak about what they are doing and why. If parents take soup to a sick friend or if we work on a community project, then children are more likely to pay attention to what their parents are doing and to copy those efforts if parents share their motivations. Children often have no idea why parents do what they do. Explaining that parents think is important then a shared responsibility is developed. This shared responsibility can make a community a better place to live and to relate parent activities to their own behaviors (Adapted by Isaacs, 1985)

Professions and Teachers

Definition of Profession

Over the last 50 years, educators have devoted a great deal of energy to the debate over whether teaching can be considered a profession. When most people talk about the professions, they are unknowingly using the ideas of two early sociological theories: trait models and structural-functionalism. The sociological investigation of the professions began in the 1930's with attempts to identify the defining characteristics or traits that distinguished the professions from other occupations. While the precise content of these models differ, the most commonly cited trait models were:

1. skill based on abstract knowledge;
2. provision for training and education;
3. certification based on competency testing;
4. formal organization or professional association;
5. adherence to a code of conduct; and
6. altruistic service (Millerson, 1973, ¶).

Trait models however had no theoretical basis. The established professions of medicine and law became the model and other occupations then assumed the unique characteristics of these two occupations, which accounted for their professional status. Trait models continue to be an important aspect of professional ideology (Larson, 1977). When professionals lobby the government for special privileges, they do so on the grounds that their profession is different from other occupations. Since trait models have traditionally been the basis upon which professionals have distinguished themselves from other workers, they are naturally reluctant to abandon the model, since that might imply

surrendering their superior status as well. Consequently, most professionals have simply ignored the advances in sociology which have discredited this model. According to Larson (1977), these models continue to be used to measure the characteristics of various occupations identified by trait models in an attempt to support and identify their claim to professional status; or to lobby for particular reforms within their occupation to bring it closer to some supposed professional standard.

Structure of a Profession

While most introductory texts in education continue to define professionalism in terms of a simple trait model, they may also draw on the assumptions of structural-functional theory. The structural-functionalists built on trait models in the 1950's and 1960's by providing the theoretical link between the various traits. They argued, for example, that the traits of "university training" and "certification based on competency testing" follow logically from the trait of "skill based on abstract knowledge" (Millerson, 1973). Somewhat more subtly, they went on to argue that the other traits--a code of ethics, a commitment to altruistic service, and a self-regulating professional association--are designed to restrain professionals from taking unfair advantage of their specialized knowledge. Doctors, for example, have the power of life and death over their clients; only a lawyer can judge if a contract is valid; and only another accountant can tell if your accountant is fiddling the books. An untrained or unscrupulous person in any of these positions could do great harm, so the professions evolved to protect the public by ensuring that anyone undertaking these crucial jobs is first certified as knowledgeable and trustworthy. Thus, it is the monopoly over a body of theoretical knowledge which is the

most fundamental characteristic of professionalism because it creates the need for the other elements.

As occupational groups develop their own specialized knowledge, they too will take on some of the characteristics of a profession. Professions are merely the purest expression of a general trend: all occupations will undergo eventual "professionalization" as their knowledge base increases.

Teachers and Profession

While teachers have been busily arguing over whether they may be considered professionals, sociologists have written the professions off as, at best, a temporary historical anomaly. As more and more professionals become salaried employees rather than independent practitioners, they begin to face the same problems of unemployment, reduced or blocked mobility, isolation from policy making, and declining intrinsic rewards as any other factory worker. In other words, they undergo "proletarianization" (Ozga, 1988, ¶).

“Professionalism is an anachronism, a form of production left over from the days of cottage industry, and like craft work, is about to disappear. Even if the proletarianization model turns out to be overly deterministic, and a few professions are somehow able to escape this fate, it is nevertheless clearly too late for teachers, since students need schools before they can have school teachers, teachers are stuck with their status as salaried employees working within large organizations” (Ozga, 1988, ¶). Teachers have always been and will always be subject to direction from their school board and the provincial bureaucracy.

Since 2001, there has been a decrease in the autonomy of teachers. The renewed emphasis on accountability and the reintroduction of provincial testing are only the most obvious symptoms of a general trend towards greater top-down hierarchical direction within education. Teaching is going through a period of crisis, from which it is likely to emerge as different in significant ways from teaching as it was characterized in the 1960s for teacher autonomy. The nature of teaching had been fundamentally altered by a number of different policy initiatives, the cumulative effect of which is to greatly increase central government control over the teaching force (Ozga, 1988, ¶). Many educators continue to subscribe to a professional self-image that impairs their ability to analyze and respond to the situation in which they now find themselves. Because teacher preparatory programs, textbooks, and journals still attempt to interpret occupational trends in terms of a list of what are presumed to be professional characteristics, educators are often turning to accepting "reforms" which increase the appearance of professionalism. Educators have long sought to lengthen teacher preparatory programs and to raise admission standards in an attempt to bring these requirements in line with those of the more prestigious professions. These goals were largely achieved in 1983 when educational reform was represented as an improvement for teaching's professional standing.

Is teaching a profession? Larson (1977), states that there is no such thing as a profession, but rather teaching is a unionized labor (NEA; AFT (2008, ¶)). The only feature that ever really distinguished the professions from other occupations was the "professional" label itself. Teachers are knowledge workers, and as such have a responsibility to both themselves and to the public to become reflective practitioners. As reflective practitioners teachers can reassert, first their ability, and then their right, to

assume responsibility for the educational enterprise essential for students, and therefore -- ultimately -- the very foundations of democratic society.

Dispositions

Purpose and Cultivating Dispositions

The purpose of dispositions is to identify the limits of teacher expectations. Dispositions are goals that describe teachers' desired behaviors and attitudes as an outcome of their role in education. These goals address teacher professional development as a whole and relate to real-world functioning. Typically, dispositions are large ideas that encompass many areas and skills. Dispositions often are included in teacher professional development plans because they serve as a reminder of the long-range goals and behaviors to which students can aspire. What characterizes a good thinker? A good thinker possess certain abilities: cognitive capabilities, as well as thinking strategies and skills. Yet what sets good thinkers apart is not simply superior cognitive ability or particular skills; rather, it is their abiding tendencies to explore, to inquire, to seek clarity, to take intellectual risks, to think critically and imaginatively. These tendencies can be called "thinking dispositions."

As a teacher, one is constantly trying to cultivate dispositions as a means to plan and to be strategic. In order to develop students' ability to think strategically, teachers are to be directly taught some relevant thinking skills. For instance, teaching students is a procedure for setting careful goals, tactics for forecasting outcomes, a problem solving strategy, and a decision making strategy. However, knowing that abilities alone are not enough, a teacher wants to develop students' ability to plan and to think strategically: to find ways to help students be alert to sprawling and aimless thinking and sensitive to

step-wise thinking opportunities. Teachers may list behaviors and teaching goals since there is recognition that sensitivity develops through frequent stimulation. For instance, a teacher might ask the class to brainstorm a list of times when it is especially important to use thinking strategies — times like studying for a test, preparing a report, and making a difficult decision — and then post the list permanently on the classroom wall. Finally, to foster students' inclination toward developing a plan and strategic thinking, a teacher can explicitly value such behaviors in the classroom — that is, by expecting and rewarding, when appropriate, the making of plans and the use of thinking strategies.

Good thinking is a dispositional matter, comprised of a trio of abilities, sensitivities and inclinations. This challenges a skills-centered conception of good thinking that typically underlies the teaching of thinking, and calls for an enlarged conception of what comprises good thinking. Teachers are to be professional educators who carry with them mental models of teaching that provide guidelines for instruction. If teachers want to teach students to be good thinkers, then teachers need to ask how well an ethical standard model of behavior serves the agenda of teaching thinking dispositions, and whether enlargements can be made on this model to make it more effective.

Thinking Dispositions and Teaching as Transmission

Much of conventional instruction reflects a tacit conception of the teaching/learning process that might be termed the transmission model. The essence of this model is easily stated: the teacher's role is to prepare and transmit information to learners. The learner's role is to receive, store, and act upon this information.

A classroom culture which cultivates good thinking dispositions presents quite a contrast. Classrooms that focus on thinking dispositions are set up to seek and evaluate reasons. In

such a classroom, the environment encourages students to tend towards healthy skepticism. Rather than requiring them to passively take in information, instruction will challenge students to ask questions, probe assumptions, seek justifications. A culture is created in which students learn to be sensitive to the evidential foundations of claims and responsive to superficiality and over-generalization. Along with these inclinations and sensitivities, students learn corresponding thinking abilities, such as the ability to distinguish cause and effect, to identify logical structure, and to weigh and assess reasons. A model of teaching which can usefully guide a teacher in creating such a classroom culture which fosters these sorts of inclinations, sensitivities and abilities must be a far-reaching and flexible model. The transmission model, while helpful for the teaching of abilities, is simply too narrow to meet this larger challenge.

The challenge of teacher dispositions requires an expanded conception of teaching that includes but also goes beyond the standard transmission model. Such an expanded model can suggest and be characterized as enculturation. The purpose of an enculturation model of teaching is to provide guidelines for creating a culture of thinking in the classroom which promotes, from all quarters, the development of good thinking dispositions. The enculturation model focuses on three key aspects of culture-building: exemplars, which concern the models of thinking that are present in the learning environment; interaction, which concerns the tenor and content of relations among members of the classroom; and direct instruction, which concerns the direct teaching of culturally important concepts, activities, and skills.

Dispositions and Teaching

Dispositions have been a part of the existence of society. Society exists through a process of transmission quite as much as biological life. This transmission occurs by means of communication of habits of doing, thinking, and feeling from the older to the younger (Dewey, 1916 as cited in Lindahl, 2009, p. 33). Dispositions are a tendency to exhibit a pattern of behavior frequently, consciously, and voluntarily. Within schools, the role for communicating dispositions is instituted in the form of attitudes. Through these attitudes, dispositions, abilities, and disabilities, which develop a concrete personality, a school can function to influence the formation and growth of attitudes and dispositions, emotions, intellectual, and ethical (Dewey, 1937 as cited in Lindahl, 2009, p. 33). A major disposition to develop among teachers is the sense of efficacy (Litwack, 2006). Themes such as value of fairness and organization can aid in important dispositions (Simpson & Garrison, 1995). The National Council for Accreditation of Teacher Education or NCATE (2006) promoted the use of dispositions to increase ethical decision-making.

Under the New Teacher Assessment and Support Consortium (INTASC, 2002), a list of dispositions suggests principle standards for teachers and a basis for state boards of education to follow:

1. the teacher is concerned about all aspects of a child's well-being (cognitive, emotional, social, and physical), and is alert to all signs;
2. the teacher values both long-term and short-term planning;
3. the teacher values planning as a collegial activity;
4. the teacher respects the privacy of students and confidentiality of information;

5. the teacher takes responsibility for establishing a positive climate in the classroom and participates in maintaining such a climate in the school as a whole; and
6. the teacher is a thoughtful and responsive listener.

Dispositions, however, are not measurable through rubrics, a standard feature for teacher assessment and evaluation. Dispositions are most clearly associated with personal characteristics, ethical conduct, and relational aspects of teaching. The way teachers conduct themselves by communicating and interacting with students includes the ability to engage in the purpose of teaching students (Sherman, 2006).

The Role of Dispositions and Teacher Conduct

For first year teachers, the use of modeling works when shaping dispositions. The expectation of work responsibilities are provided by the NJDOE and monitored by each school district. Modeling is primarily done by providing first year teachers with a more experienced teacher within the school district as a mentor (Phelps, 2006). The mentor becomes a role model who influences new teacher attitudes and desirable professional practices such as professional reflection (Reiman & Peace, 2002). Teachers who reflect on present behavior are able to examine areas such as work expectations, classroom management, and decision-making over a period of time before misjudgment occurs. Many teachers have a mental image of a past teacher to be used as a guide for their own actions. Being aware of the attitudes that guided a selected mentor's behaviors helps teachers to acquire similar attitudes (Phelps, 2006). Modeling in the same way on a past or even present mentor serves to strengthen dispositions and more importantly, to influence teacher efficacy.

According to Rapp (2001), modeling of dispositions in teacher education preparation programs can strengthen students' and teachers' dispositions as well as a teacher's skills and practices. Under NCATE (2006), faculty of teacher education institutions must define and assess the dispositions of teachers and the positive effect that dispositions have on young people's opportunity to learn,

Standards 1 and 2 require "evidence that candidates preparing to work in schools as teacher or other professional school personnel know and demonstrate the content, pedagogical, and professional knowledge, skills, and dispositions necessary to help all students learn.

Standard 3 relates to field experiences and clinical practice. How, in fact, do teachers develop and demonstrate in field experiences and clinical practice the dispositions necessary to help all children learn?

Standard 4 addresses the interplay of diversity and dispositions, which requires the providing and evaluation of "curriculum and experiences for candidates to acquire and apply the knowledge, skills, and dispositions necessary to help all students learn" (NCATE, 2006, ¶).

The National Board for Professional Teacher Standards or NBPTS, (2006) has developed standards that promote knowledge, skills, dispositions, and beliefs which teachers display. Dispositions such as curiosity, tolerance, honesty, fairness, and respect for diversity are considered desirable qualities. In one teacher education program, preparation is offered for the Praxis exam by using disposition-oriented scenarios. These scenarios are preparation activities that may help pre-service teachers to perceive their

dispositions and to align them with the standards of the ISLLC, a national organization that sets standards for successful school leaders (Lindahl, 2009, p. 22).

Promoting Dispositions in Teachers

In examining a variety of definitions of dispositions as they relate specifically to teachers, dispositions are not quite the same as *operational style* or *personality* [italics added], but focus more on specific ways teachers think about students, teaching practices, and the purposes of schooling (Jensen, 2004 as cited in Lindahl, 2009, p. 6). Sherman (2006), suggests that teachers need to be mindful of professional dispositions since they affect classroom tone, influence student behaviors, and impact positive student learning opportunities. “Dispositions are not only an issue in professional and accreditation standards, they are commonly used as prime criteria for the selection of teachers and administrators for school districts” (Lindahl, 2009, p. 9).

Voseles and Moss (2007), provided support of dispositions through the work of Arthur W. Combs, who was dedicated to showing the necessity of effective teacher dispositions. Combs’ research provided five dispositions:

1. Empathy - seeing and accepting another person’s point of view,
2. Positive view of others - believing in the worth, ability, and potential of others,
3. Positive view of self - believing in the worth, ability, and potential of oneself,
4. Authenticity - feeling a sense of freedom and openness that enables one to be a unique person in honesty and genuineness,

5. Meaningful purpose and vision - committing to purposes that are primarily person-centered, broad, deep, freeing, and long range in nature (Taylor & Wasicsko, 2000, p. 4).

Ethics and Reflection

Ethics and Teacher Behavior

Professional judgment and decision-making skills consist partly of having an ethical standard as a guide for teaching practice. Poor judgment and decision-making skills have caused a rise in criminal cases involving teacher misconduct. Through past criminal cases, teacher misconduct has impaired ethical performance skills and the ability to solve problems. According to Cartwright and Simpson (1990) and Rulon (1992), teachers are informally required to solve problems, make decisions, and consider options before acting. Acquiring ethical judgment skills are connected to perceiving, thinking, feeling, and doing. What goes on inside a teacher's thoughts are of critical importance to teaching students (Johnson & Reiman, 2007).

According to Barrett, et al., (2006), less attention has been given to standards of professional conduct in teachers than to other helping professions. In fact, when comparing teachers to other human service-delivery professions such as medicine, psychology, and law, a professionally recognized and defined code of conduct has been absent in teaching because of the amount of time that a code of conduct would take to have passed in the New Jersey Legislature (V. Huff, personal communication, June 4, 2008). For example, in psychology, the American Psychological Association (APA) publishes a revision of the *Ethical Principles of Psychologists* [italics added]. This code of conduct begins with the following: a preamble, description of broad principles that

guide professional practice, and a list of decision rules for psychologists in the following areas:

1. practitioner-client relationships;
2. confidentiality;
3. test procedures; and
4. accuracy of public statements.

The Association of State and Provincial Psychology Boards, (2004) suggested incorporating *APA's Ethical Principles* [italics added] into their statutes, regulations, and information about state disciplinary actions to be transmitted in a national data bank.

“The conduct and role of teaching will ultimately be determined by how teachers interpret professional obligations and the role of teachers as ethical agents” (Campbell, 2001, p. 398). According to Sergiovanni (1990, pp. 54-55), “codes of conduct that define the ethical responsibilities of teachers: can provide the basis for self-regulation and can help build confidence in teachers and sustain teachers’ integrity in the eyes of the public.”

Reflections

Becoming an effective teacher involves reflection and being able to function under an ethical standard that encourages the teacher in the process of self-awareness, self-inquiry, and self-reflection (Larrivee, 2000). John Dewey asserted that the capacity to reflect is initiated only after recognition of a problem or dilemma and the acceptance of uncertainty. The dissonance created in understanding that a problem exists engages the reflective thinker to become an active inquirer. According to Dewey, (1933) reflective thinking requires continual evaluation of beliefs, assumptions, and hypotheses.

Behavior is a circular process of selecting data, drawing conclusions, adapting beliefs, and ultimately adopting a course of action. Setting an ethical code for teachers would allow for this process to be formally established. Developing the practice of ethical standards involves observing, assessing, and examining behavior in order to recommend specific actions through a process of critical inquiry. Critical inquiry involves the conscious consideration of the ethical implications and consequences of classroom practices on students. Few teachers get through a day without facing ethical dilemmas. Even routine evaluative judgments of students' work are partly an ethical decision.

The Role of Ethical Reflection in Teaching

Ethical reflection can be conceptualized as a cycle known as reflective equilibrium, reconsideration, and reformulation. Each can occur before, during, or after instruction. Theoretically, reflective equilibrium may provide positive effects for teachers involved in instructional situations. This is done by allowing for opportunities to analyze and support all aspects of teaching and student learning. Lickona, (1997) asserted that ethical reflection is not reserved for the teacher, but may be taught to students. Teachers bring meaning to the classroom through a shared participation in the teaching/learning process. Lickona's definition of ethical reflection suggests that ethical reflection is a "strategy that focuses on developing several qualities that make up the cognitive side of character: being ethically alert; knowing the virtues and what teachers require of us in concrete situations; taking the perspective of others; reasoning ethically; making thoughtful ethical decisions; and having ethical self-knowledge, including the capacity for self-criticism" (Lickona, 1997, p. 72).

Teachers initiate such ethical experiences by teaching their students the virtue, or value, of learning. This idea can be represented as a cycle, illustrated as value-based interactions and potential influences. For teachers to take ethics seriously, they need to expect students to take schoolwork seriously. Once virtue, or valuing, is in the classroom, students' and teachers' experiences can be processed through an ethical educative framework known as the student-teacher cycle. The student-teacher cycle brings their relative roles together to intersect and merge into educative ethics.

Practicing a Reflective Theoretical Framework

Virtue-based ethical theories place less emphasis on which rules people follow and, instead, focus on helping people develop good character traits, such as kindness and generosity. These character traits will, in turn, allow a person to make correct decisions throughout life. Virtue theorists also emphasize the need for people to learn how to break bad habits of character, like greed or anger (Freire, 1998).

Recently, virtue ethics has not been a very common topic for study, but it dates back to the ancient Greek thinkers. Plato discussed four key virtues: wisdom, courage, temperance, and justice. The first systematic description of virtue ethics was written down in Aristotle's famous work *Nicomachean Ethics* (Freire, 1998, ¶). According to Aristotle, when people acquire good habits of character, people are better able to regulate their emotions and their reason. This, in turn, helps people to reach ethically correct decisions when faced with difficult choices.

The importance of education and virtues in the philosophy of Aristotle was great since the purpose of education was to produce good members of society. Educators must aim at the development of the full potentialities of each student by seeking the

development of a student's intellectual capacities to their fullest extent (Back, 2002).

However, in the teaching field, the focus on reflection about practical knowledge such as actions, allows teachers to learn from experience. The actions and behaviors are able to answer the question, "what must I do?" The answer to this question may cause a teacher to act by leading one to an action that is personally "good" and is worthwhile performing. Aristotle believed that every action and behavior had a goal. The link between the goal and the means needed to achieve the goal are developed through external and internal actions. For example, when baking a cake, the purpose of the action is the cake, not the baking. While the baking occurs, the cake is not yet ready. When the cake is ready, baking is over (Back, 2002).

The use of virtue ethics is to provide teachers with an important contribution to understand ethicality when making decisions in the classroom. Virtue ethics emphasizes the central role played by motives in ethical questions. To act from virtue is to act from some particular motivation; thus, to say that certain virtues are necessary for correct ethical decisions is to say that correct ethical decisions require correct motives. Neither teleological (relating to ethical obligation) nor ontological (relating to existence) ethical theories require motives to play a role in our evaluation of ethical decisions — but encouraging correct motivations is often a key component of the ethical education of young people (Freire, 1998). There is a societal expectation that teachers' desire certain outcomes and teachers want to accomplish certain goals by their actions. Another reason why virtue theories are so attractive is that the other ethical theories share in common the difficulty of dealing with complicated ethical calculations over what actions to take or which ethical duties to emphasize. Virtue theories promise that once successful in

creating the sort of person one wants to be, arriving at the correct ethical decisions will come naturally.

Key questions of virtue ethics include:

1. What sort of person do I want to be?
2. What virtues are characteristic of the person I want to be?
3. What actions will cultivate the virtues I want to possess?
4. What actions will be characteristic of the sort of person I want to be? (Freire, 1998).

As Aristotle repeatedly emphasized, ethics cannot be taught since teachers lead by example. Instead, Aristotle is talking about behavioral trends and personality traits. The only way to teach ethicality is to be ethical (Back, 2002). Educators have no option but to offer a personal example to their pupils who learn from the teacher's behavior more than students learn from a teacher's words.

The Role of Reflection and School Leadership

Teachers can be visionary leaders within the classroom environment. Leadership concentrates on doing the right thing, rather than doing things right. Teachers, as well as school leaders, have an ethical obligation to society, to the profession, to a school board, and to parents and students, and may find that it is often not clear as to what is right or wrong, or what one ought to do, or which perspective is right in ethical terms.

Unfortunately, few teachers have been trained to deal with these conflicts.

Schools are viewed by the community as ethical organizations that are filled with ethical dilemmas and ethical decisions. As reflective practitioners, school leaders have a belief that the decisions that are made and the values that underlie the decisions made by

reflective teachers are filled with ethical implications for the entire school community (Clift, Houston, and Pugach, 1990). Ethical decision making is considered the justice approach (ethical code of conduct) and the care approach (self-reflection) to education. In the justice approach and the care approach, school administrators and teachers can collaboratively seek solutions to ethical dilemmas and decision-making that can affect the overall process of student learning and the profession of teaching.

Evidence and Structure on the Effectiveness of Codes of Conduct

Codes of conduct are a new and growing trend among state education departments throughout the United States. There are 21 out of 50 states (See Appendix G) that have established codes of conduct/ethics to promote professionalism in teachers. In the State of New York, “teachers have an appreciation for a code of conduct/ethics since a code has increased the public trust and integrity of both parents and the community. Codes of conduct/ethics have been used in schools as a basis for professional development practices, pre-service teacher preparation, and presentations to the public and the parents. Teachers are encouraged by having a state code of conduct/ethics because both parents and the community have the ability to recognize that there is an awareness of ethical practice and any ethical concerns are being addressed” (N. Taylor Baumes, personal communication, July 28, 2009).

Under the Professional Standards Board under the Delaware Department of Education (2009), a Professional Code of Conduct/Ethics was approved, as well as a Delaware Professional Educator Code of Conduct, which “sets forth a newly approved regulation *1514 Revocation, Limitation or suspension of Licenses* [italics added] (See Appendix H). The Delaware Board of Education wished to formally adopt the Code in

order for the local district to have the ability to ‘enforce’ a Code with the potential sanctions and/or disciplinary actions” (PSB Minutes, 2009, April, p. 4). Codes of conduct/ethics are not meant to be used for discipline or assessment (New York State Department of Education, 2009), rather codes are to provide direction for teachers. The New York State Department of Education was the first state education department to initiate an investigation of misconduct among their teachers.

The first national analysis of teacher misconduct was conducted in 2005. Under the New York State Education Department, a 7-month investigation of teacher discipline was done in all 50 states, including the District of Columbia. An examination of records showed that there were 2,570 educators who had their teaching licenses taken away, denied, surrendered voluntarily or restricted from the period of 2001 to 2005 (The Associated Press, 2007). “Results showed that of the 235,000 certified teachers in New York, there were 485 misconduct cases reported over this 5 year period (The Associated Press, 2007).

An effort to decrease misconduct cases was done by building an ethical code of conduct as a teaching tool and guide for ethical practice. From the years of 2001-2005, teacher misconduct cases had doubled in the State of New York (New York State Education Department, 2007) with 134 teacher misconduct cases reported in 2005. This was in comparison to 70 cases reported in 2001 (New York State Education Department, 2005). Since building an ethical code of conduct, results have shown a decrease in misconduct cases by 52% from 2001 to 2005. In comparison to 2009 where there were 52 cases of teacher misconduct reported by New York State Boards Association.

Since establishing an ethical code of conduct, there has been a steady decrease in teacher misconduct cases by 74% from 2005 to 2009. These findings have helped states such as Delaware, Pennsylvania, and Connecticut to develop ethical codes of conduct for teachers (See Appendix I). In 2007 and 2008, other state education departments throughout the United States began adopting ethical codes of conduct. Table 1 includes an investigation of state education departments in Ohio, Oregon, Kentucky, South Carolina, and West Virginia who have recently established ethical codes of conduct for teachers. Findings show that when establishing an ethical code of conduct the number of teacher misconduct cases decreases.

Table 1

Ethical Codes of Conduct and Decreased Teacher Misconduct Cases

State	2007	2008	Decreased %	Year Code Established
Oregon	200	120	36%	2007
South Carolina	117	108	92%	2008

*Results are approximate and calculated from an examination of state education department websites.

According to the Delaware Department of Education (2009), codes of conduct/ethics promote a professional spirit in teachers. Ethical codes of conduct have helped guide many occupations categorized as helping professions. Examples of helping professions such as social workers and psychologist professional boards have equally devised codes of conduct/ethics as a guide to ethical practice and professionalism.

According to the National Association of Social Work or NASW (2009), "codes of ethics cannot resolve all ethical issues or disputes or capture the richness and

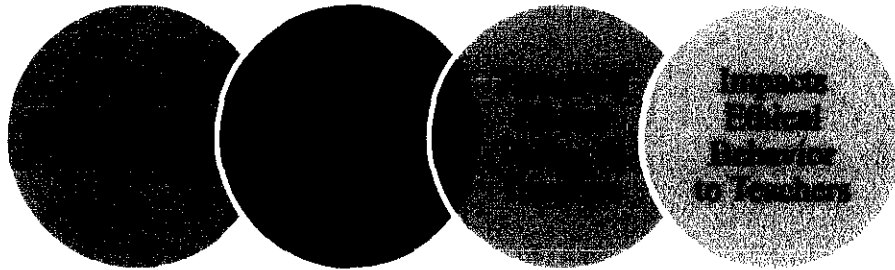
complexity involved in striving to make responsible choices within an ethical community. Rather, a code of ethics sets forth values, ethical principles, and ethical standards, to which professionals aspire and by which their actions can be judged." The American Psychological Association or APA (2008, ¶) code adds: "The development of a dynamic set of ethical standards for a psychologist's work-related conduct requires a personal commitment to a lifelong effort to act ethically; to encourage ethical behavior by students, supervisees, employees, and colleagues, as appropriate; and to consult with others, as needed, concerning ethical problems." This aspiration is used as a guide to encourage ethical behavior not only in social workers and psychologists, but also in business corporations.

Encouraging Ethical Behavior

When examining the effectiveness of codes of conduct in business professions, research conducted by Okpara (2003) showed that corporate codes of conduct transmit ethical value to business organizational members and ultimately impact ethical behavior of their employees. The research framework indicates that there is a linkage between organizational codes of ethics and employee behavior. Within the United States and other advanced industrialized countries clearly indicated that awareness of unethical activity is less prevalent in organizations that have adopted codes of ethics (Murphy, Smith, and Daley, 1992; Somers, 2001). There is support to show that employees in organizations that had adopted corporate codes of ethics were significantly more aware of wrongdoing than were employee in organizations without codes of ethical conduct. Table 2, taken from Okpara (2003), shows the progression of how developing a code leads to employees, in particular teachers, to using ethical behavior.

Table 2

Encouraging Ethical Behavior in Teachers



In the United States nearly 75% of 100% of organizations were reported to have adopted corporate codes of ethics (White & Montgomery, 1980; Somers, 2001).

According to business ethics companies LRN (2009), devising a code of conduct or a constitution that invites dialogue about new situations and allows recourse to the spirit of its fundamental principles decreases misconduct. "Constitutions are also living documents that take their authority from mutual agreement, not simply from those in authority. Rather than handing down the Code of Conduct, management explains the rationale and inspiration for the company constitution, which can be amended to reflect changing values and business realities. Most important, management is able to articulate how the code of conduct is central to the company achieving its business goals (LRN, 2009, ¶).

When becoming a teacher, individuals must accept the role of ethics in teaching and the delegated authority inherent in that role. Parents and the community have legitimate expectations about the nature of professional intervention as it occurs in one-on-one student-teacher interactions, in providing teaching, and in decision-making. The ethical principles of any code are meant to articulate a common set of values for teaching and provides goals to which teachers aspire. In addition, the ethical principles provide a foundation for a more specific set of ethical standards that are the basis for charging

someone with an ethical violation before the professional association's ethics committee. The specific language also provides concrete detail for guidance in situations (APA, 2007). Most codes, for example, have an ethical principle against non-exploitation, and the APA sets specific ethical standards that therapists cannot enter into sexual relationships with former therapy patients for two years following the termination of treatment – and then only under a specific set of circumstances.

Codes of conduct are not exhaustive and cannot be made to cover all situations. The American Society of Criminology or ASC (2009, ¶) proposed a code that is helpful in the following way: "Ethical standards are not simply determined by whether an action is legally actionable; behavior that is technically legal may still be unethical." The APA code also tries to be helpful about the relationship between ethical standards and legal standards: "Whether or not a psychologist has violated the Ethics Code does not by itself determine whether he or she is legally liable in a court action, whether a contract is defined, or whether other legal consequences occur. These results are based on legal rather than ethical rules. However, compliance with or violation of the Ethics Code may be admissible as evidence in some legal proceedings, depending on the circumstances (APA, 2008, ¶)." In addition, even specific ethical standards cannot cover the wide variety of real life situations that create ethical dilemmas. Most of the codes note that context is crucial to making a decision. However, a code is most helpful for teachers with resolving conflicts and professional respect from parents and the community, as found with the Delaware Department of Education Code of Ethics.

According to the Delaware Board of Education (2009), authority was given to the Professional Standards Board (PSB) to set forth an ethical code of conduct in April 2009.

This code of conduct would be used as a guiding document for Delaware educators. The code was formally adopted to provide the ability to be used in conjunction with a newly established regulation entitled *1514 Revocation, Limitation or Suspension of Licenses* [italics added]. This established code has been expressed as having the ability to exude a professional spirit for teachers (Delaware Board of Education, 2009).

Codes of Ethics and Professional Teacher Associations

National Education Association

According to the practice on teaching and ethics (NEA, 2004), the first principle of the ethics code is called “Commitment to the Student.” This principle presents several significant pedagogical statements. Of the nine points, the following four are relevant to this discussion.

“The educator,

1. shall not unreasonably restrain the student from independent action in the pursuit of learning;

2. shall not unreasonable deny the student’s access to varying points of view;

3. shall not deliberately suppress or distort subject matter relevant to the student’s progress;

5. shall not intentionally expose the student to embarrassment or disparagement” (NEA, 2004, ¶).

American Federation of Teachers

The American Federation of Teachers or AFT (1971), also has a code of ethics relating to teacher behavior. The AFT code presents two statements that are similar to the NEA code, as well as ethical terminology developed from Hinmann’s (2008) *Ethics: A*

Plausible Approach to Moral Theory [italics added]. One term shared is “beneficence (promotes human welfare, prevent harm, remove harm)”; the other method is termed “non-maleficence (do no harm, risk no harm)” (Campbell, 2000).

The first statement directs teachers to allow students to pursue learning independently. Any teachers’ obstructions could be interpreted as potentially causing negative effects within learning situations. The AFT (1971), code of conduct also contains a section entitled “Teacher-Student Commitment.” The following statements are similar in intent and orientations to the NEA principles previously presented, but are important to consider with respect to educative ethics. Statement number two is, “The teacher works objectively to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals in each of his or her students for their advancement.” Statement number three is, “The teacher works to develop and provide sound and progressively better educational opportunities for all students.”

Educative ethics is a decision making process that requires ongoing reflection before, during, and after instruction to create positive effects within learning situations. The idea of reflection addressed by Strike and Soltis (1985; 1992), has been expressed in terms of the concept of “reflective equilibrium.” Such practice is ongoing and pedagogical in nature. The ethical intent involved in reflective equilibrium (Strike & Soltis, 1985; 1992), provided a context for positive effects within educational settings.

Examination of Collective Bargaining

Background of Collective Bargaining and the Law

Since 1961, teacher unions have chosen a bargaining agent for teachers which involved collective negotiations through elected union representatives. Collective bargaining in private-sector unionization had declined nationally to below 10%, while public education union membership had increased to more than 65%, mostly in urban areas. Policymakers, administrators and the community must be prepared to respond to powerful and well-organized union forces. Union forces are part of the collective process for providing the conditions of employment among teachers.

Collective bargaining powers rests on the outcome between union representatives and school boards. In states such as Illinois and Iowa, the absence of collective bargaining provoked teachers to strike. In other states such as Michigan, collective bargaining revealed that contracts were used as an appraisal system for skills, but not for salary, job responsibilities, and expectations (Smith, 1985). There are few, if any, contracts that actively proscribe teacher behavior. Union contracts have been used as a measure for teacher benefits and determining salary (Carini, 1986).

Teachers are responsible for managing and monitoring classrooms, for thinking systematically about teacher practices, and for learning from experiences (NBPTS, 2006). Ethics research relating to teacher union contracts is limited since it is a new area being considered for the education profession. Research conducted by Afterschool (2005), has identified a growing number of criminal cases involving student-teacher relationships. Codes of conduct provide a foundation for the desired traits of teachers. Teacher traits, such as an outgoing personality type, strong intuition, and a desire for working with both

parents and students have been identified as being desirable traits for teaching (McCutcheon, Schmidt, & Boyden, 2001). A standard of conduct in union contracts would allow for teachers to understand the expectations of working and attaining tenure within a school district.

Understanding the Process

Collective bargaining is a type of negotiation used by teachers to work with school districts. During a collective bargaining period, workers' representatives approach the employer and attempt to negotiate a contract upon which both sides can agree. Once both sides have reached a contract that union representatives and board of education members find agreeable, the contract is signed and kept in place for a set period of time, most commonly 3 years. According to the Cornell Law School Journal (2008 ¶ 4), this final contract is called a collective bargaining agreement or a collective bargaining effort.

Collective bargaining actually begins with the formation of a negotiating group comprised of members of a union, agreeing to abide by the rules of the union, and electing union representatives. In general, experienced people from the union will assist teachers with putting together a draft of a contract. Numerous meetings between representatives of school district leaders and teachers will be held until the leaders of two groups can agree on contract content. As the contract is being negotiated, teachers have input on the contract content, through union officers. Thus, the agreement reflects the combined desires of teachers, along with limitations that school district personnel wish to see put in place. In some cases, union and school district personnel resort to striking or creating a lockout to push the agreement through.

Many school districts benefit from unionization, which allows workers to speak together as a body to assert school employee rights. School districts also benefit from collective bargaining agreements, which set out clear expectations for both sides. The experience of collective bargaining can also be a learning experience for both sides of the discussion, as collective bargaining encourages school districts and school employees alike to consider each others' positions. Collective bargaining is governed by federal and state laws, administrative agency regulations, and judicial decisions. In areas where federal and state law overlap, state laws are preempted.

The main body of law governing collective bargaining is the National Labor Relations Act (NLRA). The NLRA explicitly grants employees the right to bargain collectively and join trade unions. All decisions and regulations of the NLRA Board are related to labor organizations and a unit of public sector employees such as teachers in collective bargaining.

Bargaining Units

Collective bargaining must represent an appropriate bargaining unit for teachers. Under most labor relations statutes, only individuals who share a "community of interests" may comprise an appropriate bargaining unit. Community of interests generally means that the teachers have substantial mutual interests, including the following:

1. Wages or compensation
2. Hours of work
3. Employment benefits
4. Supervision
5. Qualifications

6. Training and skills
7. Job functions
8. Contact with other employees
9. Integration of work functions with other employees

History of Collective Bargaining

Many state statutes prescribe certain requirements or considerations with respect to bargaining units in the public sector. Some statutes set forth specific bargaining units, such as teachers, support staff, and maintenance personnel. Collective bargaining statutes differ considerably from state to state (See Appendix J), with some states providing much more guidance and specific rules than others. For some school employees, collective bargaining is illegal; some states do not allow unions. Even in states with unions, a district can “opt out” with a vote to do so (usually 90%) (C.M. Achilles, personal communication, December 15, 2008).

Collective Bargaining and Strikes in the Helping Professions

Collective bargaining takes place in the political sector, which has different motivations and goals than the private sector. Participants in collective bargaining include management, workers, and other individuals and groups (Moskow, 1970, p. 206).

Collective bargaining has a few provisions for promoting human respect and dignity, known as the *Universal Declaration of Human Rights* [italics added]:

1. no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment;
2. everyone has the rights to rest and leisure;
3. motherhood and childhood has a right to special care and assistance;

4. everyone has a right to education;
5. all human beings are born free;
6. no one shall be held in slavery or servitude;
7. everyone has the right to freedom of thought, conscience and religion; and
8. everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits (Article 27.1).

The Wagner Act (1935) caused many state leaders and Congress to recognize the power of collective bargaining. This Act enables employees to bargain in order to evaluate their working conditions and to change anything that may be felt unfair. The Wagner Act did not come into full working force until after the Depression. When it was first enacted, most employees saw no use for bargaining. By 1965, public employees came to the realization of having the same rights as other private employees. "The desire of every human being to have a voice in activities which have substantial influence on this life motivated public employees to organize" (Colosi, Rynecki, eds, 1975, p. 7). Collective bargaining is used dramatically in the area of public employment, including teachers, firefighters, nurses, and law enforcement officers.

Work Strikes among Helping Professions

Police officers, firefighters, schoolteachers, and other public employees known as helping professions, sometimes resort to work strikes, also known as strikes. These public servants often argue that strikes bring better working conditions, higher pay, and other benefits that would increase professional ethical and create a better community. Others often look at public employee strikes as a huge burden that is not to be allowed by the

government. Judges generally hold that public employees do not have the right to strike. The fact that strikes are illegal does not stop public employees from forcing changes by other job actions. Firefighters have been known to catch the "red rash," police come down with the "blue flu," teachers have suffered from "chalk-dust-fever," and state workers (such as in Pennsylvania) have called in with "budgetitis" (Milakovich & Gordon, 2001, p. 315).

Police Strikes

There have been many police strikes throughout the world over the last 100 years. Some examples of police strikes are Boston in 1919, Montreal, Canada in 1969, Waukegan, Canada in 1970, and New York City in 1971 (Omoigui, 2002). There are now laws in most American states that deny officers the right to strike. Police officers have found other ways to paralyze the operation of their department without breaking the law.

Police officers in North America have been known to call in sick with the "blue flu." All officers wanting to make a statement call in sick, leaving the police force short of officers or even without officers. The "blue flu" is often used as an effective tool in collective bargaining. On February 14, 1998 more than 20 Yale police officers called in sick. Non-union supervisors were forced to work. Officers denied the job action as being organized, which would have been in violation of the no strike/no lockout clause (Wilner, 1998). This sickout caused Yale administrators to agree to negotiate with the police officers. In case of such actions, administration devised a plan for back up officers. Florida has been known to use State Troopers to take the place of "sick" officers. Some states have even called in the National Guard.

Firefighter Strikes

Firefighters resemble police officers and teachers because of the important role firefighters play in today's society. On November 22, 2002, UK firefighters struck on behalf of raises and government intervention in negotiations. This was the first strike in 25 years for firefighters (Powers, 2002). In the United States, firefighters are forced to call in sick with sicknesses such as the "red rash." Just as the "blue flu," the "red rash" can be a tool for collective bargaining.

Teacher Strikes

Teacher strikes have increased in number, which has prompted much question and speculation. Teachers feel they are underpaid, have unsatisfactory working conditions and are dissatisfied with the non-teaching duties they are required to perform. To try and change these conditions, teachers have duplicated the processes used in private-sector labor-management relations by forming unions, practicing collective bargaining and conducting strikes. There have been efforts such as negative consequences to deter teacher strikes. Fines and jail sentences are two such consequences (Colton & Graber, 1982, pp. 117- 122). Even though these consequences can have an affect on teachers for a long time, they do not always deter teachers from striking. Instead of striking, teachers do exercise another action by planning a sickout. In Detroit, Michigan in February 2002, 4 public schools were closed when more than 80 teachers called in sick. The teachers complained over wages and the rights teachers had as employees (Warik, 2002).

Process of Teacher Strikes

If efforts for an impasse resolution fail between a teachers' union and a school district, teachers may choose to strike to persuade or coerce the board to meet the union's

demands. A lockout by an employer is the counterpart to a strike by an employee group. The right to strike is guaranteed in the private sector. In about half of the states the right to strike has been extended to teachers in the public sector (Reuter, 1994). In states where strikes are permitted in the public sector, teachers often must meet several conditions prior to the strike. For example, a state may require that a bargaining unit has been certified properly, methods for impasse resolution have been exhausted, that any existing collective bargaining agreement has expired, and that the union has provided sufficient notice to the school board. The purpose of such conditions is to give the parties an opportunity to avoid a strike, which is usually unpopular with both employers and employees.

Causes and Effects of Teacher Strikes

There is interest in the number and length of teacher strikes that have occurred throughout the United States. Although the number of strikes had been few, striking can be seen as a barometer of the labor relations climate, “strikes can affect productivity, labor turnover, and profitability” (Montgomery & Bennett, 1998, p. 380). In a previous study, Hicks (1932) viewed strikes as a result of faulty negotiations. Strikes can arise for a multitude of reasons. Much research on strikes has focused on the role of imperfect information and uncertainty in causing strike activity. Mauro (1992) and Tracy (1989), concluded that strikes result from unions using different factors in making demands and to elicit private information from the other party. Strikes arise because of imperfect information that could be eliminated by establishing incentives to develop bargaining tools that would reduce the likelihood of strikes.

In 1967, “teacher strikes rose dramatically with 973 thousand days idle that later became a widespread problem” (Moskow, 1970, p. 211). The ability to predict what effect teacher strikes would have on the incidence and impact of work is unclear. What has been clear is the major causes of past teacher strike growth. Alternate methods can be devised which could allow teachers to settle problems without striking. Serious teacher strikes have been caused by two major factors: a) the drastic change in the total environment where teachers work; and b) the growth of organizations that channel and express dissatisfaction (Moskow, 1970). Teachers may feel that school administrators and school boards restrict the teacher in the exercise of professional duties. Unions and associations have appealed to teachers on the basis of protecting teachers’ professional status as well as improving salaries.

Both the National Education Association (NEA) and the American Federation of Teachers (AFT) have responded to the opportunity to implement institutional change for teachers. In 1962, the NEA formulated an official policy on negotiations, which objected to the term collective bargaining. Since this negotiation objection the NEA passed a resolution emphasizing the need for professional negotiation of collective bargaining agreements. (Moskow, 1970). Since a formulated policy was developed, the NEA has favored written agreements that include terms and conditions of employment, a grievance procedure with binding arbitration, and a termination date.

Both state-wide and local strikes have been used on numerous occasions. Strikes or “professional holidays” have occurred when agreement on employment conditions has not been reached. In others cases, strikes have developed to examine demands. By 2008,

37 states had laws banning teacher strikes. According to the Mackinac Center for Public Policy, (2004), there were 241 strikes in 1975 and only 15 in 2004.

In states such as Alaska, teacher strikes are legal and infrequent. The last strike in Alaska was in 1995. Similarly, Wisconsin has not had a teacher strike since 1997 because strikes are only legal when the union and school board agree to one (Rapp, 2001). In comparison, in Michigan and Washington, teacher strikes are illegal, but nonetheless they still occur for the following reasons:

1. the ability to strike for political motives as opposed to economic reasons;
2. a lack of clear and defined penalties for violators; or
3. an option for teachers to appeal to a judge.

Prohibitory strike law with prescribed and serious penalties, supported by court rulings, are effective in preventing strikes as demonstrated in Florida, Georgia, New York, and Tennessee. In Pennsylvania, strikes occur frequently, and there is no penalty imposed on strikers.

Ocean-Hill Brownsville Teacher Strike

The Ocean Hill-Brownsville section of Brooklyn summarily dismissed 18 white teachers and administrators. This was a huge departure from the classical liberal position, which was hiring and firing ought to merit and colorblind based. The school board personnel's action led to a series of citywide teacher strikes that had strained traditional alliances by pitting liberals against labor and blacks against Jews. At the center of the strike was Albert Shanker, leader of New York City's United Federation of Teachers. In 1964, Shanker, the junior high school teacher-turned-labor leader had played a key role in organizing New York City's fractious teachers into a cohesive force and winning them

the right to bargain collectively. One of the legacies of this strike was an acceptance of the idea of color-conscious hiring and firing.

A social democrat and staunch supporter of the civil rights movement, Shanker demanded the reinstatement of the Ocean Hill-Brownsville educators. Shanker led New York City teachers out on strike not once, not twice, but three times in the fall of 1968, shutting down the public schools for a total of 36 days.

The Ocean Hill-Brownsville strike became historic in many ways for teachers by preserving teacher unions as a meaningful and significant force for educational progress. Moreover, the 1968 strike enable the New York City public school system to have academic freedom, where teachers are able to educate students without political interference. Academic freedom depends on a teacher's right to due process. Teachers felt the Ocean Hill-Brownsville strike was absolutely worth the sacrifices made (UFT, 2008). The causes were to enable teachers to have a union protection under due process and a public school system that would provide an excellent education for so many students. However, because of the Strike of 1968, students had missed out on classroom learning. To bring students up to the current curriculum requirements, students made-up what was not learned in those 36 days of teacher striking during the following school year, which was extended.

Differences and Similarities between Teaching and Nursing Union Contracts

Similarities in Union Contracts

Teaching and nursing union contracts follow the process of collective bargaining, as established under the laws of the State of New Jersey. Both teachers and nurses are unionized employees and are subject to the regulations of their labor unions. Labor

unions such as the New Jersey Educational Association (NJEA) and New Jersey Health Professionals and Allied Employees (NJ HPAE) have a purpose toward advancing the economic and general welfare of teachers and nurses. Within the professions of teaching and nursing, unions protect the rights of employees in areas such as benefits and salary negotiations and are representative in the process of collective bargaining.

School districts, hospitals, and healthcare facilities can not interfere with the process of collective bargaining. The National Labor Relations Act makes it unlawful for an employer to interfere with, restrain, or coerce employees in the exercise of their right to organize; or to discriminate against an employee with regard to hiring practices, tenure of employment, or any term or condition of employment in order to encourage or discourage membership in a labor organization (NJNA, 2008). This means that an employer cannot express or imply a threat of reprisal for organizing, or promise a benefit for refraining from organizing. Although an employer is prohibited from engaging in certain types of activities to thwart organizing, this does not mean employees will not encounter strong opposition. Employer propaganda and anti-union tactics can be anticipated. An employer has the right to voice its opinions and attitudes about unions and the unionization of its operation, provided its communications and actions carry no direct or implied threats to employees.

Differences in Union Contracts

The content of union contracts between teachers and nurses are quite different. Although the content such as work hours, healthcare benefits, salary, grievance procedures, and length of contract are similar, union contracts of teachers may not include ethical standards or a separate code of conduct. Teacher union contracts tend to

be brief in content. However, nursing union contracts are just the opposite. Contracts are specific as to the expectations, professional responsibilities, and duty to care and compassion of the nursing profession and to its patients.

Professional responsibilities are characteristic of nursing union contracts. Along with signing a union contract, nurses also sign a separate form known as an ethical code of conduct. Signing a code of conduct is contingent to a nurse starting and maintaining employment. This ethical code of conduct addresses the ethical behavior expected by the American Nurses Association. Teachers may or may not follow a similar procedure for union contracts. As of 2008, the New Jersey Department of Professional Development, under the direction of the New Jersey Department of Education, recognized that teachers may not have an ethical standard. During 2008-2009, a committee was established known as the Professional Teaching Standards Board (PTSB), comprised of teachers, administrators, and representatives of higher education, local boards of education, and the general public. The PTSB defined professional obligations for teachers with regard to ethics and policy.

Conceptual Framework

The constructive use of collective bargaining is an essential element being used between teachers and management within school districts. Union contracts have been helpful with improving teacher benefits and salary scale, however teacher unions may not fully represent teacher with decision making. According to Nelson, Rosen, and Powell (1996), school districts with high levels of teacher unionization have better teacher performance. Through negotiations, unionized teachers may have added decision-making ability in areas of grading, academic resources, teacher training, academic and social

support services, than non-union educators. Another consideration is that highly unionized teachers have higher salaries and benefits, as well as negotiated grievance procedures obtained through unionization (Nelson, et al., 1996). Teachers who are a part of highly unionized school districts have a work environment that encourages teacher stability and commitment, essential characteristics of an effective school district.

There is little, if any, mention of ethics for the teaching field in state departments or school district documents in New Jersey. The ethics of teaching are a crucial aspect of public education governing teacher misconduct. Public education faces a number of serious concerns that impact young people's education. Efforts by teachers to organize for working condition standards are not one of them (Nelson, et al., 1996). The criticisms of teachers' unions are generally a part of the overall negative assessment of public education. To provide a quality education, school systems must respond effectively to pervasive social conditions.

According to the American Association of Educators, (2007) the primary responsibility of the teaching field is to promote a safe and positive environment for students. If this is the case, at the very least, government agencies need to create guidelines that delineate the ethical responsibilities of teaching. In calling for an ethical code of conduct, teachers can promote a high ethical standard. Community members, school district administrators, and government agencies suggest that teaching is important. The use of collective bargaining to raise the issue of ethics in teaching would promote teachers to affirm that young people need to have an ethical model in teachers. The Professional Standard of Teachers, (2008) addressed some of the professional responsibilities of teaching. There is much more that may be included in a discussion of

prescribed behavior. An ethical code of conduct would include teacher case scenarios and a prescribed guide for handling concerns as found in professional associations, such as the New Jersey Nurses' Association (NJNA) and American Psychological Association (APA).

Overview of Research Findings

There have been many positive findings in relation to codes of conduct affecting teacher behavior. Cartright and Simpson, (1990) stated that teachers are responsible for daily decision making and problem solving regarding students. Strike and Soltis, (1985; 1992) stressed that ethical decision-making behavior requires teachers to practice ongoing reflection. Back, (2002) and Litwack, (2006) found that when teachers believe in acting ethically, they can make a difference in their schools and communities by being an example for students, peers, and parents.

Barrett, et., al, (2006) study of ethical behaviors in teachers concluded that teachers had difficulty with boundary violations such as student-teacher relationships and careless behavior. These behaviors were seen by teachers as being the most serious. Clift, Houston, and Pugach, (1990) stressed that a teacher code of conduct would improve ethical practice, due to the fact that teachers would have to further reflect on their actions before making decisions. Another perspective was offered on the importance of reflection in teacher behavior. Reiman and Peace, (2003) found that reflection increased ethical professional practice in teachers and decreased the chance for misconduct. Larrivee, (2000) found that reflection focused on self-assessment and building problem-solving skills. Teaching associations such as the NEA, (1975) and AFT, (1971) provide

an ethical code of conduct in order to create successful learning from teachers. The direct influence of teachers' behaviors may result in improved student outcomes.

There is extensive literature which supports the claim that the process of collective bargaining in New Jersey's public education system is run by administrators, teachers, and other professionals. Public schools are funded by the property taxes of the areas which they serve. Therefore, each school district is operated independently from the other school districts; hence, each district is able to determine contract content according to what each school district union wants as part of collective bargaining within the confines of collective bargaining laws. New Jersey teachers' union contracts vary in each school district. The specific content found in contracts also varies. According to the NJDOE, (2008) professional development personnel, teachers and school administrators recognize the ongoing need for having an ethical standard. Establishing a code of conduct within the union contract may help to decrease the potential of teacher misconduct.

In each school district, members are elected to the school board and act as the governing body for the district. Union members receive no compensation for services to their individual school districts. The school board negotiates a contract with the educators in the school district to determine the terms and conditions of employment. In a majority of districts, the teachers are organized into teachers' unions, which will represent them in the bargaining process with the school board.

New Jersey's teachers' associations or unions, such as the NJEA, the New Jersey Education Association, have become a political force in New Jersey and have a strong stance when it comes to teachers, students, and the educational system. Union leaders are elected to represent the teachers. Although teachers are not required to join the union, in

New Jersey there is an “agency shop” rule and teachers must pay 85% of dues. An important aspect of the teachers’ unions, as noted before, is their presence during teacher contract negotiations, which take place in every school district and are expected to culminate in a contract agreed upon by the school board and the teachers through their representatives. Although the contract negotiation process between the school board and union is an ongoing collaborative effort, sometimes there are difficulties at the bargaining table.

The majority of public-sector contracts, such as school teachers, are negotiated through the process of collective bargaining. Often the general public does not hear about collective bargaining unless there is the potential of a strike. During a strike, the Board of Education and the teachers’ union are negotiating a government contract, they are required to follow the standards set down in N.J.S.A. 40A:11-1, the Local Public Contracts Law, and N.J.S.A. 18A:18A-1, the Public School Contracts Law. N.J.S.A. 40A:11-1 et seq.; N.J.S.A. 18A:18A-1 et seq.; the Local Public Contracts Law, N.J.S.A. 40A:11-1, deals with procedures and contractual provisions for all New Jersey public contracts. Under N.J.S.A. 18A-2b the board of education is given the authority to award and negotiate contracts. Teacher contracts are a professional services contract, because teachers must be licensed and their practice is governed by law.

Conclusion

This review of literature, theory, and law began by establishing the foundation that codes of conduct are crucial to teacher behavior. A review of ethics research supported the claim of the importance of the role of teacher ethics in this regard. This review then attempted to trace the evolving role of ethics by defining the difference

between codes and standards. Next, this review summarized the importance of dispositions and skills teachers are expected to possess and/or exhibit.

The last section of the review of literature, theory, and law identified the way that collective bargaining impacts teaching, most often through mediating variables. The areas explored were specific to variables in ethics, contract content, striking, and unions. These are complex areas with much still to be uncovered and understood. However, one area ready for study, within teaching, is the importance of teacher ethics relating to teacher union contracts, specifically codes of conduct and teacher behavior.

The review of literature acknowledges that the ability to improve behavior practices relies on the use of establishing and enforcing a code of conduct within New Jersey teacher union contracts. The conceptual framework provided gives ways for addressing, identifying, and evaluating the need for establishing an ethical code of conduct as an educational foundation to increasing trust and credibility of teaching.

Theoretic Framework

Examining the Importance of Having a Code of Conduct in New Jersey Teacher Union

Contracts

I. Dispositions

- A. Devises Teaching Practices
- B. Character Traits (Desirable)
- C. Expectations and Responsibilities
- D. Classroom Tone (Effect)
- E. Student Learning Opportunities

III. Self Reflection

- A. Professional Relationships
- B. Ethical Decision-Making
- C. Promotes Own Thinking
- D. Critical Thinking Skills
- E. Dilemma Identification
- F. Problem Solving
- G. Ethical Development
- H. Emotions and Actions (Regulates)

II. Case Law/Collective Bargaining

- A. Work Conditions
- B. Teacher Strikes (Decreased)
- C. Guide to Behavior
- D. Defined Law
- E. Less Court Decisions
- F. Devises a Code of Conduct

IV. Other

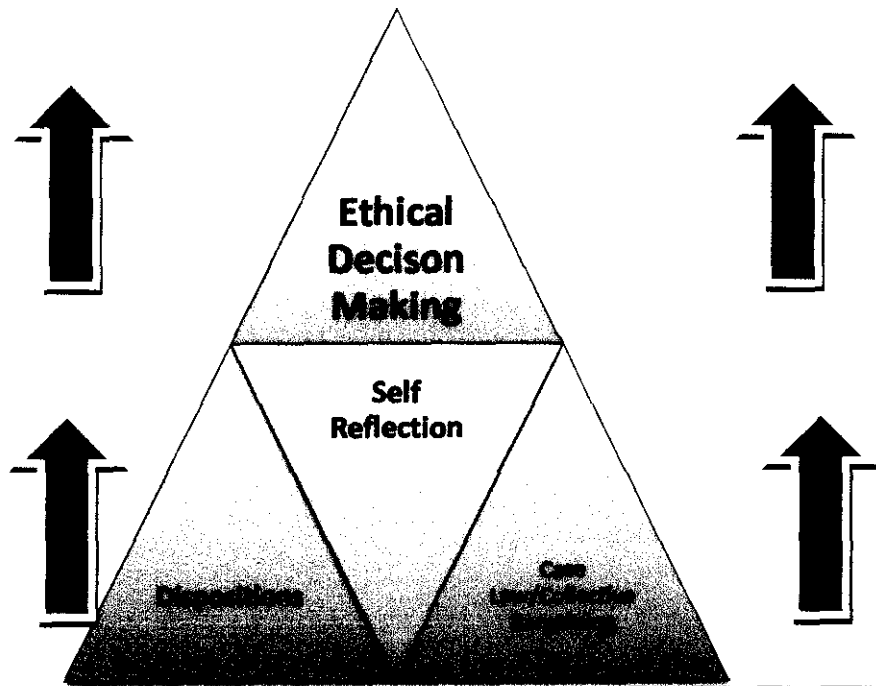
- A. Teacher Credibility/Trust
- B. Reduced Bias
- C. Accountability (Teachers)
- D. Assessment (Observations)
- E. Trainings and Workshops
- F. Shared Commitment (Schools)

V. Teacher Behavior

A major determinant of what occurs in a classroom is the ethical decision-making of teachers, such as grading, relationships, and bias. This is explained in considerable detail.

Theoretical Framework

Teacher Ethical Behavior



Increased Credibility

Decreased Misconduct

Chapter III

DESIGN AND METHODOLOGY

Introduction

In this study the researcher investigated New Jersey teacher union contracts for content relating to an ethical code of conduct. An extensive search to find a statistical pathway to the need of codes of conduct was completed. However, through personal communication from Professional Standard Boards for teachers in the New York State Department of Education, the Delaware Department of Education, and an investigation completed by the researcher, there was little, if any research in this area. A statistical pathway was developed by the researcher through this study. This research targeted specific behaviors which included those identified by the researcher as essential to ethical decision-making. Behaviors include crossing student-teacher boundary, violating clearly stated school rules and educational policies, failing to perform duties, imposing on students' personal views, improper grading, partiality and/or lack of fairness, exposing students to embarrassment or disparagement, accepting gifts and/or favors, deceiving students and their parents, carelessness in behavior, breaches in confidentiality, and subjectivity in grading and instruction (Barrett, Neal, Stovell, & Whittel, 2006).

Union contracts for one professional group similar to teachers (nurses and health care professions) were selected for comparison with teacher union contracts. Upon having received approval by the New Jersey nursing/hospital union Health Professionals and Allied Employees (HPAE), the researcher conducted a study comparing these groups' contracts to the current content and wording of teacher union contracts as they related to teacher behaviors, ethical judgments, ethical professionalism, and teaching.

Establishing an ethical code of conduct or statement of professional ethics as part of teacher union contracts may decrease the number of court cases that have developed from student-teacher relationships throughout the United States since 2001 (Afterschool, 2005). Despite nationwide efforts to professionalize public-school teaching, little attention had been given to the matter of standards of professional conduct for teachers. The importance of the nature of ethics and in relation to professional behavior indicated that ethics were crucial to the professional status of teaching. There are differences between the field of education and the job of educator. Education is the broad concept, referring to all the experiences in which students can learn something. The field of education is the concept that encompasses teaching, learning, and proper conduct. An educator refers to the actions of learning that are designed to provide instruction to students. Thus the focus is on cultivating skills, professionalism, and ethical development.

According to Barrett, et al., (2006) educators, and in particular teachers, are compared with other helping professionals such as persons in medicine, psychology, nursing, social work, and law. An example of an established ethical code of conduct is the American Psychological Association (APA) *Ethical Principles of Psychologists* (2002). An ethical code of conduct for psychologists began with a preamble, describing the broad principles that guide professional practice, and listed the decision rules psychologists are to follow with regard to issues such as practitioner-client relationships and confidentiality. Ethical codes of conduct have been found at the state and national levels and some are upheld by law. In the United States, psychological boards incorporate the APA's Ethical Principles into their statutes and regulations, and information about

state disciplinary actions is transmitted to a national database (Association of State and Provincial Boards, 2004).

In the review of research, theory, law, and literature for this study (Chapter II), the researcher found a strong indication that by 2008 teachers in New Jersey did not have contracts that include an ethical code of conduct that addressed behavior. For school administrators, such as principals and superintendents, there are clearly defined standards for ethical behavior (NJDOE, 2007). New Jersey has a code of conduct called the Uniform Ethics Code which could be used to cover teachers. The Uniform Ethics Code was adopted by the State Ethics Committee to be used as a guide for conduct of state officers and employees of state agencies in the Executive branch of the state government. Under the NJDOE (2007), the New Jersey School Ethics Act (NJSEA) was developed for school board members as an ethical guide of practice for behavior. The School Ethics Act is an ethical guide that provides a standard reflecting an ethical code of conduct.

With both school administrators and school board members having a developed ethical code of conduct, it is thus up to researchers to gain an understanding of the essentiality for establishing an ethical code of conduct in teacher union contracts. Since 1984, efforts to professionalize public-school teaching have included attempts to move from basic state certification to advanced levels such as state licensure as a means of documenting training and competence. Other approaches have been to use more rigorous teacher education preparation programs for prospective teachers and instituting rigorous requirements for continuing education for employed teachers on the ethical professional practice of teaching (Barrett, et. al., 2006).

Design

“The design of a study is important because the study methodology flows from the research design. The design of a cross-sectional, descriptive study with traits of a comparison study gives a logical sequence to the intended research procedures. The research design achieves the most valid and reliable results possible” (Yin, 1984, p. 23). The design placed this study within a particular framework that gave significance to the findings so that the resulting interpretations could be presented clearly, and could expand the present knowledge in the field.

According to Johnson (2001) a non-experimental design model that crosses three time dimensions (retrospective, cross-sectional, longitudinal) with three research objectives (descriptive, predictive, explanatory) to form a 3x3 matrix of non-experimental research types provides the basic design framework: the type 8 design: cross-sectional, explanatory study (Johnson, 2005, p. 10) is the non-experimental design type for the present study. According to the American Association of School Administrators or AASA (2008), for example, school administrators are responsible for self-reflection, acting with integrity, fairness, and acting in an ethical manner. Dispositions are related to constructs such as thought processes, motives, and work inhibition.

Dispositions, the categorical independent variable in this study, could not be manipulated; therefore, the non-experimental research design in this study approached a causal-comparative study (Campbell & Stanley, 1963). The researcher planned to provide “evidence that the phenomena occurred or did not occur” (Yin, 1989, p. 23). However, the researcher did not have control over the events that were taking place, or with establishing if an ethical code of conduct may or may not be needed in New Jersey

teacher union contracts. Thus, some elements of a case study approach also seemed appropriate.

The researcher used a non-experimental or “quasi-experimental” design, used archived data, but did not randomly assign subjects to conditions, although choice of districts to provide contracts for analysis was within the researcher’s control.

Delimitations

There were delimitations to consider in conducting this study. A first delimitation of this study was the use of a single-state for collection of data (contracts). A second delimitation of this study was that data would be no older than 2006-2011 with no contract over 5 years old. A third delimitation of this study was saturation sampling. The researcher did comparisons only, but with no data manipulators. Some delimitations led to limitations, such as generability.

Limitations

There were limitations to consider in conducting this study. This study was time consuming and required thorough planning. The researcher assembled a significant collection of data (contracts) until saturation, which required time to analyze and interpret. A second limitation of this study was the lack of transferability. To establish transferability, the researcher was comprehensive and critical, and participants were selected purposefully. A third limitation of this study was the chance of outliers being missed in the saturation sampling. A fourth limitation was that data were taken only from New Jersey contracts which were no older than 5 years old.

The advantages of using a cross-sectional, non-experimental, descriptive study outweighed the disadvantages with regard to qualitative methods. Relationships between

current content of teacher union contracts and teacher behavior, expectations, and dispositions were a key aspect of this research. Also the use of an existing corporate compliance policy otherwise known as Statement of Agreement was examined during this study. A corporate compliance and/or 'good faith' agreement was used with hospital workers to ensure ethical behavior and is required by state and federal regulating organizations as the Joint Commission on Accreditation of Healthcare Organizations (JACHO) and the State of New Jersey Department of Health and Senior Services.

Sample

One unit of study review and analysis used in this study was New Jersey teacher union contracts. In 2008, there were 616 school systems, 565 public and 51 charter schools, in New Jersey (NJDOE, 2008). For the purpose of this research, the sample was chosen by using criterion sampling. The criterion was purposely chosen using 5 main variables: (a) contracts of unionized workers; (b) serves the public; (c) are a part of the helping professions (Chapter 2, p. 14), according to the U.S. Department of Labor; (d) funded in part by taxpayers; and (e) union contracts between the years of 2006 to 2011 or no older than 5 years old. This was done so that the sample was current to content presently (2008-2009) found in union contracts. The researcher examined content of union contracts within the helping professions of teacher and nursing/hospital worker contracts for comparison purposes.

Since this study included content analysis, the researcher sampled until there were no more variables or ideas, otherwise known as saturation sampling. Each stratum in this study was a systematic, stratified random sampling. The researcher considered using these variables as strata in this study for a number of reasons. The first was to ensure that

the overall population had an equal chance of being adequately represented. The researcher studied the availability of public-sector contracts currently being held with NJ PERC, NJ HPAE, and various New Jersey hospitals; along with gaining efficiency by having greater control on the composition of the sample and lastly, the nature of the research, which focused exclusively on the content analysis of teacher union contracts within New Jersey public school districts in comparison to New Jersey hospital union contracts.

The behavior of teachers and the possible desirability of establishing an ethical code of conduct in New Jersey teacher union contracts were the foci of this research. The researcher reviewed the actual content and wording of union contracts when developing a listing of ethical terms and categorizing the ethical terms in order to measure the amount of incidence for ethical content found in union contracts.

Jury of Experts

The purpose of having a jury of experts was to increase credibility of this study. A jury of 5 experts including New Jersey lawyers specializing in contracts law, school superintendents, and union representatives were chosen by the researcher. A jury of experts reviewed a glossary of ethical terms to be judged for the purposes of this study.

Through judgments given by a jury of experts, two main themes emerged from a jury of experts citing specific features of the terms. Within these themes, two of the most frequently encountered categories were (a) detail of the information provided and (b) balance between contrasting viewpoints. Criticisms were encountered, particularly with respect to the use of ethical terms being represented within contracts. In addition, the researcher found that in general, contracts may not use a specific set of ethical terms.

Based on the findings, a listing of ethical terms was developed, involving an exploratory field-testing stage between the planning stage and the development of ethical terms, and followed by the prototype field-testing stage, leading to the final ethical terms that were to be developed from this study.

In the field-testing of ethical terms, the responses of the panel of experts were favorable. The researcher had developed a model for the future field-testing of ethics in contracts involving two stages: (a) exploratory field-testing and (b) prototype field-testing.

This study was conducted with archived data of public school teacher union contracts and nursing/hospital worker union contracts throughout New Jersey. Archived union contracts were examined for ethical content with multiple New Jersey public school and nursing/hospitals.

Methodology

An essential first step was to develop a list of definitions of the ethical terms arranged by Hinman (2008). Next, was to examine the current New Jersey teacher union contracts and New Jersey nurse/hospital worker union contracts. The researcher compared teacher union contracts to nursing/hospital worker union contracts negotiated under the process of collective bargaining. Collective bargaining is the process through which teachers and school administrators negotiate what content will be placed in teacher union contracts including salary, working hours, length of contract, and benefits. The researcher collected data by using archival records. Comparisons were made across the variables of interest. The research design was appropriate to structure the methods used to answer the guiding research questions. Johnson (2001, p. 9) explained that the cross-

sectional, explanatory, non-experimental comparison study design, was derived from the theoretical framework with the time and purpose of the study foremost in mind. After having examined current New Jersey teacher union contracts and New Jersey union contracts of nurse/hospital workers for content and wording of conduct and behavior, the researcher began to draw inferences about the general principles that teachers might use in guiding teacher behavior and then began to develop and establish a model ethical code of conduct for New Jersey teachers.

The researcher applied content analysis to archived union contracts of public school teacher and nursing/hospitals in an attempt to discover first the characteristics of the problem statement that may provide a framework for problem elicitation and secondly, a theoretical framework that might help to explain the motivation to seek mediated searches. The complexity of the variables, therefore, made the qualitative paradigm a logical choice for the type of data to be obtained within the study design.

In qualitative research the researcher utilized a variety of approaches including study, personal experience, introspection, life story, interviews, artifacts, cultural texts, and visual texts (Denzin & Lincoln, 2003). The study was selected as the methodological approach for this study because the study method was useful for researching relationships, behaviors, and attitudes in an organizational setting. Berg (2004) suggested that “study methods involve systematically gathering enough information about a particular person, social setting, or even group to permit the researcher to effectively understand how the subject operates or functions” (p. 251).

In this study the researcher attempted to answer questions related to the need for having an ethical code of conduct in teacher union contracts. Furthermore, the researcher

was interested in how an ethical code of conduct might influence the credibility of teaching in New Jersey. During this study, the New Jersey State Board of Education and NJDOE had recommended the establishment of a committee known as the Professional Teaching Standards Board (PTSB), comprised of teachers, administrators, and representatives of higher education, local boards of education, and the general public. The PTSB defined professional obligations for teachers with regard to ethics and policy. Within the New Jersey Standards of Professional Practice, a *suggestive practice* [italics added] was developed in Standard 11. Standard 11 states that teachers are to recognize that their individual actions reflect on the entire profession and understand that they are employees vested with the public trust (NJEA, 2009, p.60). In recognizing the development of a new standard, the “study” element in this research involved collecting detailed information from New Jersey public school teacher union contracts. Obtaining data directly from a collection of teacher union contracts available through NJ PERC, and nursing contracts available with the New Jersey nurses union NJ HPAAE and NJ hospitals, allowed the researcher to examine data from multiple sources, strengthening the credibility of the study. Multiple sources of data ensured triangulation, which helped to confirm the validity of the processes (Stake, 1995; Yin, 1991), and also increased the credibility of the study.

Intentions often may be built into vocabulary for describing actions and for resolving particular ethical issues. A table of ethical terms was compiled and developed by Hinman (2008) to show two themes in this study: 1) the severity of ethical terms; and 2) the amount of ethical terminology that may or may not be used in teacher and hospital/nursing union contracts. Severity was used in order to show that the influence of

an ethical term may deter people from engaging in misconduct when used in a legal document such as a union contract.

The purpose of the table was to build a guide for representing ethical definitions for understanding behavior, professional policy and practice between teacher and hospital/nursing union contracts. The researcher was interested in examining if ethical terms are included in current collective bargaining agreements by comparing teacher union contracts to hospital/nursing union contracts.

Each ethical term in this study was developed into a table using three severity categories: strong, average, and low. Severity was determined by the strength of each term and each term was categorized. Ethical terms more commonly used, both in written and/or oral language of contracts, were given a low severity. Average severity was given to terminology that had a neutral meaning, and ethical terms given a strong severity to each term that had a significant impact when used in union contracts.

Table 3

Ethical Terms Arranged by Categories (Hinman, 2008)

Strong Severity	Average Severity	Low Severity
Absolutism	Autonomy	Bias
Accountable	Beneficence	Duty
Authenticity	Confidentiality	Good
Conflict of interest	Ethics	Liabe
Discrimination	Explanation	Moral
Evaluation	Impartiality	Nonmalfeasance
Fabrication	Moral integrity	Obligation
Falsification	Morality	Privacy
Fraud	Pluralism	Rights
Malfeasance	Professional responsibility	Risk
Negligence	Responsibility	Safety
Prejudice	Security	Truth
Utilitarianism	Standard	Values
Veracity	Trustworthiness	
Violation	Virtues	
Vindication		

Once the ethical terms were categorized by using a strong, average, or low severity rating, ethical terms were further weighted using a severity category developed by the researcher. The researcher examined teacher and nursing/hospital union contracts and calculated each ethical term used within union contracts. Content was weighted using a 50-point severity category with a 1 to 19 having low content severity, 20-39 having neutral content severity, and 40-50- having strong content severity in the glossary of terms developed by the researcher. Union contracts between 40-50 points have a high ethical content rating, union contracts between 20-39 points have an average ethical content rating, and contracts having a low or no ethical content within union contracts are 1-19. Each teacher union and nursing/hospital union contract was examined for severity and repetition of content on an individual basis until saturation of the sample.

Example of the Estimations of Severity (1-50)

1-19 points	20-39 points	40-50 points
Low Severity	Average Severity	Strong Severity

Information was examined in teacher union contracts and hospital worker contracts for document analysis. Document analysis of two groups is a systematic way of determining what was happening, collecting data, analyzing information, and reporting the results. The researcher expected that the implementation of dispositions and/or ethical standards in teacher union contracts would stipulate the necessity of ethical conduct in teachers. Therefore, the most appropriate design was for a cross-sectional, non-experimental, descriptive study with elements of a case study.

The Content Validity and Reliability of Results Obtained by Use of the Instrument

The content instrument used for this research was developed from a combination of ethical terms borrowed from a glossary of terms (Hinman, 2008, pp. 439-444). The content listing was examined and reviewed by a jury of experts including New Jersey lawyers specializing in contracts law, school superintendents, and teacher union representatives. The researcher used a glossary to help determine the amount of ethical content that was included within New Jersey teacher union contracts. A pilot study consisting of a panel of experts was used to make judgments on the severity of a list of ethical terms developed by the researcher.

Data Collection

Researchers are able to neither interview every person nor observe all situations; therefore, a strategy must be devised to select contracts. Quantitative researchers can select participants through random samples, but “qualitative researchers tend to select each of their cases purposefully” (Glesne, 1999, p. 29). Stake (2000) noted the importance of identifying characteristics in accordance with the focus of the study.

For this study, the researcher gathered archived data of school teacher union and nursing/hospital worker union contracts from NJ HPAE, local hospitals, and public school districts through NJ PERC, which required purposeful sampling based on specific characteristics to sufficiently answer the research questions. The researcher provided a letter by mail detailing data collection methods along with an explanation of the study and its purpose. Both the NJ HPAE and NJ PERC had the opportunity to contact the researcher to indicate their decision to participate in the study. These letters were sent out during the Spring semester, 2008.

The researcher used a public database system through NJ HPAE and NJ PERC, and contracts were selected until saturation based on the selected variables. The content of ethical terms was also identified by a jury of experts to determine if the contracts that were examined for ethical content may or may not have had an ethical code of conduct within union contracts. In the case of union contracts which did not show an ethical code of conduct, the researcher then examined collective bargaining agreements to determine if an ethical code of conduct existed in teaching. These terms originally were determined under the glossary (Hinman, 2008, pp. 439-444). After a listing of ethical terms was developed, the researcher did a comparison study of each selected public school contract to contracts of nursing/hospital workers for content analysis. Any terms found were accounted for on an existing form, developed by the researcher, showing if any ethical content may or may not have been used.

According to theorist John Dewey, providing a listing of values and an ethical code of conduct would suggest the importance of a reflective, learning teacher within a dynamic, vibrant teaching. In order to increase the credibility of teachers and the value of education in teachers' work, professional educators must help prepare young people for life (Dewey, 1929) in three ways: (a) first by underlining the centrality and ethical basis of teachers' work, (b) next by outlining the key responsibilities which are central to the practice of teaching, and (c) lastly by providing values to teachers' professional rights (Reiman & Peace, 2002). Ethical codes of conduct are to be expressed positively in terms of core principles and commitments in teacher union contracts in three categories: the Educational Experience, Educational Outcomes, and Relationships.

Data Analysis

In Chapter 1, the researcher posed four questions: They were:

- 1) To what extent does the content of New Jersey teacher union contracts define a code of conduct promoting ethical behavior patterns for teachers?
- 2) To what extent does an ethical standard and a code of conduct exist between New Jersey teacher union contracts and New Jersey nursing union contracts in comparison to the New Jersey professional standard?
- 3) How does ethical attention to codes of conduct compare in union contracts among teaching, nursing, and helping professions?
- 4) What content may be provided in New Jersey teacher union contracts when establishing a code of conduct?

The first question was, “To what extent does the content of New Jersey teacher union contracts define a code of conduct promoting ethical behavior patterns for teachers?” and analyzed using various steps. The researcher analyzed the content then the relationship between ethics to content and wording identified in legal terms. These legal terms were expressed as dispositions such as benevolence, ethics, or judgment. The analysis was done through a combination of consultation of a jury of experts along with referencing through a glossary of ethical terms that is found in Hinman (2008, pp. 439-444). Content analysis and comparisons assisted the researcher in analyzing New Jersey teacher and nursing union contracts for content and wording that express an ethical code.

The second question was, “To what extent does an ethical standard and a code of conduct exist between New Jersey teacher union contracts and New Jersey nursing union contracts in comparison to the New Jersey professional standard?” The researcher used

the New Jersey Professional Standard to compare what ethical standards may or may not have been included in union contracts of teachers and nurses. A comparison for helping professions was added in this study to compare ethical standards to the New Jersey Professional Standards of teaching and nursing. The researcher used professional standards that are required by the New Jersey Department of Education (NJDOE), the New Jersey Education Association (NJEA), the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), and the largest nursing union in New Jersey, Health Professionals and Allied Employees (NJ HPAE). Comparing these professional standards for differences between school administrators and teachers would strengthen the explanatory power of this study.

The third question was, “How does ethical attention to codes of conduct compare in union contracts among teaching, nursing, and helping professions?” The researcher examined if a code of conduct existed in teaching, nursing, and helping professions union contracts. A comparison study was conducted to show if a code of conduct existed in teaching, nursing, and the helping professions. The researchers used codes of conduct from Psychologists (APA: American Psychological Association) and Professional Counselors (ACA: American Counseling Association).

The fourth question was, “What content may be provided in New Jersey teacher union contracts when establishing a code of conduct? This question was answered by calculating the strength severity of ethical content of union contracts between teacher and nursing/hospitals. A 50-point severity scale was created by the researcher with a low severity of 1-19 points, average severity of 20-39 points, and a high severity rating of 40-

50 points. Ethical terms were taken by Hinmann (2008) and were checked by a panel of experts specializing in New Jersey contract law for credibility.

Chapter III Summary

In Chapter III the researcher explained the design, methods, and procedures through which data were collected and compiled. Chapter III provided information about the relation of the data to the established guiding questions for this research. The researcher identified the comparative study from archived data held with NJ PERC and NJ HPAAE. After refining the data to include a comparison of teacher and nursing/hospital union contracts, all archived document analysis notes were analyzed and summarized.

In Chapter IV the researcher will present and explain the findings of this study by providing a comparison study on the content, terminology usage and strength between teacher and nursing/hospitals union contracts. The researcher will identify regulations and requirements according to New Jersey statutes and government agencies to give a further understanding of the application and content found in union contracts.

Chapter IV

PRESENTATION AND ANALYSIS OF THE DATA

Introduction

In order to uphold the honor and integrity of the teaching field, teachers in the public education system in New Jersey are to meet the needs of all students by seeking to achieve the highest professional standards of practice and conduct. Teachers have an enduring, absolute commitment to teaching, giving maximum attention and responsibility to being a teacher, aspiring to make a successful career within the system, and taking pride in their professionalism. Data showed that 839 public school teachers have had revoked or suspended teaching certifications because of misconduct within New Jersey and the United States (The Associated Press, 2008). Implementation of an ethical code of conduct is one approach to decreasing the number of criminal cases of teacher misconduct. While the focus in this study is to examine teachers, examples utilizing nurses and hospitals are being presented strictly for comparison. The purpose of this study was to determine if an ethical code of conduct for teachers already existed, if an ethical code of conduct needed to be developed, and what content is to be included in New Jersey teacher union contracts. Quantitative and qualitative methodology was employed to gain insights about these perceptions. This chapter presents the data and analysis from the study.

Nature of the Study

The research participants/data for this comparison study consisted of archived data of state-run public school teacher union contracts and hospital/nursing union contracts held with the New Jersey Public Employment Relations Committee (NJ PERC) and the NJ

hospital and nursing union Health Professionals and Allied Employees (HPAE).

Archived data were analyzed by the researcher for the amount and the strength of ethical content.

The questions guiding this research were:

1. To what extent does the content of New Jersey teacher union contracts define a code of conduct promoting ethical behavior patterns for teachers?
2. To what extent does an ethical standard and a code of conduct exist between New Jersey teacher, nursing, and other helping profession union contracts in comparison to the New Jersey Professional Standard?
3. How does ethical attention to codes of conduct compare in union contracts among teaching, nursing, and helping professions?
4. What content may be provided in New Jersey teacher union contracts when establishing a code of conduct?

Identification of Ethical Content

To identify ethical content for this study, the researcher used a combination of a glossary of ethical terms borrowed from Hinnman (2008, pp. 439-444) and a Likert-type response set (See Chapter III, p. 9) developed by the researcher. Ethical terms were evaluated by a second party trained in contracts law. Letters of permission were sent to NJ PERC and NJ HPAE for the purpose of collecting and examining public school teacher and hospital/nursing union contracts under the current process of collective bargaining. For the purpose of this research, the sample was chosen by criterion sampling. The four main variables for data collection and analysis are shown in Table 4.

Table 4

Summary Table of Variables for Data Collection and Analysis

<ul style="list-style-type: none">▪ contracts of unionized workers;▪ served the public;▪ part of the helping professions (Chapter 2, p. 14), according to the U.S. Department of Labor; funded in part by taxpayers;▪ union contracts negotiated during the years 2006 to 2011, inclusive.

The data collected were obtained from union contracts for teachers and nursing/hospital workers between the years of 2006 to 2011. Contracts were from the following contract years: 2006-2009, 2007-2010, and 2008-2011. The researcher analyzed data for evidence to investigate ethical content existing in New Jersey teacher union contracts. The researcher analyzed data until saturation (See Chapter III).

Characteristics of Union Contracts

The researcher examined the content found in teacher union contracts and compared that with content within nursing/hospital union contracts. Within teacher and nursing/hospital union contracts, the following categories were similar: (a) negotiation procedures; (b) grievance procedures; (c) work calendar, holidays, required work schedule and hours; (d) the evaluation process; (e) personnel files; (f) transfer process; (g) leave of absence and sabbatical leave; (h) strikes and sanctions; (i) working conditions; (j) conferences; (k) student discipline; (l) employee protection and association rights; (m) employment, requirements, vacancies and qualifications; (n) insurance protection and benefits; (o) professional development and educational improvement hours; (p) mentoring for first year professions; (q) employer rights and responsibilities;

(r) compensation and legal representation fees; (s) effective dates and duration of contract.

Research Question One

The first research question addressed in this study was: To what extent does the content of New Jersey teacher union contracts define a code of conduct promoting ethical behavior patterns in teachers?

To obtain answers to this question, the researcher examined archived New Jersey teacher and nursing/hospital union contracts until saturation. A list of data was used to guide the examination of each contract for similarities and difference between teacher union contracts and nursing/hospital union contracts (See Appendix K). The researcher found the similarities between contracts followed the process of collective bargaining. A listing of similarities and differences in ethical content that were found within union contracts for each job class is presented in Table 5.

Table 5

Similarities and Differences of Ethical Content found in Teacher and Hospital/Nursing Union Contracts

Similarities	Differences: Teacher Contracts	Differences: Hospital/Nursing Contracts
False/Falsifying Rights Safety Standard Violation	Discrimination	Autonomy Beneficence Confidentiality Conflict of Interest Ethical Good Negligence Obligation Professional Responsibility Privacy Responsibility Trustworthiness Virtue

Both the teaching and nursing groups have similar processes for developing a union contract. However, differences were found due to the current New Jersey laws and statutes that govern teaching and nursing. Teachers are less regulated under the current laws and statutes than are nurses. The laws and statutes for nursing and hospitals require that all hospitals and healthcare facilities have a Corporate Compliance Program that covers a code of conduct and ethical standards. Without a code of conduct and ethical standards for medical personnel, hospitals can be shut down by the New Jersey Departments of Health and Senior Services, Medicare, and Medicaid, and by the nation's hospital accreditation association, Joint Accreditation Commission of Hospital Organizations (JACHO), which all require ethical standards to be in place and establish patient protection. According to Meridian (2007), hospital managers and supervisors are responsible for the following:

Ensuring compliance with legal and regulatory requirements; they are to discuss with all new and existing staff their ethical codes with employees and to educate employees on the importance of the code; to answer employees' questions about the code; assist staff to understand the provisions; to respond appropriately; to detect and correct any violations and prevent occurrence; to be proactive and to not condone or ignore misconduct that comes to management's attention; to explain the process for resolving and researching reported issues and addressing new developments within the compliance.

All current full- and part-time employees of hospitals are required to receive general compliance education annually.

When examining nursing/hospital union contracts, the researcher found that there was a required ethical statement and/or agreement, otherwise known as a Fidelity Bond in nursing agencies, such as Bayada Nurses. The statement of agreement or Fidelity Bond requires that employees recognize having a good faith agreement, which is the responsibility of the hospital staff to provide a continuous program of vital services essential to the health, safety, and welfare of the citizens served by staff and the hospital. “The intent of the agreement is to assure that services are rendered economically, efficiently, and without interference or interruption in work environments that fosters mutual respect and professional atmosphere” (C. Rios, personal communication, June 5, 2008). “To these ends, the parties mutually enter into this agreement which sets forth the terms and conditions of employment of employees covered by the agreement, and provides a peaceful means for the adjustment of differences with respect for the interpretations or application of this agreement (NJ HPAAE, 2008).” Each hospital is required to have employees follow this agreement, found within each contract, called *Constitution and By-Laws*. Under Article E of NJ HPAAE (2008) nursing/hospital union contracts, NJ HPAAE requires the promotion of the health, wealth, and safety of all members and affiliates. All nurses and hospital employees sign the agreement as part of the contract and process of collective bargaining.

Among New Jersey hospital union contracts examined, employees are required to follow a philosophy of healthcare covered under the collective bargaining agreement which states that “all employees must take effort considering the care of patients that will not do harm or violate patient rights” (NJ HPAAE, 2008, ¶). Each hospital and school district examined showed that an existing code of conduct had existed only in hospitals,

which provided specific behaviors and guidelines that would result in automatic termination and/or suspension of all employees. Yearly, all hospital workers and nurses sign a union contract, as well as a separate universal code of conduct. The universal code of conduct is mandatory for continued employment.

An examination of New Jersey union contracts of teachers and nurses showed that there are two sections to a union contract, the first being the contract agreement. Contract agreements included the title of the position, length of the contract, employee signature, and a second authorized signature (i.e. a school superintendent, school board president, or personnel director). Authorized signatures vary depending on the individual school district or employing hospital. The second part of the contract provided a more detailed section that included areas such as: health benefits, tuition reimbursement, work calendar, professional responsibilities, and working hours. These two sections make up the collective bargaining agreement.

Although there had been some form of expectation of a teacher's professional responsibility in the agreement section, results of the examination showed that there was no expectation included for ethical conduct. The researcher found one school district that had included a section of ethical conduct within the detailed section of their union contract entitled *Discipline-Code of Service* [italics added] (See Appendix L). This study showed no evidence to support that an ethical code of conduct existed in the contract agreement section for both teachers and nurses. The researcher took this study further by examining each of the two sections of the collective bargaining agreement separately.

The current procedure in public school districts is for teachers to be provided each year with a teacher's manual, but the procedure is not a part of law. During the first year

in a school district, regardless of the certified position, new employees receive training during orientation in most public school districts, with the exception of a few districts that do not require new teacher orientation. Under the current collective bargaining process, there are no state regulations or requirements for a code of conduct or ethical standard to be placed within teacher union contracts. However, in some public school districts, teacher union contracts have a subsection entitled Personal Freedom. Personal Freedom states, “teachers shall be entitled to full rights of citizenship, and no religious or political activities of any teacher or the lack thereof shall be grounds for any discipline or discrimination with respect to the professional employment of such teacher, providing said activities do not violate any local, state, or federal law.”

Research Question Two

The second research question was designed to provide insight into the ethical statements that are created in union contracts under the New Jersey Professional Standard for codes of ethics. The second research question was: How does ethical attention to codes of conduct compare in union contracts among teaching, nursing, and other helping professions union contracts in comparison to the New Jersey professional standard?

The researcher used the code of ethics required by the New Jersey State Ethics Commission (See Appendix M). The Code of Ethics is a guide for state officers and employees and special state officers and employees in the executive branch of New Jersey state government. The code explains the ethics rules and laws found in the New Jersey Conflicts of Interest Law; N.J.S.A. 52:13D-12 et seq. and in the rules of the State Ethics Commission; N.J.A.C. 19:61-1.1 et seq. In addition to those laws and rules, state

employees are also bound by the Uniform Ethics Code and any ethics code adopted by the agency for which they work. Information in this Guide was derived from detailed statutes, regulations, and executive orders (New Jersey Ethics Commission, 2006).

The researcher used professional standards that are required by the New Jersey Department of Education (NJDOE), the New Jersey Education Association (NJEA), the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), and NJ Health Professionals and Allied Employees (NJ HPAE), the largest nursing union in New Jersey. In the initial investigation of this study, *the New Jersey Professional Standards for Teachers and School Leaders* [italics added] did not have an ethical standard in 2008.

In January 2008, the New Jersey State Board of Education made some significant changes to the professional development regulations of teachers, which include 100 hours over a 5 year period to be used for in-service trainings, continuing education, and workshops. The revision of the New Jersey professional development standard requires that teachers maintain records for both district and school-based activities to count toward their yearly hours and to form a professional development committee in each school district starting in the 2010-2011 school year.

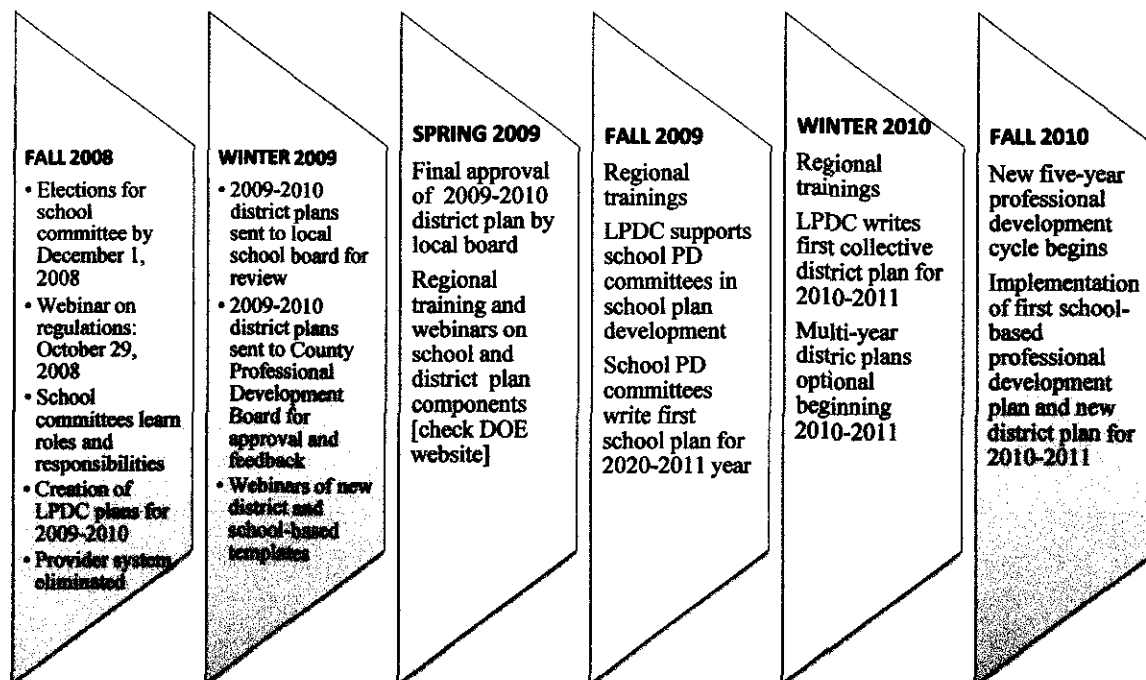
This new standard reflects what the State Department of Education constitutes as effective professional development by addressing the content process and context for professional learning. The standards are to be used in the development of an individual teacher's professional development plan, as well as the creation of the district professional development plan. Along with implementing changes to the professional development requirements for teachers, revisions to the New Jersey Core Content Curriculum Standards (NJ CCCS) include an ethics standard known as Standard 11.

The New Jersey Department of Education and the New Jersey Department of Professional Development recognized that an ethical standard was missing for teachers. School administrators have had a specific ethical standard since 2003. Beginning in 2008 and completed in 2009, the New Jersey Department of Professional Development devised a committee known as the Professional Teaching Standards Board (PTSB), comprised of teachers, administrators, and representatives of higher education, local boards of education, and the general public. A timeline and listing of professional obligations is presented in Table 6, as defined by the PTSB for teachers with regard to ethics and policy.

Table 6

New Jersey Teacher Professional Development Plan, 2008-2010.

Implementation Calendar: Transitioning to New Jersey Professional Development Plan (NJDOE, 2008)



Within the New Jersey Standards of Professional Practice, a “suggestive practice” was developed in Standard 11. Standard 11 states that “teachers are to recognize their individual actions reflect on the entire profession and understand that they are employees vested with the public trust” (NJEA, 2009, p.60).

The researcher conducted a comparison study of the New Jersey Professional Standards, to teaching union contracts, and nursing union contracts for ethical standards. Since the standards included in the *New Jersey Professional Standards for Teachers and School Leaders* [italics added] were not specific, as seen in nursing and other helping professions standards, the researcher used professional judgment when calculating the standards.

Results showed that teaching had met 0 of 23 (0.00%) ethical standards in comparison to nursing union contracts which met 1 of 23 (4%) ethical standards of the New Jersey Professional Standards. When adding helping professions, such as Psychologists and Licensed Professional Counselors, helping professions had met 1 out of 23 standards (4%). Results showed that the number of ethical standards met by helping professions matched the number met by nursing union contracts. In further examining union contracts for an ethical standard, Table 7 shows that 1 out of 23 standards (4%) was met in comparison to the New Jersey Professional Standards. Examination of teacher union contracts showed that an ethical standard was not present when compared to the New Jersey Professional Standards.

Table 7

Comparison among Teaching (Teach) and Nursing (Nurse) and Helping Professions (HLP Prof.) for having an Ethical Standard in Union Contracts

Ethical Standard	Teach	Nurse	HLP Prof.	NJ Prof. Standard
Practicing Professional Reflection				
Moral Decision-Making				X
Ethical Judgment & Action				X
Accountability for Judgment & Action				X
Assertion of Values				X
Conflict of Interest				X
Political Activities				X
Gifts & Favors				X
Legal Obligation for Ethical Enforcement by Employer(s)				X
Nepotism				X
Addressing Impaired Practice				X
Professional Boundaries				X
Collective Responsibility				X
Strikes and Strikes Affecting Productivity				X
Expressing Dispositions (i.e. benevolence, morals, or judgment)				X
Established Code of Conduct Signed with Union Contract		X	X	X
Collective Bargaining Provisions				X
Professional Relationships				X

Note: An X represents having an ethical standard in the NJ Professional Standard.

Helping Professions used in this study are the American Psychological Association (APA) and Licensed Professional Counselors (ACA).

Teach = Teacher; Nurse = Nursing; HLP Prof. = Helping Professions

Table 7 Continues

Professional Standard

Ethical Standard	Teach	Nurse	HLP Prof.	NJ Prof. Standard
Maintaining Confidentiality				X
Resolving Ethical Issues				X
Accountability to the Wider Community				X
Mentoring		N/A		N/A
Procedure for Enforcing Unethical Behavior				X
Total: 23	0	1	1	21

Note: An X represents having an ethical standard in the N J Professional Standard.

Helping Professions used in this study are the American Psychological Association (APA) and Licensed Professional Counselors (ACA).

Teach = Teacher; Nurse = Nursing; HLP Prof. = Helping Professions

Since teacher union contracts showed little to no content for ethical standards, the researcher did take this study further and examined collective bargaining agreements of teachers, nurses, and helping professions. The researcher determined that ethical standards may or may not have been found in nursing and helping professions contracts. Results of examined collective bargaining agreements to the New Jersey Professional Standard showed that teaching had met 17 of 21 ethical standards (70%) included in their collective bargaining agreements. However, the New Jersey Professional Standards, Table 7 shows that collective bargaining agreement for ethics did not include a section on striking and productivity. The researcher also learned through a representative of NJ PERC (G. Franklin, personal communication, April 6, 2009), that striking and productivity are defined through detailed state statutes and regulations that prohibit striking of public employees under the New Jersey Employer-Employee Relations Act

(N.J.S.A.34:13A-2) in a section entitled *Declaration of Policy* [italics added]. In this section the state's public employees are prohibited from strikes as follows:

It is hereby declared as the public policy of this State that the best interests of the people of the State are served by the prevention or prompt settlement of labor disputes, both in the private and public sectors; that strikes, lockouts, work stoppages and other forms of employer and employee strife, regardless where the merits of the controversy lie, are forces productive ultimately of economic and public waste; that the interests and rights of the consumers and the people of the State, while not direct parties thereto, should always be considered, respected and protected; and that the voluntary mediation of such public and private employer-employee disputes under the guidance and supervision of a governmental agency will tend to promote permanent, public and private employer-employee peace and the health, welfare, comfort and safety of the people of the State, to carry out such policy, the necessity for the enactment of the provisions of this act is hereby declared as a matter of legislative determination (New Jersey Employer-Employee Relations Act, 1968; as cited in NJ PERC, 2009, ¶).

The collective bargaining agreements of nursing and helping professions had 19 out of 21 (90%) ethical standards included in their collective bargaining agreements. Similarities found between nursing and helping professions were that in both nursing and helping professions there were no sections in their collective bargaining agreements for mentoring. The researcher found that this was based on state mentoring requirements. In the helping professions, some occupations such as Licensed Professional Counselors do have a requirement for mentoring prior to licensure (ACA, 2005). For nursing, the State

of New Jersey does not require mentoring for nurses newly entering the field, unlike teachers, who are required in New Jersey to have one year of mentoring during their first year of teaching (See Chapter 1, p. 15).

In the area of striking affecting productivity, the researcher found that nursing union contracts from the New Jersey Health Professionals & Allied Employees (NJ HPAAE) contain a detailed section on striking and the effects of striking as part of the collective bargaining agreement, which is one of the comparisons presented in Table 8. In teacher union contracts, a negotiations section states that *the Association and its officers, representatives and members shall not cause, condone, or participate in any form of strike, work stoppage or any other interference with school operation* [italics added].

Table 8

New Jersey Professional Standard Comparison among Teaching (Teach) and Nursing (Nurse) and Helping Professions (HLP Prof.) for having an Ethical Standard in Collective Bargaining Agreements

Ethical Standard	Teach	Nurse	HLP Prof.	NJ Prof. Standard
Practicing Professional Reflection	X	X	X	
Moral Decision-Making	X	X	X	X
Ethical Judgment & Action	X	X	X	X
Accountability for Judgment & Action	X	X	X	X
Assertion of Values	X	X	X	X
Conflict of Interest	X	X	X	X
Political Activities	X			X

Note: An X represents having an ethical standard in the NJ Professional Standard. Helping Professions used in this study are the American Psychological Association (APA) and Licensed Professional Counselors (ACA).
Teach = Teacher; Nurse = Nursing; HLP Prof. = Helping Professions

Table 8 Continues

Professional Standard

Ethical Standard	Teach	Nurse	HLP Prof.	NJ Prof. Standard
Legal Obligation for Ethical Enforcement by Employer(s)		X	X	X
Nepotism		X	X	X
Addressing Impaired Practice	X	X	X	X
Professional Boundaries	X	X	X	X
Collective Responsibility	X	X	X	X
Strikes & Productivity		X	X	X
Expressing Dispositions (i.e. benevolence, morals, or judgment)	X	X	X	X
Collective Bargaining Provisions	X	X	X	X
Professional Relationships	X	X	X	X
Maintaining Confidentiality	X	X	X	X
Resolving Ethical Issues	X	X	X	X
Accountability to the Wider Community	X	X	X	X
Mentoring		N/A		N/A
Procedure for Enforcing Unethical Behavior	X	X	X	X
Total: 21	17	19	19	20

Note: An X represents having an ethical standard in the NJ Professional Standard. Helping Professions used in this study are the American Psychological Association (APA) and Licensed Professional Counselors (ACA).
Teach = Teacher; Nurse = Nursing; HLP Prof. = Helping Professions

According to the New Jersey Nurses' Association (2007), experience has shown that nurses who have chosen to strike have done so as a last resort, and that, if nurses

decide to strike, they do not abandon patients on short notice. There are legal safeguards to prevent such actions. Provisions set forth in the 1974 Health Care Amendments to the National Labor Relations Act (NLRA) guarantee continuation of adequate patient care by requiring contract expiration notice, advance strike notice, mandatory mediation, and the option of establishing a board of inquiry prior to work stoppage. Such activities are conducted outside of patient care areas. There are, therefore, three limitations on union solicitation during the workday: the time during the day when such activities may be conducted; the locations within the hospital; and conformity with solicitation opportunities afforded other organizations

In a researcher-done comparison, teaching, nursing, and helping professions contracts to the New Jersey Professional Standards, results showed that ethical standards do not exist in union contracts. When the researcher took this study further, examination showed that collective bargaining agreements did have an ethical standard existing in teaching, nursing, and helping professions. A comparison of collective bargaining agreements between helping professions and nursing also showed that both professions had the same number of standards (19 out of 21 or 90%). The New Jersey Professional Standards did not have a specific requirement an ethical standard for professional reflection. However, for teaching, nursing, and the helping professions, professional reflection is a required ethical standard for practice.

Research Question Three

The third research question was designed to provide insight into whether the ethical statements that are created in professional standards are included in a code of

conduct. The third research question was: How does ethical attention to codes of conduct compare in union contracts among teaching, nursing, and helping professions?

In Research Question 3, the researcher took the 23 ethical standards used in Research Question 2, to examine if a code of conduct existed in teaching, nursing, and helping professions union contracts. The researchers used codes of conduct from Psychologists (APA: American Psychological Association) and Professional Counselors (ACA: American Counseling Association).

When comparing teaching to nursing results showed that teaching union contracts had 0 of the 23 ethical standards. Nursing union contracts had 21 of the 23 or 91% of the ethical standards within a code of conduct, with the standard for mentoring as being not applicable. Mentoring is not required for New Jersey nurses newly entering the field. Table 9 shows that when adding helping professions to the comparison, teaching to nursing, and teaching to helping professions had 21 of the 23 or 91% of the ethical standards within a code of conduct. Findings show that teaching does not have an existing code of conduct. The researcher's interpretation, when speaking with a representative of the New Jersey Department of Professional Development, was that the New Jersey Department of Education does not want to put expectations on teachers for behavior except when attaining knowledge and skills for classroom teaching. The New Jersey Department of Education also purposely made a professional standard because of the length of time that it would take to get a code of conduct passed in the state's legislature (V. Huff, personal communication, June 4, 2008).

Nursing and helping professions working in hospitals and healthcare facilities sign with their yearly contract, a separate code of conduct. Signing this code of conduct is contingent upon continued or new employment.

Table 9

Comparison among Teaching (Teach) and Nursing (Nurse) and Helping Professions (HLP Prof.) for having an Ethical Standard in a Code of Conduct

Ethical Standard	Teach	Nurse	HLP Prof.
Practicing Professional Reflection		X	X
Moral Decision-Making		X	X
Assertion of Values		X	X
Accountability for Judgment & Action		X	X
Ethical Judgment & Action		X	X
Conflict of Interest		X	X
Political Activities		X	X
Gifts & Favors		X	X
Legal Obligation for Ethical Enforcement by Employer(s)		X	X
Addressing Impaired Practice Nepotism		X	X
Professional Boundaries		X	X
Collective Responsibility		X	X
Strikes and Strikes Affecting Productivity			
Expressing Dispositions (i.e. benevolence, morals, or judgment)		X	X
Established Code of Conduct with Union Contract(s)		X	X
Collective Bargaining Provisions		X	X
Professional Relationships		X	X
Maintaining Confidentiality		X	X
Resolving Ethical Issues		X	X
Accountability to the Wider Community		X	X
Mentoring		X	X
Procedure for Enforcing Unethical Behavior		X	X
Total: 23	0	21	21

Note: An X represents having an ethical standard in the N J Professional Standard.

Helping Professions used in this study are the American Psychological Association (APA) and Licensed Professional Counselors (ACA).

Teach = Teacher; Nurse = Nursing; HLP Prof. = Helping Professions

Research Question Four

The fourth research question was designed to provide insight into the content that is created in union contracts under the current collective bargaining process. The fourth research question was: What content may be provided in New Jersey teacher union contracts when establishing a code of conduct?

The researcher calculated the strength severity of ethical content of union contracts between teacher and nursing/hospitals. A 50-point severity scale was created by the researcher with a low severity of 1-19 points, average severity of 20-39 points, and a high severity rating of 40-50 points. Ethical terms (See Chapter III, pp. 8 and 9) were taken by Hinmann (2008) and were checked by a panel of experts specializing in New Jersey contract law for credibility. The researcher examined each contract for ethical content, Table 10 shows teacher union contract with a total point value of 18, giving teacher union contracts a low severity rating for ethical content. Nursing/hospital union contracts had a total point value of 45, giving nursing/hospital union contracts a high severity rating for ethical content. A listing of ethical terms that were found within union contracts for each profession.

Table 10

Severity of Ethical Content found in New Jersey Teacher and Nursing/Hospital Union Contracts

Teacher Ethical Term	Point Value
Discrimination	5
False	5
Rights	1
Safety	0
Standard	2
Violation	5
Total Point Value	18

Table 9 Continues

Severity of Ethical Content

Nursing/Hospital Ethical Term	Point Value
Negligence	4
Falsifying	5
Violation	5
Confidentiality	3
Good	0
Professional Responsibility	2
Safety/Protection	0
Standards	2
Autonomy	3
Beneficence	3
Ethical	3
Obligation	1
Trustworthiness	3
Responsibility	2
Privacy	0
Rights	1
Virtue	3
Conflict of Interest	5
Total Point Value	45

Summary

In Chapter IV, this study was focused on teachers and to examine New Jersey public school union contracts for a code of conduct. The researcher used school districts of various size, ethnic background, and socio-economics. This study compared the current collective bargaining agreements of teachers to nurses/hospital union contracts. Contracts were also compared to the ethical standard used by the State of New Jersey otherwise known as the New Jersey Professional Standard. During this study, the researcher added helping professions as a category to recognize if other occupations included a section for a code of conduct and ethical standard in union contracts.

Results showed that between the 3 categories: teaching, nursing/hospitals, and helping professions, teachers did not have a code of conduct in comparison to nursing/hospitals. When comparing teacher union contracts to nursing/hospitals and

helping professions, nursing/hospitals and helping professions had an existing code of conduct. These findings prompted the researcher to further investigate the severity of ethical content in union contracts. Results showed that teacher union contracts had a low severity rating inn comparison to nursing/hospital, which showed a high severity rating for ethical content.

The researcher recognizes that under New Jersey state law and statutes and the state government agencies of Health and Senior Services, Medicare, and Medicaid, and the national accreditation agencies JACHO, hospital administrators must require nurses' sign and follow a universal code of conduct and ethical standard as a mandatory requirement for employment. The New Jersey Department of Education (NJDOE) currently does not have such a requirement for teachers. Therefore, these findings may have substantive importance since the results may influence the need for having a code of conduct and ethical standard within teacher union contracts.

Conclusions from the findings as well as recommendations for further study are summary of findings, discussion, conclusions, and recommendations for policy, practice, and further study will be discussed in the next chapter.

Chapter V

SUMMARY, CONCLUSIONS, DISCUSSIONS, AND RECOMMENDATIONS FOR POLICY, PRACTICE, AND FURTHER STUDY

Summary

Since 2001, there has been greater awareness of the conduct and credibility of teachers by politicians, parents, and community shareholders. Teacher misconduct has forced the New Jersey Department of Education (NJDOE) to establish a committee on ethics, along with redesigning an already existing suggestive practice entitled *Professional Standards for School Leaders and Teachers* [italics added] with the expectation that public school district leaders and teachers will become accountable for behavior in the classroom and how behavior affects student learning. Despite nationwide efforts to professionalize public-school teaching, little attention has been given to the matter of standards of professional conduct for teachers (Barrett, et al., 2006). The research, from 2000 to 2009, has justified the need for building an ethical code of conduct as part of the collective bargaining agreement for teacher union contracts in states such as: New York, Delaware, Pennsylvania, and Connecticut.

Teacher misconduct research emphasizes the integral role played by ethical performance skills that a teacher holds in the shaping of student learning and development within the classroom. In order for teachers to be more effective, they must become reflective practitioners who practice ethical decision-making within the classroom. Although teachers are informally expected to solve problems, make decisions, and consider options and alternatives before acting (Cartwright & Simpson, 1990) it is not a state requirement. Acquiring ethical judgment skills assumes a perspective that

there are connections between what teachers perceive, think, feel, and actually do as part of professional practice. What goes on inside a teacher's thoughts is of critical importance to the role of teaching (Johnson & Reiman, 2007). It is this realization of the connection between unconscious thoughts, behavior, and the influences found in both mind and body, which makes the need for utilizing dispositions essential to the future of the teaching field.

The teacher's first responsibility is to respect the dignity and value of students and to help them to achieve their status as free, rational, and feeling ethical agents. By using educative ethics as reflective equilibrium is centered in the learning situation, many positive outcomes are student-centered; students benefit directly with having positive effects. In the literature review, the researcher showed that the need for having a code of conduct and ethical standard in teacher union contracts was an integral aspect of effective teaching. The researcher also demonstrated through the review, that collective bargaining is a vitally important tool to bringing reform to the teaching field.

Theoretical Framework

The theoretical framework for this study has been developed to show that teacher practice is devised through professional judgment in five areas: dispositions; case law/collective bargaining; self-reflection; other, which include aspects of the teaching relationship; and teacher behavior. Each of these areas is described in detail, starting first with dispositions.

Area 1: Dispositions

Teachers who practice dispositions may have increased ethical decision-making. Dispositions affect classroom tone, influence student behaviors and positive student

learning, and can be achieved by teachers by promoting empathy, a positive self view of self and others, and by being authentic. Within schools, the role for communicating dispositions is instituted in the form of attitudes. These attitudes promote an understanding of the expectations and responsibilities of teaching, dispositions, abilities, and disabilities. That then develops a concrete personality within school personnel who function to influence the formation and growth of attitudes and dispositions, emotions, intellectual thinking, and ethical behavior (Dewey, 1937 as cited in Lindahl, 2009, p. 33). School district administrators and state departments of education must be mindful of discrimination laws, and the selection of dispositions that have some relevance to the preparation of teachers; for example, as long as teachers do not intentionally or inadvertently discriminate or act arbitrarily, the ability to assess teaching through dispositions will not be unfavorably viewed by the courts (Lindahl, 2009) and by teacher professional associations such as the National Center for Accreditation of Teacher Education.

The National Center for Accreditation of Teacher Education or NCATE, (2004) has chosen to identify dispositions as a necessary component of teaching. In education, good teaching requires that a teacher be knowledgeable in content, skilled in method, and virtuous in disposition and character. The first two stipulations are most often and easily connected to a teacher's skill and knowledge of subject content relating to successful student learning. The third stipulation is readily connected to teachers having a deep understanding for having ethical judgment skills. Teachers employ dispositions in their attitudes with grading, teaching, lesson planning, and their daily interactions with students. Fox, White, Kidd, and Ritchie, (2007, ¶) emphasizes the importance for having

dedication, being respectful, enthusiastic, and principled as dispositions or character traits that promote positive growth and behavior changes in teachers. The growth and behavior changes in teachers are a direct result of reflective practices and for increasing ethical decision-making and for decreasing the occurrence of misconduct.

Area 2: Case Law/Collective Bargaining

The theoretical framework supports decision-making by teachers through law and collective bargaining agreements for improved teacher ethics. Establishing improved statutes and enacting regulatory laws through the judicial system is essential for improving behavior and increasing the credibility of teaching. However, the New Jersey court system, along with the United States Judicial System, has been absent when entering decisions about education. Areas affecting student learning, such as teacher strikes and working conditions, may be decreased if the judicial system devises a code of conduct that is defined as part of collective bargaining agreements.

The traditional role of collective bargaining in New Jersey provides protection for teachers that create decision-making power within public school education. However, the decision-making power and influence of teaching as an education leader within the education field has been mitigated by history. This historical evolution may provide a glimpse into the dissatisfaction of today's teachers with their experience with traditional collective bargaining. More importantly, historical evolution may provide a key to building an ethical code of conduct that would have the potential to increase ethical decision-making of teachers and decrease teacher misconduct. The ability to increase ethical decision making and enforcing statutes and enacting regulatory laws could be

executed through the process of collective bargaining agreements as seen in the nursing profession.

Collective bargaining agreements vary between helping professions. When examining the nurses' descriptions of collective bargaining, the American Nursing Association or ANA Code of Ethics (2001) has shown that more than half of the provisions code comes from collective bargaining. The ANA Code of Ethics is rich with implications for caring, respectful, collaborative, and creative behaviors that extend beyond the isolated relationships among the nurse, patient, and the employer. Collective bargaining is noted in the Nursing Code of Ethics, the participation in the process of labor relationships and for considering the Code as an essential element of the collective bargaining process for guiding nurses (ANA, 2001). For teachers, establishing an ethical code of conduct in collective bargaining agreements for guiding decision making broaden and enrich the integrity of teaching. Teachers, school district personnel, state agencies, and labor unions must recognize the complexity of teaching and the increase involving teacher misconduct.

Area 3: Self-Reflection

Effective teaching involves self-reflection and the ability to function under an ethical standard that encourages the teacher in the process of self-awareness, self-inquiry, and self-reflection (Larrivee, 2000); decreases the number of current court cases for teacher misconduct; and increases professional relationships among peers. Theorists such as John Dewey and the ancient Greek philosophers, Plato and Aristotle, affirmed the belief that developing good character traits and self-reflection leads to people acquiring good habits and better abilities to regulate emotions and decisions (Larrivee, 2000). Self-

reflection in turn, helps people to reach ethically correct decisions. The importance of education is for educators to promote good members of society. Reflection allows the teacher to ask “what must I do?” and allows teachers to develop critical thinking skills and dilemma identification. Aristotle believed that every action and behavior had a goal. The link between the goal and the means needed to achieve the goal are developed through external and internal actions.

The thoughts of teachers are critical to teaching students. Solving problems, making decisions, and considering options before acting requires that teachers are intelligent and effective in their classrooms and these are achieved by using a theoretical framework which starts with teachers practicing dispositions and self-reflection. It is necessary for teachers to hold both the use of dispositions such as honesty and fairness, along with reflective practices such as evaluating judgments prior to taking action. Along with teachers practicing characteristic traits that represent good as found in the theories of the Ancient Greeks, having state statutes that increase the regulation of teacher misconduct are also essential to increasing the credibility of teachers, while decreasing the potential pattern of unhealthy decision-making, such as bias. Teachers can increase disruptive behavior such as hyperactivity, aggression, lack of self-control, acting out, and inattention (Robinson, Smith, Miller, & Brownell, 1999) in students. Bias can be decreased when teachers recognize through self-reflection that a bias exists. A teacher’s class bias affects her teaching practice despite her good intentions and self-awareness. By identifying the challenge of how to respect differences and working to enhance the life experiences of all students regardless of social class (Nagle, 1993), teachers become

aware of their own attitudes and the biases and assumptions that they bring with them into the classroom and can increase trust and credibility with their students.

Area 4: Other (aspects of teaching relationships)

Teacher credibility and trust is essential to building stronger professional relationships between students and teachers. Trust is a “process of holding certain relevant, favorable perceptions of another person” (Wheless & Grotz, 1977, p.251). However, regardless if trust is underdeveloped, undermined, or perfectly refined, trust provides the guiding framework for making causal connections, and acts as a “filter” through which events and others’ motives are perceived and interpreted (Holmes & Rempel, 1989, Rempel, Holmes, & Zanna, 1985). Thus, trust plays an important role in one’s decision making process (Shore, 2003), and in understanding human behavior. Furthermore, trust seems to be a crucial element in the ongoing maintenance of relationships (Holmes & Rempel, 1989, Planalp, Rutherford, & Honeycutt, 1988). Therefore, trust is an integral component for trustworthiness. Students’ trust for teachers is very important for stimulating purposeful interactions for accountability and assessment between the teacher and student.

Accountability and assessment help develop a strong teacher commitment to teaching. The dictionary definitions of “accountability” emphasize the willingness to accept responsibility for one’s decisions and actions, and to be able to justify them to others. The inference in the definitions is that accountability is something that comes from within, rather than something that is externally imposed. Accountability is highly valued and identified as a hallmark of maturity in our society. Teachers are temporary guardians who function like parents. Teachers must take responsibility for their actions in

the hopes that students can grow up to be responsible adults. The most effective and respected teachers and school administrators are driven by accountability.

Accountability operates by holding oneself responsible for asserting professional decisions and actions. Teachers, like professionals in other fields, can be called upon to justify their professional decisions and actions. Teacher accountability raises issues of the public good. There are ways that internal accountability can be encouraged both by the professional and by other facets of the education system, for example, professional development hours. An accountability system, such as a code of conduct that recognizes the complexities of teaching and learning, that encourages accountability, maximizes students' opportunities to learn in an equitable way, and holds all levels accountable for the aspects of education for which they have authority and responsibility, is essential to accountability, but can also be used to provide teacher assessment.

Observations are an effective way for assessing teachers because they are an ongoing assessment of teacher performance and student learning. Teacher observations measure their duty to care for the students being taught in classrooms. One of the many goals of teachers is to have an ongoing process of self evaluation and fine tuning of their skills as educators. Observation is something that from the earliest moments of childhood is a method we use to learn about each other and the world around us. Teachers spend great amounts of time urging and motivating their students to approach a new skill or concept first with observation. Therefore, as hard as it may be to go through an observation, teachers need to approach it as a necessary part of becoming a better teacher.

Area 5: Teacher Behavior

Ethical conditions are essential to teaching. Observations afford an opportunity for teachers to understand teaching expectations, and help teachers to develop good teaching habits. Teachers who practice a positive approach in their classrooms infuse a positive and enthusiastic attitude in every aspect of teaching from the presentation of subject to dealing with student behavior. Observations share unique information about the classroom situation; define ethics; help teachers to understand the basis of their own personal values; help teachers to identify and understand environmental issues; provide an opportunity to listen to the viewpoints of others; and analyze their priorities and value; and to apply school administrator suggestions into their classrooms. Observations offer teachers choices for further self-reflection and allow opportunities for teacher trainings and workshops.

Teacher trainings and workshops are a lifelong process to the professional development of teaching. Trainings and workshops support the ethics in teaching by giving teachers skills to increase problem solving skills and to collaborate with other teachers. Teacher trainings and workshops function in the following ways: increase the understanding of ethics and values; help children become more caring and respectful; let teachers try out best practices and new activities; integrate character education with curriculum and standards; encourage formal and informal communication with peers; allow teachers to learn from each other; expand activities beyond the classroom to parents and the community; and improve classroom climate and relationships with students. According to the NJDOE (2009), these are called staff development or *professional development* [italics added] is the term used to describe a variety of

opportunities to continually learn, update and improve the knowledge and skills of any professional.

New state regulations provide guidelines to New Jersey teachers about the type and amount of professional development they must acquire to best help children learn. The regulations went into effect on September 1, 2000, and require teachers and educational services personnel to earn 100 hours of professional development credit within five years (NJDOE, 2009). Part of this type of professional development comes in the form of teacher trainings and workshops. Teacher trainings and workshops provide teachers with solutions for building effective partnership between home and school. Teachers promoting ethics through continued professional development improves student learning (NJDOE, 2009). Students are motivated to achieve when learning is valued by families, schools and communities working together in partnership. There is ethical responsibility for teachers to maintain focus on their students and to find new ways to best help students to learn through the development for having a shared commitment.

Schools are established to serve specific purposes and to carry out designated missions. To this end, they provide resources, infrastructure, and necessary training to their employees to enable them to accomplish goals and objectives directed toward the greater mission. In a reciprocal way, it is important that employees share the vision of their schools to be committed to its mission and goals, and give unreservedly of themselves in order to attain these purposes. Teacher commitment may be directed toward a number of entities; for example, to the occupation of teaching, to student success, to specific programs, or to the school as an organization.

School climate has been defined as the feel of a school, as its collective personality (Norton, 1984). Climate is the human environment within which the teachers of a school do their work, share values and the mission of the school. Climate affects everything that happens in a school (Freiberg, 1983). This is the possible reason for the differences from school to school, that one school feels different from another. This is primarily the result of school climate and how a shared commitment among teachers and administrators is developed.

A shared commitment between teachers and school administrators gives teachers a sense of ownership when working in their classrooms. A shared commitment generates ethical decision-making in teachers holding leadership roles. Leadership is based on the relationship between an individual and groups. Leadership in schools is not only based on teacher's belief in the success of all students, but a resounding commitment to it (Blankstein, 2004, 2007). One of the greatest complaints students share about teachers is the feeling that some teachers are not committed to their students' success (Grossman & Aness, 2004). Teacher promotion of a shared commitment allows for collaboration, mentoring and modeling, and a commitment to student success.

Teachers need to be positive role models for their peers, exhibiting professionalism through their attire and attitude, being prepared for all activities and events, being knowledgeable of the rules and willing to follow them, being respectful of others, and constructively critiquing their concerns and following the chain of concerns in order to improve the event and not just complain. Ethics is concerned with actions and practice, with what one ought to do (Pojman, pp.1-2), in order to practice ethical

behavior. Teachers that violate principles of professional ethics may be part of their professional preparation.

A teacher's first ethical obligation is to provide excellent instruction. Teachers with a high level of ethical professionalism have a deep obligation to help students learn. According to Wynne (1995), teachers with that sense of obligation demonstrate their ethical professionalism by: (a) coming to work regularly and on time; (b) being well informed about their subject matter; (c) planning and conducting classes with care; (d) regularly reviewing and updating instructional practices; (e) cooperating with, or if necessary confronting parents of underachieving students; (f) cooperating with colleagues and observing school policies so the whole institution works effectively; and (g) tactfully, but firmly criticizing unsatisfactory school policies and proposing constructive improvement.

Though codes of ethics may not have played a significant role in teacher preparation programs in the past (Strike & Ternasky, p.3), professional ethical dispositions of teachers must now be addressed as part of preparing teachers. A program of ethical education that assumes that ethical behaviors are built on a series of component processes (Bebeau, Rest, & Narvaez, 1999) would be helpful to ethical teacher behavior. The components are: (a) ethical sensitivity; the awareness of how our actions affect other people. This involves being aware of the different lines of action and how each line of action affects the parties concerned. It involves knowing cause-consequent chains of events in the real world, and empathy and role-taking abilities; (b) ethical motivation; which requires a prioritization of ethical values over personal values, particularly in

professional settings, and, (c) ethical character; which requires individuals to act on their ethical convictions.

Ethical motivation training might include profession-specific service activities, and the study of professional ethical exemplars (i.e., exemplary teachers); and ethical character training might include strategies for problem solving and conflict resolution among and between students and students (Bebeau, Rest & Narvaez, 1999). Ethics is a collection of ethical standards by which each person may be guided in their private and professional life. It tells us right from wrong, and how to live ethical lives.

Codes of ethics comprise of teachers' duties, responsibilities, attitude, honesty, and fairness. Osobka, (2009, ¶) states that the systems for those teachers who break away from the ethics of teaching misconduct have included: (a) having inappropriate relationships with students (sexual, business partnership, "after school buddies", drinking binges; (b) violating clearly stated school rules and educational procedures; (c) failing to perform duties (no teaching, chaos, wrong attitude toward the teaching field); (d) imposing on students their personal views unrelated to the subject of a lesson or promoting such, especially some that do not represent the mainstream (extreme political or religious views, views on controversial social issues, interest of a particular social group) (e) improper grading, partiality; (f) lack of fairness (based on who is liked, who is not; race, past performance, background); (g) exposing students to embarrassment or disparagement (emotional or psychological harassment); (h) invading students' privacy; (i) engaging students in unethical behavior; (j) accepting gifts and favors; and (k) deceiving students and their parents.

Teacher misconduct can range from violations of criminal laws, through commonly-accepted standards of good and evil, violation of public trust, to unprofessional job performance. The areas of many of these may overlap; what constitutes a violation of public trust might be against the law and standards of professionalism, but still within the teachings of ethicality. The most common ethical problem that any teacher will face at some point in time is the bias-free assessment of students. Teachers are supposed to create a learning environment that fosters autonomy and guides students in their learning experience. An important part of their work is evaluation of students' knowledge and progress. Without such an assessment, one cannot determine if the learning is taking place. One of the most problematic areas of teaching is assessing student learning and how to assess if a student is learning. Teachers will apply a set of rules and predefined formulas to measure the amount of knowledge that has been successfully retained by students or perhaps they will check the understanding of a problem being considered. In multiple choice tests or "yes or no" questions as well as many other similar tests calling for a single correct answer, the assessment of students' work seems relatively uncomplicated. The gray area begins to surface when teachers have to use their own judgment in the assessment process and contaminate the very process with subjectivity that they are bound to display.

Students and teachers come to the classroom with their own sets of values, personalities, priorities, feelings, emotions, problems, experiences, knowledge, understanding, abilities, upbringing, likes and dislikes, moods, and hundreds of other elements, which when combined make up an individual as a whole.

The purpose of this study was to attempt to investigate teacher misconduct and the need for developing a code of conduct and ethical standard by examining the content in teacher union contracts in comparison to nursing/hospital union contracts. This study showed that ethical content had not existed in teacher union contracts or in nursing/hospital union contracts. However, nursing/hospital collective bargaining agreements did show an ethical standard and code of conduct existed. Furthermore, the study investigated the ethical terms found in union contracts and the severity strength of each term. Teacher union contracts had a low severity rating in comparison to nursing/hospital union contracts, which had a strong severity rating. Therefore, this researcher believed that the number of teacher misconduct cases may be decreased through the establishment of an ethical code of conduct as a guide within teacher union contracts.

This study was designed to examine what the impact of having a code of conduct and ethical standard would be on teacher behavior. The sample was completed until saturation of archived union contracts of New Jersey teachers and nursing/hospitals. Data was collected by using an electronic database of union contracts found with NJPERC and NJ HPAAE. One hundred hospital/nursing and school district union contracts were examined. During this study, the New Jersey State Board of Education and NJDOE had recommended the establishment of a committee known as the Professional Teaching Standards Board (PTSB), comprised of teachers, administrators, and representatives of higher education, local boards of education, and the general public. The PTSB defined professional obligations for teachers with regard to ethics and policy. Within the New Jersey Standards of Professional Practice, a *suggestive practice* [italics added] was

developed in Standard 11. Standard 11 states that teachers are to recognize that their individual actions reflect on the entire profession and understand that they are employees vested with the public trust (NJEA, 2009, p.60).

The PTSB established an oath for pre-service teachers prior to being certified which is similar to the Hippocratic Oath (See Appendix N). The Hippocratic Oath that was started by Hippocrates (4th Century B.C.) with the intent to increase the occurrence of duty to do no harm, is not obligatory, and is not taken up by all physicians (NOVA, 2001, ¶). In 2008, the PTSB developed the process of using an oath similar to the Hippocratic Oath and Standard 11 due to the increase in teacher misconduct cases. Standard 11 outlines requirements for teacher knowledge, behaviors, and activities. The use of a Hippocratic Oath is to only be used with medical physicians. The researcher finds that the use of a Hippocratic Oath by any other profession other than medicine would be unethical.

Within the State of New Jersey, the Hippocratic Oath was first challenged in 1976 Re Quinlan case. In Re Quinlan; N.J. 10, 355 A.2d 647, et.seq, was the first major judicial decision to hold that life-sustaining medical treatments may be discontinued in appropriate circumstances, even if the patient is unable or incompetent to make the decision. The New Jersey Supreme Court's decision has been followed by nearly every state appellate court to consider the issue (American Law Encyclopedia, 2008, ¶). Although the use of an Allegiance Oath (See Appendix O) and the development of an ethical guide found in Standard 11 is one step towards improving the ethics of teachers, the researcher has found that among the helping professions of law enforcement, firefighters, nurses, and physicians there is the use of a modernized version that is similar

to the Hippocratic Oath when first entering the field. Helping Professions sign a yearly code of conduct in conjunction with a contract of employment (AMA, 2008; NJNA, 2007; NJPBA, 2008). In order to help increase ethical decision making in teaching, to do what is in the best interest of children, and never do harm; teachers must increase professional reflection and ethical practice in the classroom it would be more beneficial for teachers to use a similar approach.

Conclusions

The literature on codes of conduct and ethics which are a part of teaching as a ethical agent show that developing a code of conduct within union contracts presented by the ethical belief of the Greek philosophies (Freier, 1998) is the most comprehensive one in regards to the essential need for having a code of conduct and ethical standard in teacher union contracts and addressing the perceptions and seriousness of teacher misconduct. This researcher does not disagree with that conclusion, in fact through a comparison and study of the need for a code of conduct and ethical standard, it is this researcher's opinion that indeed the Greek philosophy model for ethics is an excellent conceptual model, since it outlines key areas for behavior and action in regards to the exhibition of an ethical code of conduct in teachers.

This researcher in this study found that many school district websites provide a mission statement of educators for producing good members of society. Aristotle emphasized that for teachers producing good citizens is an essential goal. According to Aristotle ethics cannot be taught since teachers lead by example, relating to behavioral trends and personality traits. The only way to teach ethicality is to be ethical (Back,

2002). Educators have no option but to offer a personal example to their pupils who learn from the teacher's behavior more than they learn from a teacher's words.

However, as when measuring any aspect of human behavior, there are a multitude of variables and relationships that have an impact. The behaviors outlined by the Greek philosophies for ethics, as shown in Chapter II were found to be highly interrelated for this particular sample.

In January 2009 an ethical standard was added to the *New Jersey Professional Standards for Teachers and School Leaders* [italics added], otherwise known as Standard 11. The use of ethical codes of conduct has provided a professional spirit (Delaware Department of Education, 2009) among teachers. This professional spirit has been promoted by state education departments in New York, Pennsylvania, and Connecticut. The Delaware Department of Education devised an ethical code of conduct in April 2009. Ethical codes of conduct have been used for professional development, teacher trainings, and for guiding teachers with decision-making. Future research would be helpful to determine if a code of conduct and Standard 11 had a significant effect on promoting ethical behavior among teachers in New Jersey and throughout the United States.

Discussion

While there are state laws covering some instances of misconduct in New Jersey, codes of conduct may create awareness of already existing laws being used by school district personnel. Outside of working with union representatives, teachers are responsible for learning the policies of the school district. For example, a teacher who is legally challenged by a parent would receive support from the board of education when

the teacher's actions follow policy (Smith, Morrow, & Gray, 1999). If policy is not followed, the teacher may be at risk of not being protected by the school district. There are areas such as attendance, discipline, grading, and personnel policies that are considered to be among the most important state policies for teachers to study and to know (Smith, et. al, 1999). Codes of conduct bring together in one place ethics provisions that are scattered throughout various official government statutes, regulations of the policies, responsibilities, and expectations found in our states' laws for teachers as a guided practice. Another aspect of codes of conduct to consider is that codes allow for increased awareness as to the current laws that exist as part of school board policies and yearly union contracts, one example is personal freedom.

Personal Freedom, which is included in union contracts, is a section of a teacher's collective bargaining agreement that was developed under the First Amendment. The First Amendment guarantees academic freedom, giving teachers the right to discuss issues as long as they are curriculum related, factual, objective, and impartial (Spencer & Hoffman, 2001). Other examples are the Fourth Amendment, which protects teachers' privacy by guarding against unreasonable searches and seizures. The Fourteenth Amendment protects due process rights. Furthermore, civil rights laws protect against discrimination, ensuring that all teachers are treated with fairness and equality (Spencer & Hoffman, 2001). Codes of conduct may be used as a guide and added protection of the existing laws established for teachers, for the legal process considered for protection under collective bargaining, and as a guided process for educating young people.

Ethical codes of conduct have two purposes with the first is to outline the processes by which the code was developed and next to serve as a guide. A code of ethics can make

a difference in a school district. Beyond clarifying gray areas and providing guidance on everything from the simplest of questions to the most complex ethical dilemma, a code can benefit teachers in the following ways:

- Build trust internally and externally with parents and the community;
- Increase awareness of key ethical issues;
- Stimulate and legitimize ethical dialogue;
- Build consensus around vital issues;
- Guide decision-making;
- Encourage teachers to seek advice;
- Foster the reporting of misconduct and related concerns; and
- Clarify where teachers should go to seek advice (Ethics Resource Guide, 2001).

A code of ethics offers an invaluable opportunity for teachers to further develop positive public identity. This can lead to a more supportive environment and an increased level of public confidence and trust among important stakeholders. Together these benefits can make a profound and positive impact on teachers and the school community.

The role of ethical codes of conduct is to serve as a central guide to support day-to-day decision making at school. Codes clarify the cornerstones of a school district-- its mission, values and principles by helping teachers to understand how these cornerstones translate into everyday decisions, behaviors and actions. Codes are designed and structured to liberate and empower people to make more effective decisions with greater confidence.

An effective code has many uses, but two critical ones are: a code should, first clarify gray areas or questions employees have concerning values and expectations and second to help build trust and commitment. According to Driscoll and Hoffman (2000, p. 77), a code “reflects the covenant that teachers have made to uphold its most important values, dealing with such matters as its commitment to employees, its standards for teaching and its relationship with the community.”

A code serves as a key reference tool. Codes are not meant to stand alone, but rather they may supplement existing laws in an effort to make ethics a priority for teachers by bridging ethical principals into practice. According to the Ethics Resource Guide (2001), codes are designed to: (1) raise ethical expectations (aspirations); (2) to increase dialogue about ethical issues (communication); and (3) to encourage ethical decision-making (judgment).

The importance of this research has brought awareness to state agencies such as the Department of Education, the Professional Teaching Standards Board, and state legislators, as to the rise of teacher misconduct throughout the State of New Jersey. In January 2008, the State Department of Education recognized the essential need for building a code of conduct for teachers. A committee of state education personnel, teachers, and school administrators; both at the secondary and higher-education levels were developed to create a code of conduct. However, due to the length of time that would be taken to implement, the state’s board for professional development devised as of January 2009, an ethical standard entitled Standard 11. Standard 11 is a suggestive practice and important for teachers. This study’s results have shown that a code of conduct does not exist within teacher union contracts or within the process of collective

bargaining. Also, when examining union contracts for ethical content, teacher contracts showed a low severity rating in comparison to nursing/hospital union contracts which had a high severity rating.

Teaching is categorized by the United States Department of Labor, (2008) as a helping profession. Categories of the helping professions such as nursing, social work, counseling, and psychology each have state compliance laws and accreditation organizations that require a code of conduct to be a part of union contracts. Without such codes of conduct, hospitals and private nursing agencies are not allowed to hire and maintain helping profession staff. In many instances the lack of compliance could result in the closure of healthcare facilities. When investigating the reasons for why a code did not exist in public school districts, evidence had shown that such ethical compliance is not expected nor required in the State of New Jersey. In New York, Delaware, Pennsylvania, and Connecticut a new requirement for teachers to have an ethical code of conduct was incorporated as part of their professional development practices. Within these states, legislators have also passed statutes for teachers and school district personnel to follow as an ethical guide for decision-making.

The value of teachers, their work, and the commitment that is involved in educating young people is of utmost importance. Codes of conduct prove the assurance that ethical standards are being followed in public schools. An ethical code of conduct encourages a higher standard of behavior. Codes outline responsibilities and practices of teachers. Teachers are committed to increasing professional knowledge of themselves and others and to the use of such knowledge to improve the condition of their students, schools, parents, and the community. Teachers can strive to help the public in developing

informed judgments and choices concerning teaching. In doing so, they perform many roles, such as a temporary guardian, educator, role model, and counselor to students. Ethical codes provide a common set of principles and standards upon which teachers can build their professional development.

Ethical codes are intended to provide specific standards to cover most situations that would be encountered by teachers. It could work as goals for the welfare and protection of students with whom teachers work and the education of parents and community members by implementing ethical standards for teaching. The development of a dynamic set of ethical standards for teachers' work-related conduct requires a personal commitment and lifelong effort to act ethically; to encourage ethical behavior; and to consult with others concerning ethical problems (APA, 2002, p. 4). The intent for codes of conduct/ethics may guide and inspire teachers toward the very highest ethical ideals of the profession.

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Appendix A
Human Subjects' Seminar Certificate
Permission Letters



Certificate of Completion

The National Institutes of Health (NIH) Office of Extramural Research certifies that **Cristina Guarneri** successfully completed the NIH Web-based training course "Protecting Human Research Participants".

Date of completion: 08/08/2008

Certification Number: 67826

IRB non Review certification

STUDENT: Cristina Guarneri

Title of Dissertation: Examining the Need for a code of Conduct in NJ Teacher Union Contracts

I certify, by my signature below, that the above indicated study does not require IRB review as a result of a lack of involvement with human subjects (see OHRP flow chart) and as indicated by any or all of the following (check all that apply).

- 1. Historical research
- 2. Public data base
- 3. *Proprietary data base
- 4. Freedom of Information
- 5. Right to know – sunshine law

Student signature: Cristina Guarneri

Advisor approval: C M Archello

Reviewed by : _____
Marty Finklestein – Higher Ed

Daniel Gutmore
Daniel Gutmore – K – 12

- Proprietary data that does not identify individuals

Cristina Guarneri
2 Claridge Drive
Verona, New Jersey 07044
(973) 571-2038

April 4, 2008

Mr. Mike Slott, Director
Health Professionals and Allied Employees
110 Knickerkammack Road
Emerson, New Jersey 07630

Dear Mr. Slott,

I am writing to request permission to conduct research for my dissertation. The study that I am proposing would be to examine New Jersey nursing/hospital union contracts in comparison to teacher union contracts to determine if an ethical code of conduct exists under the current collective bargaining agreement.

The research questions are to what extent does the content of New Jersey teacher union contracts defines a code of conduct designed to promote ethical behavior patterns in teachers and what content should be provided in New Jersey teacher union contracts when establishing a code of conduct. Given the changes in the teaching profession since 2001, it would be useful to determine whether an ethical code of conduct exists in union contracts. This information would be useful for government agencies such as the New Jersey Department of Education (NJDOE), the New Jersey Education Association (NJEA), and policymakers, who often make decisions on licensing and professional development requirements.

The study would involve a comparison study of archived union contracts of teachers and nursing/hospital union contracts no older than 2 years old within the State of New Jersey. Union contracts will be examined for current ethical content and the relationship of wording of union contracts as they relate to behaviors, ethical judgments and moral professionalism, and teaching. A glossary of ethical terms and category rating will be developed for comparison purposes.

If this is acceptable to you, I would very much appreciate a brief letter stating our permission to conduct this study, which I will forward to the Institutional Review Board (IRB) at Seton Hall University. It is my hope that I will obtain waiver from the Seton Hall University IRB. After that, I would like to arrange a time that would be convenient for you to review union contracts.

If you have any questions, please do not hesitate to contact me. I can be reached at (973) 571-2038, or by e-mail at guarnecr@shu.edu.

Regards,

Cristina Guarneri
Cristina Guarneri

Health Professionals and
Allied Employees ^{AFT}
AFL-CIO

110 Kinderkamack Road
Emerson, NJ 07630
201-262-5005
1 (800) 801-5005
FAX 201-262-4335

February 9, 2009

Cristina Guarneri
2 Claridge Drive
Veroona, NJ 07044

Dear Ms. Guarneri:

I gave you permission to review labor contracts negotiated by HPAE as source material for your research project.



Sincerely,



Mike Slott
Education Director



**STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION**

PO Box 429
TRENTON, NEW JERSEY 08625-0429

ADMINISTRATION/LEGAL
(609) 292-9830
CONCILIATION/ARBITRATION
(609) 292-9898
UNFAIR PRACTICE/REPRESENTATION
(609) 292-6780

For Courier Delivery
495 WEST STATE STREET
TRENTON, NEW JERSEY 08618

FAX: (609) 777-0089

N.J.S.A. 34:13A-8.2 provides that "public employers shall file with the commission a copy of any contracts it has negotiated with public employee representatives following consummation of negotiations."

In the past, the Rutgers School of Management and Labor Relations has collected and maintained a physical file of contracts on the Commission's behalf. We have now entered an era where contracts no longer need to be filed by mail or maintained in a library. Computers have eased your ability to file contracts and the Internet has eased our ability to make them available for research purposes.

You are hereby requested to forward by email a copy of all current and future contracts. Contracts should be filed as attachments in either Word or WordPerfect format and addressed to contracts@perc.state.nj.us

Employers must redact all contracts to comply with the privacy provisions of the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. and must exclude confidential personal information such as social security numbers.

You must include in your email the text of the attached certification with the name and title of the appropriate government official.

All contracts will be entered into our database and made available to the public through the Reference page of the Commission's web site, www.state.nj.us/perc

Thank you for your consideration and attention to this request. If you have any questions regarding this letter or your obligation, please contact Patti Connelly at (609) 292-6780.

Very truly yours,

Lawrence Henderson
Chairman

Certification

I declare to the best of my knowledge and belief that the attached document(s) are true electronic copies of the executed collective negotiations agreement(s).

Name _____

Title _____

Appendix B

New Jersey Department of Education

School Ethics Act

NJ Department of Education: School Ethics Act

School Ethics Commission

18A:12-21. Short title

This act shall be known and may be cited as the "School Ethics Act."
L.1991,c.393,s.1.

18A:12-22. Findings, declarations

The Legislature find and declares:

a. In our representative form of government it is essential that the conduct of members of local boards of education and local school administrators hold the respect and confidence of the people. These board members and administrators must avoid conduct which is in violation of their public trust or which creates a justifiable impression among the public that such trust is being violated.

b. To ensure and preserve public confidence, school board members and local school administrators should have the benefit of specific standards to guide their conduct and of some disciplinary mechanism to ensure the uniform maintenance of those standards among them.

L.1991,c.393,s.2.

18A:12-23. Definitions

For the purposes of this act, unless the context clearly requires a different meaning:

"Administrator" means any officer, other than a board member, or employee of a local school district who (i) holds a position which requires a certificate that authorizes the holder to serve as school administrator, principal, or school business administrator; or (ii) holds a position which does not require that the person hold any type of certificate but is responsible for making recommendations regarding hiring or the purchase or acquisition of any property or services by the local school district; or (iii) holds a position which requires a certificate that authorizes the holder to serve as supervisor and who is responsible for making recommendations regarding hiring or the purchase or acquisition of any property or services by the local school district;

"Board member" means any person holding membership, whether by election or appointment, on any board of education other than the State Board of Education;

"Business" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, political organization, or other legal entity but shall not include a local school district or any other public entity;

"Commission" means the School Ethics Commission established pursuant to section 7 of this act;

"Commissioner" means the Commissioner of Education;

"Interest" means the ownership or control of more than 10% of the profits, assets, or stock of a business but shall not include the control of assets in a labor union;

"Local school district" means any local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes and any jointure commission, county vocational school, county special services district, educational services commission, educational research and demonstration center, environmental education center, and educational information and resource center;

"Member of immediate family" means the spouse or dependent child of a school official residing in the same household;

"Political organization" means a "political committee" or a "continuing political committee" as those terms are defined in "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.);

"Relative" means the spouse, natural or adopted child, parent, or sibling of a school official;

"School official" means a board member, an employee or officer of the New Jersey School Boards Association, but not including any member of the secretarial, clerical or maintenance staff of the association, or an administrator; and

"Spouse" means the person to whom a school official is legally married under New Jersey law.

L.1991,c.393,s.3; amended 1995,c.14,s.1.

18A:12-24. Conflicts of interest

a. No school official or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;

b. No school official shall use or attempt to use his official position to secure unwarranted privileges, advantages or employment for himself, members of his immediate family or others;

c. No school official shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment. No school official shall act in his official capacity in any matter where he or a member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his immediate family;

- d. No school official shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;
- e. No school official, or member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the school official has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the school official in the discharge of his official duties;
- f. No school official shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated;
- g. No school official or business organization in which he has an interest shall represent any person or party other than the school board or school district in connection with any cause, proceeding, application or other matter pending before the school district in which he serves or in any proceeding involving the school district in which he serves or, for officers or employees of the New Jersey School Boards Association, any school district. This provision shall not be deemed to prohibit representation within the context of official labor union or similar representational responsibilities;
- h. No school official shall be deemed in conflict with these provisions if, by reason of his participation in any matter required to be voted upon, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of that business, profession, occupation or group;
- i. No elected member shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the member or a member of his immediate family, whether directly or indirectly, in return therefor;
- j. Nothing shall prohibit any school official, or members of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their, own interests; and
- k. Employees of the New Jersey School Boards Association shall not be precluded from

providing assistance, in the normal course of their duties, to boards of education in the negotiation of a collective bargaining agreement regardless of whether a member of their immediate family is a member of, or covered by, a collective bargaining agreement negotiated by a Statewide union with which a board of education is negotiating.

L.1991,c.393,s.4; amended 1995, c.14, s.2; 1999, c.256.

18A:12-24.1 Code of Ethics for School Board Members.

A school board member shall abide by the following Code of Ethics for School Board Members:

- a. I will uphold and enforce all laws, rules and regulations of the State Board of Education, and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.
- b. I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.
- c. I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.
- d. I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.
- e. I will recognize that authority rests with the board of education and will make no personal promises nor take any private action that may compromise the board.
- f. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.
- g. I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.
- h. I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer.
- i. I will support and protect school personnel in proper performance of their duties.

j. I will refer all complaints to the chief administrative officer and will act on the complaints at public meetings only after failure of an administrative solution.

L.2001,c.178,s.5.

18A:12-25. Disclosure statements of employment, contracts or business with schools

a. On a form to be prescribed by the commission and to be filed annually with the commission, each school official shall state:

(1) whether any relative of the school official or any other person related to the school official by marriage is employed by the school district with which the school official holds office or employment or, for officers or employees of the New Jersey School Boards Association, any school district, and, if so, the name and position of each such relative;

(2) whether the school official or a relative is a party to a contract with the school district with which the school official holds office or employment or, for officers or employees of the New Jersey School Boards Association, any school district, and, if so, the nature of the contract; and

(3) whether the school official or a relative is employed by, receives compensation from, or has an interest in any business which is a party to a contract with the school district with which the school official holds office or employment or, for officers or employees of the New Jersey School Boards Association, any school district, and, if so, the name of each such business.

b. Each statement shall be signed by the school official filing it, and the school official's signature shall constitute a representation of the accuracy of the contents of the statement.

c. A school official who fails to file a statement or who files a statement containing information which the school official knows to be false shall be subject to reprimand, censure, suspension, or removal pursuant to the procedures established in section 9 of P.L.1991, c.393 (C.18A:12-29). Nothing in this subsection shall be construed to prevent or limit criminal prosecution.

d. All statements filed pursuant to this section shall be retained by the commission as public records.

L.1991,c.393,s.5; amended 1995,c.14,s.3.

18A:12-26. Financial disclosure statement

a. Each school official shall annually file a financial disclosure statement with the School Ethics Commission. All financial disclosure statements filed pursuant to this act shall include the following information which shall specify, where applicable, the name and address of each source and the school official's position:

(1) Each source of income, earned or unearned, exceeding \$2,000 received by the school official or a member of his immediate family during the preceding calendar year. Individual client fees, customer receipts or commissions on transactions received through a business organization need not be separately reported as sources of income. If a publicly traded security or interest derived from a financial institution is the source of income, the security or interest derived from a financial institution need not be reported unless the school official or member of his immediate family has an interest in the business organization or financial institution;

(2) Each source of fees and honorariums having an aggregate amount exceeding \$250 from any single source for personal appearances, speeches or writings received by the school official or a member of his immediate family during the preceding calendar year;

(3) Each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding \$250 from any single source, excluding relatives, received by the school official or a member of his immediate family during the preceding calendar year; and

(4) The name and address of all business organizations in which the school official or a member of his immediate family had an interest during the preceding calendar year.

b. The commission shall prescribe a financial disclosure statement form for filing purposes. Initial financial disclosure statements shall be filed within 90 days following the effective date of this act. Thereafter, statements shall be filed on or before April 30th each year.

c. All financial disclosure statements filed shall be public records.

L.1991,c.393,s.6.

18A:12-27. School Ethics Commission

a. There is hereby established in the State Department of Education a commission to be known as the "School Ethics Commission." The commission shall consist of nine members, not more than five of whom shall be from the same political party: two shall be board members; two shall be school administrators; and five shall be persons who are not school officials. All members shall be appointed by the Governor and shall serve at the pleasure of the Governor.

b. Members of the commission shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties under this act.

c. No member of the commission shall serve on or campaign for any office of a political organization during membership on the commission.

d. All members shall serve for a term of three years, except that for the members initially appointed, one board member, one administrator, and one public member shall be appointed for a term of three years; one board member and two public members shall be appointed for a term

of two years; and one administrator and two public members shall be appointed for a term of one year.

e. Each member shall serve until the member's successor has been appointed and qualified. If a school official appointed to the commission ceases to be a school official, the person's appointment to the commission shall expire on the next succeeding July 1, or when the person's successor has been appointed and qualified, whichever occurs earlier. However, the membership of a school official who has been removed from office for official misconduct shall immediately cease upon such removal.

f. Any vacancy occurring in the membership of the commission shall be filled in the same manner as the original appointment for the unexpired term.

g. The members of the commission shall, by majority vote, select from among themselves one member to serve as chairperson for a term not to exceed one year.

L.1991,c.393,s.7.

18A:12-28. Staff appointments; duties; powers

a. The commission may appoint professional employees and clerical staff and may incur expenses which are necessary to carry out the provisions of this act within the limits of funds appropriated or otherwise made available to it for that purpose. All appointments shall be made in accordance with the provisions of Title 11A of the New Jersey Statutes.

b. In order to carry out the provisions of this act, the commission shall have the power to issue advisory opinions, receive complaints filed pursuant to section 9 of this act, receive and retain disclosure statements filed pursuant to sections 5 and 6 of this act, conduct investigations, hold hearings, and compel the attendance of witnesses and the production of documents as it may deem necessary and relevant to such matter under investigation. The members of the commission and persons appointed by it for this purpose are empowered to administer oaths and examine witnesses under oath.

c. A person shall not be excused from testifying or producing evidence on the ground that the testimony or evidence might tend to incriminate the person, but an answer shall not be used or admitted in any proceeding against the person, except in a prosecution for perjury. The foregoing use immunity shall not be granted without prior written approval of the Attorney General. If use immunity is not granted, the person may be excused from testifying or producing evidence on the ground that the testimony or evidence might tend to incriminate the person.

d. The commission shall promptly report to the Attorney General any information which indicates the possible violation of any criminal law.

L.1991,c.393,s.8.

18A:12-29 Complaint procedures.

a. Any person, including a member of the commission, may file a complaint alleging a violation of the provisions of this act or the Code of Ethics for School Board Members as set forth in section 5 of P.L.2001, c.178 (C.18A:12-24.1), by submitting it, on a form prescribed by the commission, to the commission. No complaint shall be accepted by the commission unless it has been signed under oath by the complainant. If a member of the commission submits the complaint, the member shall not participate in any subsequent proceedings on that complaint in the capacity of a commission member. If a commission member serves on the school board of, or is employed by, the school district which employs or on whose board the school official named in the complaint serves, the commission member shall not participate in any subsequent proceedings on that complaint.

b. Upon receipt of a complaint, the commission shall serve a copy of the complaint on each school official named therein and shall provide each named school official with the opportunity to submit a written statement under oath. The commission shall thereafter decide by majority vote whether probable cause exists to credit the allegations in the complaint. If the commission decides that probable cause does not exist, it shall dismiss the complaint and shall so notify the complainant and any school official named in the complaint. The dismissal shall constitute final agency action. If the commission determines that probable cause exists, it shall refer the matter to the Office of Administrative Law for a hearing to be conducted in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and shall so notify the complainant and each school official named in the complaint.

In making a determination regarding an alleged violation of the Code of Ethics for School Board Members, the burden of proof shall be on the accusing party to establish factually a violation of the code. A decision regarding a complaint alleging violations of the code shall be rendered by the commission within 90 days of the receipt of the complaint by the commission.

c. Upon completion of the hearing, the commission, by majority vote, shall determine whether the conduct complained of constitutes a violation of this act, or in the case of a board member, this act or the code of ethics, or whether the complaint should be dismissed. If a violation is found, the commission shall, by majority vote, recommend to the commissioner the reprimand, censure, suspension, or removal of the school official found to have violated this act, or in the case of a board member, this act or the code of ethics. The commission shall state in writing its findings of fact and conclusions of law. The commissioner shall then act on the commission's recommendation regarding the sanction.

d. Any appeal of the commission's determination regarding a violation of this act, or in the case of a board member, this act or the code of ethics, and of the commissioner's decision regarding the sanction shall be to the State Board of Education in accordance with Title 18A of the New Jersey Statutes.

e. If prior to the hearing the commission determines, by majority vote, that the complaint is frivolous, the commission may impose on the complainant a fine not to exceed \$500. The standard for determining whether a complaint is frivolous shall be the same as that provided in subsection b. of section 1 of P.L.1988, c.46 (C.2A:15-59.1).

f. Notwithstanding the provisions of subsections c. and d. of this section, the commission shall be authorized to determine and impose the appropriate sanction including reprimand, censure, suspension or removal of any school official found to have violated this act who is an officer or employee of the New Jersey School Boards Association. Any action of the commission regarding a violation of P.L.1991, c.393 (C.18A:12-21 et seq.) or the sanction to be imposed in the event that the school official involved is an officer or employee of the New Jersey School Boards Association shall be considered final agency action and an appeal of that action shall be directly to the Appellate Division of the Superior Court.

L.1991,c.393,s.9; amended 1995, c.14, s.4; 2001, c.178, s.4.

18A:12-30. Imposition of sanctions

Notwithstanding the provisions of any other law or regulation to the contrary, the sanctions authorized by this act may be imposed on any school official pursuant to the procedures established in section 9 of this act. However, nothing in this act shall be construed to limit the authority of any board of education or any appointing authority to process charges or complaints pursuant to the procedures contained in Titles 18A or 11A of the New Jersey Statutes.

L.1991,c.393,s.10.

18A:12-31. Advisory opinions

A school official may request and obtain from the commission an advisory opinion as to whether any proposed activity or conduct would in its opinion constitute a violation of the provisions of this act. Advisory opinions of the commission shall not be made public, except when the commission, by a vote of at least six members, directs that the opinion be made public. Public advisory opinions shall not disclose the name of the school official.

L.1991,c.393,s.11.

18A:12-32. Jurisdiction preempted on pending matters

The commission shall not process any complaint, issue a final ruling or issue any advisory opinion on a matter actually pending in any court of law or administrative agency of this State.

L.1991,c.393,s.12.

18A:12-33. Training program requirement

Each newly elected or appointed board member shall complete during the first year of the member's first term a training program to be prepared and offered by the New Jersey School

Boards Association regarding the skills and knowledge necessary to serve as a local school board member.

L.1991,c.393,s.13.

18A:12-34. Rules, regulations

The State Board of Education may promulgate regulations pursuant to the "Administrative Procedures Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this act.

L.1991,c.393,s.14.

Appendix C

New Jersey Professional Standards for Teachers

Professional Development Standards for NJ Educators

CONTEXT STANDARDS

Context standards address where learning occurs — the organization, system, or culture — and the organization's responsibilities to ensure results for both adults and students.

PROCESS STANDARDS

Process standards address how the system organizes learning opportunities to ensure adults acquire the knowledge, skills, and dispositions to affect student learning.

CONTENT STANDARDS

Content standards address what educators must understand and be able to apply to ensure students learn successfully.

1. Learning communities: Professional Development that improves the learning of all students organizes adults into learning communities whose goals result from clear, coherent, strategic planning, aligned with school and school district goals, that is embraced and supported by the school district's governing body and by all levels of the school system.

2. Leadership: Professional Development that improves the learning of all students requires skillful school and school district leaders who develop a school culture of shared leadership that fosters continuous improvement, supported by intellectual and financial commitment.

3. Resources: Professional Development that improves the learning of all students requires time and resources to support adult learning and collaboration.

4. Data Driven: Professional Development that improves the learning of all students uses disaggregated student data to determine adult learning priorities, monitor progress, and help sustain continuous improvement.

7. Design: Professional Development that improves the learning of all students uses learning strategies appropriate to the intended goal.

5. Research-based: Professional Development that improves the learning of all students informs teaching, learning, and leadership using the best available interpretations of relevant knowledge, including empirical research.

8. Learning: Professional Development that improves the learning of all students applies knowledge about adult learning and change.

6. Evaluation: Professional Development that improves the learning of all students uses multiple sources of information to guide improvement and demonstrate its impact.

9. Collaboration: Professional Development that improves the learning of all students provides educators with the knowledge and skills to engage in collegial collaboration and learning that is job-embedded and supported by sufficient time.

10. Equity: Professional Development that improves the learning of all students prepares educators to hold high expectations for the achievement of all students and to support their academic, social, emotional, and physical development in a safe, orderly, and supportive learning environment.

knowledge, supports the use of research-based instructional strategies to assist students to meet and exceed the New Jersey Core Curriculum Content Standards and prepares them to use various assessments to modify and improve instruction.

11. Quality Teaching: Professional Development that improves the learning of all students deepens educators' subject matter and pedagogical content

12. Family Involvement: Professional Development that improves the learning of all students empowers educators with knowledge and skills to work effectively with family and community partners.

Professional Development Standards for New Jersey Educators

(Adapted from the National Staff Development Council Standards for Staff Development)

Adopted by the New Jersey Professional Teaching Standards Board 8-11-06

Adopted by the New Jersey School Leaders Professional Development Advisory Committee 10-4-06

Context Standards

Context standards address where learning occurs—the organization, system, or culture—and the organization's responsibilities to ensure results for both adults and students.

- 1. Learning Communities:** Professional Development that improves the learning of all students organizes adults into learning communities whose goals result from clear, coherent, strategic planning, aligned with school and district goals, that is embraced and supported by the district's governing body and by all levels of the school system.
- 2. Leadership:** Professional Development that improves the learning of all students requires skillful school and district leaders who develop a school culture of shared leadership that fosters continuous improvement, supported by intellectual and financial commitment.
- 3. Resources:** Professional Development that improves the learning of all students requires time and resources to support adult learning and collaboration.

Process Standards

Process standards address how the system organizes learning opportunities to ensure adults acquire the knowledge, skills, and dispositions to affect student learning.

- 4. Data Driven:** Professional Development that improves the learning of all students uses disaggregated student data to determine adult learning priorities, monitor progress, and help sustain continuous improvement.
- 5. Research-based:** Professional Development that improves the learning of all students informs teaching, learning, and leadership using the best available interpretations of relevant knowledge, including empirical research.
- 6. Evaluation:** Professional Development that improves the learning of all students uses multiple sources of information to guide improvement and demonstrate its impact.
- 7. Design:** Professional Development that improves the learning of all students uses learning strategies appropriate to the intended goal.
- 8. Learning:** Professional Development that improves the learning of all students applies knowledge about adult learning and change.
- 9. Collaboration:** Professional Development that improves the learning of all students provides educators with the knowledge and skills to engage in collegial collaboration and learning that is job-embedded and supported by sufficient time.

Content Standards

Content standards address what educators must understand and be able to apply to ensure students learn successfully.

10. Equity: Professional Development that improves the learning of all students prepares educators to support the academic, social, emotional, and physical development of all students, create safe, orderly, and supportive learning environments, and hold high expectations for their student achievement.

11. Quality Teaching: Professional Development that improves the learning of all students deepens educators subject matter and pedagogical content knowledge, provides them with research-based instructional strategies to assist students in meeting and exceeding rigorous academic standards, including the New Jersey Core Curriculum Content Standards and prepares them to use various types of classroom assessments appropriately.

12. Family Involvement: Professional Development that improves the learning of all students empowers educators with knowledge and skills to work effectively with family and community partners.

**SUBCHAPTER 3.
PROFESSIONAL STANDARDS FOR TEACHERS AND SCHOOL LEADERS
(adopted by N.J. State Board of Education, 12/17/03)**

6A:9-3.1 Purpose

- (a) The Professional Standards for Teachers identify the knowledge, skills and dispositions that teachers need to practice responsibly.
- (b) The Professional Standards for School Leaders identify the knowledge, skills and dispositions that school leaders need to practice responsibly.
- (c) The Professional Standards for Teachers and the Professional Standards for School Leaders set forth in N.J.A.C. 6A:9-3.3 and 3.4 below shall be used in the accreditation of preparation programs, recommendation of candidates for certification and the approval of professional development.
- (d) The level of mastery of the professional standards for teachers and school leaders shall be on a continuum from pre-service and novice through veteran educator.

6A:9-3.2 Scope

- (a) The Professional Standards for Teachers shall apply to all educators who hold an instructional certificate.
- (b) The Professional Standards for School Leaders shall apply to all administrators who hold a supervisor, principal or school administrator endorsement.

6A:9-3.3 Professional Standards for Teachers

- (a) Teacher preparation, district induction, and professional development programs shall align their learning opportunities with the following standards:

1. Standard One: Subject Matter Knowledge. Teachers shall understand the central concepts, tools of inquiry, structures of the discipline, especially as they relate to the New Jersey Core Curriculum Content Standards (CCCS), and design developmentally appropriate learning experiences making the subject matter accessible and meaningful to all students.

i. Teachers know and understand:

- (1) In-depth the subject matter they plan to teach and the relationship of that discipline to other content areas;
- (2) The evolving nature of the discipline or subject matter knowledge and the need for keeping abreast of new ideas and understanding of the discipline;
- (3) That literacy skills and processes are applicable in all content areas and help students to develop the knowledge, skills and dispositions that enable them to construct meaning and make sense of the world through reading, writing, listening, speaking and viewing; and
- (4) Concepts inherent in numeracy to enable students to represent physical events, work with data, reason, communicate mathematically, and make connections within their respective content areas in order to solve problems.

ii. Teachers value and are committed to:

- (1) Appreciating multiple perspectives and conveying to learners how knowledge is developed from the vantage point of the knower; and
- (2) Enthusiasm for the discipline(s) they teach and in making connections to every day life.

iii. Teachers engage in activities to:

- (1) Promote the development of critical and creative thinking, problem solving and decision making skills by engaging students in formulating and testing hypotheses according to the methods of inquiry and standards of evidence within the discipline;
- (2) Make effective use of multiple representations and explanations of disciplinary concepts that capture key ideas and link them to students' prior understanding; and
- (3) Evaluate teaching resources and curriculum materials for their completeness, accuracy and usefulness for representing particular ideas and concepts.

2. Standard Two: Human Growth and Development. Teachers shall understand how children and adolescents develop and learn in a variety of school, family and community contexts and provide opportunities that support their intellectual, social, emotional and physical development.

i. Teachers know and understand:

- (1) How students construct knowledge, acquire skills and develop habits of mind and how to use instructional strategies that promote student learning;

- (2) How student learning is influenced by individual experiences, talents and prior learning, as well as language, culture, family, and community values; and
- (3) How to identify and teach to the developmental abilities of students, which may include learning differences, visual and perceptual differences, cultural and socio-emotional differences, special physical or emotional challenges and gifted and talented exceptionalities.

ii. Teachers value and are committed to:

- (1) The educability of all children and adolescents;
- (2) The belief that all children and adolescents bring talents and strengths to learning;
- (3) Appreciation for multiple ways of knowing;
- (4) The diverse talents of all students and to helping them develop self-confidence and subject matter competence; and
- (5) The belief that all children and adolescents can learn at high levels and achieve success.

iii. Teachers apply learning theory to accommodate differences in student intelligence, perception, cognitive style and achievement levels.

3. Standard Three: Diverse Learners: Teachers shall understand the practice of culturally responsive teaching.

i. Teachers know and understand:

- (1) How a person's world view is profoundly shaped by his or her life experiences, as mediated by factors such as social class, gender, race, ethnicity, language, sexual orientation, age and special needs;
- (2) The supports for and barriers to culturally responsive teaching in school environments; and
- (3) The process of second language acquisition and strategies to support the learning of students whose first language is not English.

ii. Teachers value and are committed to:

- (1) Respect for individual and cultural differences, and appreciation of the basic worth of each individual and cultural group; and
- (2) The diversity of learning that takes place in the classroom, respect for the talents and perspectives of each student and sensitivity to community and cultural norms.

iii. Teachers engage in activities to:

- (1) Create a learning community in which individual differences are respected;
- (2) Learn about the diverse students they teach, and the students' families and communities;
- (3) Use strategies to support the learning of students whose first language is not English; and
- (4) Use knowledge of students and their lives to design and carry out instruction that builds on students' strengths while meeting their needs and taking into account issues of social class, gender, race, ethnicity, language, sexual orientation, age and special needs.

4. Standard Four: Instructional Planning and Strategies. Teachers shall understand instructional planning, design long and short term plans based upon knowledge of subject matter, students, community, and curriculum goals, and shall employ a variety of developmentally appropriate strategies in order to promote critical thinking, problem solving and the performance skills of all learners.

i. Teachers know and understand:

- (1) How to plan instruction based on students' needs, developmental progress and prior knowledge;
- (2) Available and appropriate resources and materials for instructional planning;
- (3) Techniques for modifying instructional methods, materials and the environment to help all students learn; and
- (4) A variety of instructional approaches and the use of various technologies, to promote thinking and understanding.

ii. Teachers value and are committed to the development of students' critical thinking, independent problem solving and performance capabilities.

iii. Teachers engage in activities to:

- (1) Identify and design instruction appropriate to students' stage of development, learning styles, strengths and needs;
- (2) Plan instruction based on knowledge of classroom, school and community culture;
- (3) Evaluate teaching resources and curriculum materials for their comprehensiveness, accuracy and usefulness for representing particular ideas and concepts;
- (4) Identify strategies to create learning experiences that make subject matter meaningful for students, address a variety of learning styles, encourage students to pursue their own interests and inquiries and help students connect their learning to personal goals;
- (5) Plan and develop effective lessons by organizing instructional activities and materials, incorporating a wide range of community and technology resources, to promote achievement of lesson objectives;

- (6) Use formal and informal methods of assessment, information about students, pedagogical knowledge, and research as sources for active reflection, evaluation and revision of practice; and
- (7) Create interdisciplinary learning experiences that allow students to integrate knowledge, skills and methods of inquiry from several subject areas.

5. Standard Five: Assessment. Teachers shall understand and use multiple assessment strategies and interpret results to evaluate and promote student learning and to modify instruction in order to foster the continuous development of students.

i. Teachers know and understand:

- (1) The characteristics, uses, advantages, and limitations of different types of assessments (for example, criterion-referenced and norm-referenced instruments, traditional standardized and performance-based tests, observation systems and assessments of student work) for evaluating how students learn, what they know and are able to do, and what kinds of experiences will support their further growth and development; and
- (2) Measurement theory and assessment-related issues, such as validity, reliability, bias and scoring concerns.

ii. Teachers value and are committed to the belief that students' strengths are the basis for growth and their errors are opportunities for learning.

iii. Teachers engage in activities to:

- (1) Analyze student performance using multiple sources of data, and to modify future plans and instructional techniques that promote desired student learning outcomes;
- (2) Provide students with constructive feedback on their learning and encourage their use of data and self-assessment strategies to monitor their progress toward personal goals;
- (3) Accurately document and report assessment data and ongoing student data to parents and professional staff; and
- (4) Enhance their knowledge of learners and evaluate students' progress and performance using a variety of formal and informal assessment techniques to modify teaching and learning strategies.

6. Standard Six: Learning Environment. Teachers shall understand individual and group motivation and behavior and shall create a supportive, safe and respectful learning environment that encourages positive social interaction, active engagement in learning and self-motivation.

i. Teachers know and understand:

- (1) The principles and strategies of effective classroom management that promote positive relationships, cooperation and purposeful learning activities in the classroom;
- (2) How the classroom environment influences learning and promotes positive behavior for all students; and
- (3) How classroom participation supports student commitment.

ii. Teachers value and are committed to:

- (1) The role of students in promoting each other's learning and recognize the importance of peer relationships in creating a climate of learning;
- (2) Taking responsibility for establishing a positive climate in the classroom and participation in maintaining such a climate in the school as a whole; and
- (3) The expression and use of democratic values in the classroom.

iii. Teachers engage in activities to:

- (1) Maintain a learning community in which students assume responsibility for themselves and one another, participate in decision making and work collaboratively and independently;
- (2) Create a safe and secure classroom climate for all students, by practicing effective listening and group facilitation skills;
- (3) Create a positive classroom climate which is socially, emotionally and physically safe;
- (4) Establish and maintain appropriate standards of behavior;
- (5) Use instructional time effectively; and
- (6) Prepare students for and monitor independent and group work that allows for full and varied participation of all individuals.

7. Standard Seven: Special Needs. Teachers shall adapt and modify instruction to accommodate the special learning needs of all students.

i. Teachers know and understand:

- (1) How to access information regarding applicable laws, rules, regulations and procedural safeguards regarding planning and implementing the individual education program; and
- (2) Available resources related to educational strategies to accommodate individual differences and to employ positive behavioral intervention techniques to students with special needs.

ii. Teachers value and are committed to the belief that children and adolescents with special needs can learn at high levels and achieve success.

iii. Teachers engage in activities to:

- (1) Apply knowledge of students' abilities/disabilities, experiences, talents and prior learning as well as language, culture, economics, family and community values to positively impact student learning;
- (2) Employ appropriate diagnostic measures and interpret the results to implement strategies that influence learning;
- (3) Participate in the design and implementation of the Individualized Education Program (IEP), where appropriate;
- (4) Meet the needs of all learners by using a wide range of teaching techniques to accommodate and modify strategies, services and resources, including technology; and
- (5) Make appropriate provisions, in terms of time and circumstances for work, task assigned, communication and response modes, for individual students who have particular learning differences or needs.

8. Standard Eight: Communication. Teachers shall use knowledge of effective verbal, nonverbal and written communication techniques and the tools of information literacy to foster the use of inquiry, collaboration and supportive interactions.

i. Teachers know and understand the power of communication in the teaching and learning process.

ii. Teachers value and are committed to:

- (1) Appreciating the cultural dimension of communication, responding appropriately and seeking to foster culturally sensitive communication by and among all students in the class; and
- (2) Being a thoughtful and responsive listener.

iii. Teachers engage in activities to:

- (1) Communicate clearly in English, using precise language and appropriate oral and written expressions;
- (2) Assist students individually or as a member of a group to access, evaluate, synthesize and use information effectively to accomplish a specific purpose;
- (3) Use effective verbal and nonverbal techniques which foster individual and collective inquiry;
- (4) Model effective communication strategies and questioning techniques in conveying ideas and stimulating critical thinking; and
- (5) Communicate in a variety of ways that demonstrate a sensitivity to cultural, linguistic, gender and social differences.

9. Standard Nine: Collaboration and Partnerships. Teachers shall build relationships with parents, guardians, families and agencies in the larger community to support students' learning and well-being.

i. Teachers know and understand:

- (1) The importance of meaningful parent/family involvement in education in addressing the unique student needs and the perspectives to be gained from effective school/home interactions that contribute to high quality teaching and learning;
- (2) The role of the school within the community and how to utilize diverse partnerships to contribute to student learning and development; and
- (3) How to collaborate with all stakeholders regarding decision-making and the well-being of students while respecting student/family privacy and confidentiality.

ii. Teachers value and are committed to:

- (1) Recognizing the role of parents, guardians and other family members as a child's primary teacher;
- (2) Being concerned about all aspects of the student's well-being and working with parents/families to provide diverse opportunities for student success; and
- (3) Being willing to work with parents/families and other professionals to improve the overall learning environment for students.

iii. Teachers engage in activities to:

- (1) Identify and utilize family and community resources to foster student learning and provide opportunities for parents to share skills and talents that enrich learning experiences;

- (2) Establish respectful and productive relationships and to develop cooperative partnerships with diverse families, educators and others in the community in support of student learning and well-being; and
- (3) Institute parent/family involvement practices that support meaningful communication, parenting skills, enriched student learning, volunteer and decision-making opportunities at school and collaboration to strengthen the teaching and learning environment of the school.

10. Standard Ten: Professional Development. Teachers shall participate as active, responsible members of the professional community, engaging in a wide range of reflective practices, pursuing opportunities to grow professionally and establishing collegial relationships to enhance the teaching and learning process.

i. Teachers know and understand how education research and other methods of inquiry can be used as a means for continuous learning, self assessment and development.

ii. Teachers value and are committed to:

- (1) Refining practices that address the needs of all students and the school community;
- (2) Professional reflection, assessment and learning as an ongoing process; and
- (3) Collaboration with colleagues to give and receive help.

iii. Teachers engage in activities to:

- (1) Use reflective practice and the Professional Development Standards to set goals for their professional development plans;
- (2) Learn through professional education organizations; and
- (3) Make the entire school a productive learning climate through participation in collegial activities.

Standards for School Leaders

Standard 1

A school administrator is an educational leader who promotes the success of all students by **facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community.**

Knowledge

The administrator has knowledge and understanding of:

- learning goals in a pluralistic society
- the principles of developing and implementing strategic plans
- systems theory
- information sources, data collection, and data analysis strategies
- effective communication
- effective consensus-building and negotiation skills

Dispositions

The administrator believes in, values, and is committed to:

- the educability of all
- a school vision of high standards of learning
- continuous school improvement
- the inclusion of all members of the school community
- ensuring that students have the knowledge, skills, and values needed to become successful adults
- a willingness to continuously examine one's own assumptions, beliefs, and practices
- doing the work required for high levels of personal and organization performance

Performances

The administrator facilitates processes and engages in activities ensuring that:

- the vision and mission of the school are effectively communicated to staff, parents, students, and community members
- the vision and mission are communicated through the use of symbols, ceremonies, stories, and similar activities
- the core beliefs of the school vision are modeled for all stakeholders
- the vision is developed with and among stakeholders
- the contributions of school community members to the realization of the vision are recognized and celebrated
- progress toward the vision and mission is communicated to all stakeholders
- the school community is involved in school improvement efforts
- the vision shapes the educational programs, plans, and activities
- the vision shapes the educational programs, plans, and actions
- an implementation plan is developed in which objectives and strategies to achieve the vision and goals are clearly articulated
- assessment data related to student learning are used to develop the school vision and goals
- relevant demographic data pertaining to students and their families are used in developing the school mission and goals
- barriers to achieving the vision are identified, clarified, and addressed
- needed resources are sought and obtained to support the implementation of the school mission and goals
- existing resources are used in support of the school vision and goals
- the vision, mission, and implementation plans are regularly monitored, evaluated, and revised

Standard 2

A school administrator is an educational leader who promotes the success of all students by **advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth.**

Knowledge

The administrator has knowledge and understanding of:

- student growth and development
- applied learning theories
- applied motivational theories
- curriculum design, implementation, evaluation, and refinement
- principles of effective instruction
- measurement, evaluation, and assessment strategies
- diversity and its meaning for educational programs
- adult learning and professional development models
- the change process for systems, organizations, and individuals
- the role of technology in promoting student learning and professional growth
- school cultures

Dispositions

The administrator believes in, values, and is committed to:

- student learning as the fundamental purpose of schooling
- the proposition that all students can learn
- the variety of ways in which students can learn
- life long learning for self and others
- professional development as an integral part of school improvement
- the benefits that diversity brings to the school community
- a safe and supportive learning environment
- preparing students to be contributing members of society

Performances

The administrator facilitates processes and engages in activities ensuring that:

- all individuals are treated with fairness, dignity, and respect
- professional development promotes a focus on student learning consistent with the school vision and goals
- students and staff feel valued and important
- the responsibilities and contributions of each individual are acknowledged
- barriers to student learning are identified, clarified, and addressed
- diversity is considered in developing learning experiences
- life long learning is encouraged and modeled
- there is a culture of high expectations for self, student, and staff performance
- technologies are used in teaching and learning
- student and staff accomplishments are recognized and celebrated
- multiple opportunities to learn are available to all students
- the school is organized and aligned for success
- curricular, co-curricular, and extra-curricular programs are designed, implemented, evaluated, and refined
- curriculum decisions are based on research, expertise of teachers, and the recommendations of learned societies
- the school culture and climate are assessed on a regular basis
- a variety of sources of information is used to make decisions
- student learning is assessed using a variety of techniques
- multiple sources of information regarding performance are used by staff and students
- a variety of supervisory and evaluation models is employed
- pupil personnel programs are developed to meet the needs of students and their families

Standard 3

A school administrator is an educational leader who promotes the success of all students by **ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment.**

Knowledge

The administrator has knowledge and understanding of:

- theories and models of organizations and the principles of organizational development
- operational procedures at the school and district level
- principles and issues relating to school safety and security
- human resources management and development
- principles and issues relating to fiscal operations of school management
- principles and issues relating to school facilities and use of space
- legal issues impacting school operations
- current technologies that support management functions

Dispositions

The administrator believes in, values, and is committed to:

- making management decisions to enhance learning and teaching
- taking risks to improve schools
- trusting people and their judgments
- accepting responsibility
- high-quality standards, expectations, and performances
- involving stakeholders in management processes
- a safe environment

Performances

The administrator facilitates processes and engages in activities ensuring that:

- knowledge of learning, teaching, and student development is used to inform management decisions
- operational procedures are designed and managed to maximize opportunities for successful learning
- emerging trends are recognized, studied, and applied as appropriate
- operational plans and procedures to achieve the vision and goals of the school are in place
- collective bargaining and other contractual agreements related to the school are effectively managed
- the school plant, equipment, and support systems operate safely, efficiently, and effectively
- time is managed to maximize attainment of organizational goals
- potential problems and opportunities are identified
- problems are confronted and resolved in a timely manner
- financial, human, and material resources are aligned to the goals of schools
- the school acts entrepreneurially to support continuous improvement
- organizational systems are regularly monitored and modified as needed
- stakeholders are involved in decisions affecting schools
- responsibility is shared to maximize ownership and accountability
- effective problem-framing and problem-solving skills are used
- effective conflict resolution skills are used
- effective group-process and consensus-building skills are used
- effective communication skills are used
- there is effective use of technology to manage school operations
- fiscal resources of the school are managed responsibly, efficiently, and effectively
- a safe, clean, and aesthetically pleasing school environment is created and maintained
- human resource functions support the attainment of school goals
- confidentiality and privacy of school records are maintained

Standard 4

A school administrator is an educational leader who promotes the success of all students by **collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources.**

Knowledge

The administrator has knowledge and understanding of:

- emerging issues and trends that potentially impact the school community
- the conditions and dynamics of the diverse school community
- community resources
- community relations and marketing strategies and processes
- successful models of school, family, business, community, government and higher education partnerships

Dispositions

The administrator believes in, values, and is committed to:

- schools operating as an integral part of the larger community
- collaboration and communication with families
- involvement of families and other stakeholders in school decision-making processes
- the proposition that diversity enriches the school
- families as partners in the education of their children
- the proposition that families have the best interests of their children in mind
- resources of the family and community needing to be brought to bear on the education of students
- an informed public

Performances

The administrator facilitates processes and engages in activities ensuring that:

- high visibility, active involvement, and communication with the larger community is a priority
- relationships with community leaders are identified and nurtured
- information about family and community concerns, expectations, and needs is used regularly
- there is outreach to different business, religious, political, and service agencies and organizations
- credence is given to individuals and groups whose values and opinions may conflict
- the school and community serve one another as resources
- available community resources are secured to help the school solve problems and achieve goals
- partnerships are established with area businesses, institutions of higher education, and community groups to strengthen programs and support school goals
- community youth family services are integrated with school programs
- community stakeholders are treated equitably
- diversity is recognized and valued
- effective media relations are developed and maintained
- a comprehensive program of community relations is established
- public resources and funds are used appropriately and wisely
- community collaboration is modeled for staff
- opportunities for staff to develop collaborative skills are provided

Standard 5

A school administrator is an educational leader who promotes the success of all students by **acting with integrity, fairness, and in an ethical manner.**

Knowledge

The administrator has knowledge and understanding of:

- the purpose of education and the role of leadership in modern society
- various ethical frameworks and perspectives on ethics
- the values of the diverse school community
- professional codes of ethics
- the philosophy and history of education

Dispositions

The administrator believes in, values, and is committed to:

- the ideal of the common good
- the principles in the Bill of Rights
- the right of every student to a free, quality education
- bringing ethical principles to the decision-making process
- subordinating one's own interest to the good of the school community
- accepting the consequences for upholding one's principles and actions
- using the influence of one's office constructively and productively in the service of all students and their families
- development of a caring school community

Performances

The administrator:

- examines personal and professional values
 - demonstrates a personal and professional code of ethics
 - demonstrates values, beliefs, and attitudes that inspire others to higher levels of performance
 - serves as a role model
 - accepts responsibility for school operations
 - considers the impact of one's administrative practices on others
 - uses the influence of the office to enhance the educational program rather than for personal gain
 - treats people fairly, equitably, and with dignity and respect
 - protects the rights and confidentiality of students and staff
 - demonstrates appreciation for and sensitivity to the diversity in the school community
 - recognizes and respects the legitimate authority of others
 - examines and considers the prevailing values of the diverse school community
 - expects that others in the school community will demonstrate integrity and exercise ethical behavior
 - opens the school to public scrutiny
 - fulfills legal and contractual obligations
 - applies laws and procedures fairly, wisely, and considerately
-

Standard 6

A school administrator is an educational leader who promotes the success of all students by **understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.**

Knowledge

The administrator has knowledge and understanding of:

- principles of representative governance that undergird the system of American schools
- the role of public education in developing and renewing a democratic society and an economically productive nation
- the law as related to education and schooling
- the political, social, cultural and economic systems and processes that impact schools
- models and strategies of change and conflict resolution as applied to the larger political, social, cultural and economic contexts of schooling
- global issues and forces affecting teaching and learning
- the dynamics of policy development and advocacy under our democratic political system
- the importance of diversity and equity in a democratic society

Dispositions

The administrator believes in, values, and is committed to:

- education as a key to opportunity and social mobility
- recognizing a variety of ideas, values, and cultures
- importance of a continuing dialogue with other decision makers affecting education
- actively participating in the political and policy-making context in the service of education
- using legal systems to protect student rights and improve student opportunities

Performances

The administrator facilitates processes and engages in activities ensuring that:

- the environment in which schools operate is influenced on behalf of students and their families
- communication occurs among the school community concerning trends, issues, and potential changes in the environment in which schools operate
- there is ongoing dialogue with representatives of diverse community groups
- the school community works within the framework of policies, laws, and regulations enacted by local, state, and federal authorities
- public policy is shaped to provide quality education for students
- lines of communication are developed with decision makers outside the school community

Appendix D
Historical Traditions in Teacher Preparation

Historical Traditions in Teacher Preparation

INSTITUTION	ELEMENTS/THEMES	CLIENTELE
Normal School and Teachers Colleges	Art and science of teaching Professional treatment of subject matter.	Elementary Teachers
Liberal Arts Colleges	Liberal arts as preparation for teaching. Educational as liberal art.	Secondary Teachers
University Schools of Education	Research ideal. Education as applied social science. Professional through graduate study.	Educational Leaders

Appendix E
Codes of Helping Professions

Ethical Principles of Psychologists and Code Of Conduct 2002

History and Effective Date Footnote

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INTRODUCTION AND APPLICABILITY

The American Psychological Association's (APA's) Ethical Principles of Psychologists and Code of Conduct (hereinafter referred to as the Ethics Code) consists of an Introduction, a Preamble, five General Principles (A – E), and specific Ethical Standards. The Introduction discusses the intent, organization, procedural considerations, and scope of application of the Ethics Code. The Preamble and General Principles are aspirational goals to guide psychologists toward the highest ideals of psychology. Although the Preamble and General Principles are not themselves enforceable rules, they should be considered by psychologists in arriving at an ethical course of action. The Ethical Standards set forth enforceable rules for conduct as psychologists. Most of the Ethical Standards are written broadly, in order to apply to psychologists in varied roles, although the application of an Ethical Standard may vary depending on the context. The Ethical Standards are not exhaustive. The fact that a given conduct is not specifically addressed by an Ethical Standard does not mean that it is necessarily either ethical or unethical.

This Ethics Code applies only to psychologists' activities that are part of their scientific, educational, or professional roles as psychologists. Areas covered include but are not limited to the clinical, counseling, and school practice of psychology; research; teaching; supervision of trainees; public service; policy development; social intervention; development of assessment instruments; conducting assessments; educational counseling; organizational consulting; forensic activities; program design and evaluation; and administration. This Ethics Code applies to these activities across a variety of contexts, such as in person, postal, telephone, internet, and other electronic transmissions. These activities shall be distinguished from the purely private conduct of psychologists, which is not within the purview of the Ethics Code.

Membership in the APA commits members and student affiliates to comply with the standards of the APA Ethics Code and to the rules and procedures used to enforce them. Lack of awareness or misunderstanding of an Ethical Standard is not itself a defense to a charge of unethical conduct.

The procedures for filing, investigating, and resolving complaints of unethical conduct are described in the current Rules and Procedures of the APA Ethics Committee. APA may impose sanctions on its members for violations of the standards of the Ethics Code, including termination of APA membership, and may notify other bodies and individuals of its actions. Actions that violate the standards of the Ethics Code may also lead to the imposition of sanctions on psychologists or students whether or not they are APA members by bodies other than APA, including state psychological associations, other professional groups, psychology boards, other state or federal agencies, and payors for health services. In addition, APA may take action against a member after his or her conviction of a felony, expulsion or suspension from an affiliated state psychological association, or suspension or loss of licensure. When the sanction to be imposed by APA is less than expulsion, the 2001 Rules and Procedures do not guarantee an opportunity for an in-person hearing, but generally provide that complaints will be resolved only on the basis of a submitted record.

The Ethics Code is intended to provide guidance for psychologists and standards of professional conduct that can be applied by the APA and by other bodies that choose to adopt them. The Ethics Code is not intended to be a basis of civil liability. Whether a psychologist has violated the Ethics Code standards does not by itself determine whether the psychologist is legally liable in a court action, whether a contract is enforceable, or whether other legal consequences occur.

The modifiers used in some of the standards of this Ethics Code (e.g., *reasonably*, *appropriate*, *potentially*) are included in the standards when they would (1) allow professional judgment on the part of psychologists, (2) eliminate injustice or inequality that would occur without the modifier, (3) ensure applicability across the broad range of activities conducted by psychologists, or (4) guard against a set of rigid rules that might be quickly outdated. As used in this Ethics Code, the term *reasonable* means the prevailing professional judgment of psychologists engaged in similar activities in similar circumstances, given the knowledge the psychologist had or should have had at the time.

In the process of making decisions regarding their professional behavior, psychologists must consider this Ethics Code in addition to applicable laws and psychology board regulations. In applying the Ethics Code to their professional work, psychologists may consider other materials and guidelines that have been adopted or endorsed by scientific and professional psychological organizations and the dictates of their own conscience, as well as consult with others within the field. If this Ethics Code establishes a higher standard of conduct than is required by law, psychologists must meet the higher ethical standard. If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to this Ethics Code and take steps to resolve the conflict in a responsible manner. If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing authority in keeping with basic principles of human rights.

PREAMBLE

Psychologists are committed to increasing scientific and professional knowledge of behavior and people's understanding of themselves and others and to the use of such knowledge to improve the condition of individuals, organizations, and society. Psychologists respect and protect civil and human rights and the central importance of freedom of inquiry and expression in research, teaching, and publication. They strive to help the public in developing informed judgments and choices concerning human behavior. In doing so, they perform many roles, such as researcher, educator, diagnostician, therapist, supervisor, consultant, administrator, social interventionist, and expert witness. This Ethics Code provides a common set of principles and standards upon which psychologists build their professional and scientific work.

This Ethics Code is intended to provide specific standards to cover most situations encountered by psychologists. It has as its goals the welfare and protection of the individuals and groups with whom psychologists work and the education of members, students, and the public regarding ethical standards of the discipline.

The development of a dynamic set of ethical standards for psychologists' work-related conduct requires a personal commitment and lifelong effort to act ethically; to encourage ethical behavior by students, supervisees, employees, and colleagues; and to consult with others concerning ethical problems.

GENERAL PRINCIPLES

This section consists of General Principles. General Principles, as opposed to Ethical Standards, are aspirational in nature. Their intent is to guide and inspire psychologists toward the very highest ethical ideals of the profession. General Principles, in contrast to Ethical Standards, do not represent obligations and should not form the basis for imposing sanctions. Relying upon General Principles for either of these reasons distorts both their meaning and purpose.

Principle A: Beneficence and Nonmaleficence

Psychologists strive to benefit those with whom they work and take care to do no harm. In their professional actions, psychologists seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons, and the welfare of animal subjects of research. When conflicts occur among psychologists' obligations or concerns, they attempt to resolve these conflicts in a responsible fashion that avoids or minimizes harm. Because psychologists' scientific and professional judgments and actions may affect the lives of others, they are alert to and guard against personal, financial, social, organizational, or political factors that might lead to misuse of their influence. Psychologists strive to be aware of the possible effect of their own physical and mental health on their ability to help those with whom they work.

Principle B: Fidelity and Responsibility

Psychologists establish relationships of trust with those with whom they work. They are aware of their professional and scientific responsibilities to society and to the specific communities in which they work. Psychologists uphold professional standards of conduct, clarify their professional roles and obligations, accept appropriate responsibility for their behavior, and seek to manage conflicts of interest that could lead to exploitation or harm. Psychologists consult with, refer to, or cooperate with other professionals and institutions to the extent needed to serve the best interests of those with whom they work. They are concerned about the ethical compliance of their colleagues' scientific and professional conduct. Psychologists strive to contribute a portion of their professional time for little or no compensation or personal advantage.

Principle C: Integrity

Psychologists seek to promote accuracy, honesty, and truthfulness in the science, teaching, and practice of psychology. In these activities psychologists do not steal, cheat, or engage in fraud, subterfuge, or intentional misrepresentation of fact. Psychologists strive to keep their promises and to avoid unwise or unclear commitments. In situations in which deception may be ethically justifiable to maximize benefits and minimize harm, psychologists have a serious obligation to consider the need for, the possible consequences of, and their responsibility to correct any resulting mistrust or other harmful effects that arise from the use of such techniques.

Principle D: Justice

Psychologists recognize that fairness and justice entitle all persons to access to and benefit from the contributions of psychology and to equal quality in the processes, procedures, and services being conducted by psychologists. Psychologists exercise reasonable judgment and take precautions to ensure that their potential biases, the boundaries of their competence, and the limitations of their expertise do not lead to or condone unjust practices.

Principle E: Respect for People's Rights and Dignity

Psychologists respect the dignity and worth of all people, and the rights of individuals to privacy, confidentiality, and self-determination. Psychologists are aware that special safeguards may be necessary to protect the rights and welfare of persons or communities whose vulnerabilities impair autonomous decision making. Psychologists are aware of and respect cultural, individual, and role differences, including those based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status and consider these factors when working with members of such groups. Psychologists try to eliminate the effect on their work of biases based on those factors, and they do not knowingly participate in or condone activities of others based upon such prejudices.

ETHICAL STANDARDS

1. Resolving Ethical Issues

1.01 Misuse of Psychologists' Work

If psychologists learn of misuse or misrepresentation of their work, they take reasonable steps to correct or minimize the misuse or misrepresentation.

1.02 Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority

If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict. If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority.

1.03 Conflicts Between Ethics and Organizational Demands

If the demands of an organization with which psychologists are affiliated or for whom they are working conflict with this Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and to the extent feasible, resolve the conflict in a way that permits adherence to the Ethics Code.

1.04 Informal Resolution of Ethical Violations

When psychologists believe that there may have been an ethical violation by another psychologist, they attempt to resolve the issue by bringing it to the attention of that individual, if an informal resolution appears appropriate and the intervention does not violate any confidentiality rights that may be involved. (See also Standards 1.02, Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority, and 1.03, Conflicts Between Ethics and Organizational Demands.)

1.05 Reporting Ethical Violations

If an apparent ethical violation has substantially harmed or is likely to substantially harm a person or organization and is not appropriate for informal resolution under Standard 1.04, Informal Resolution of Ethical Violations, or is not resolved properly in that fashion, psychologists take further action appropriate to the situation. Such action might include referral to state or national committees on professional ethics, to state licensing boards, or to the appropriate institutional authorities. This standard does not apply when an intervention would violate confidentiality rights or when psychologists have been retained to review the work of another psychologist whose professional conduct is in question. (See also Standard 1.02, Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority.)

1.06 Cooperating With Ethics Committees

Psychologists cooperate in ethics investigations, proceedings, and resulting requirements of the APA or any affiliated state psychological association to which they belong. In doing so, they address any confidentiality issues. Failure to cooperate is itself an ethics violation. However, making a request for deferment of adjudication of an ethics complaint pending the outcome of litigation does not alone constitute noncooperation.

1.07 Improper Complaints

Psychologists do not file or encourage the filing of ethics complaints that are made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

1.08 Unfair Discrimination Against Complainants and Respondents

Psychologists do not deny persons employment, advancement, admissions to academic or other programs, tenure, or promotion, based solely upon their having made or their being the subject of an ethics complaint. This does not preclude taking action based upon the outcome of such proceedings or considering other appropriate information.

2. Competence

2.01 Boundaries of Competence

(a) Psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience.

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(b) Where scientific or professional knowledge in the discipline of psychology establishes that an understanding of factors associated with age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status is essential for effective implementation of their services or research, psychologists have or obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals, except as provided in Standard 2.02, *Providing Services in Emergencies*.

(c) Psychologists planning to provide services, teach, or conduct research involving populations, areas, techniques, or technologies new to them undertake relevant education, training, supervised experience, consultation, or study.

(d) When psychologists are asked to provide services to individuals for whom appropriate mental health services are not available and for which psychologists have not obtained the competence necessary, psychologists with closely related prior training or experience may provide such services in order to ensure that services are not denied if they make a reasonable effort to obtain the competence required by using relevant research, training, consultation, or study.

(e) In those emerging areas in which generally recognized standards for preparatory training do not yet exist, psychologists nevertheless take reasonable steps to ensure the competence of their work and to protect clients/patients, students, supervisees, research participants, organizational clients, and others from harm.

(f) When assuming forensic roles, psychologists are or become reasonably familiar with the judicial or administrative rules governing their roles.

2.02 Providing Services in Emergencies

In emergencies, when psychologists provide services to individuals for whom other mental health services are not available and for which psychologists have not obtained the necessary training, psychologists may provide such services in order to ensure that services are not denied. The services are discontinued as soon as the emergency has ended or appropriate services are available.

2.03 Maintaining Competence

Psychologists undertake ongoing efforts to develop and maintain their competence.

2.04 Bases for Scientific and Professional Judgments

Psychologists' work is based upon established scientific and professional knowledge of the discipline. (See also Standards 2.01e, *Boundaries of Competence*, and 10.01b, *Informed Consent to Therapy*.)

2.05 Delegation of Work to Others

Psychologists who delegate work to employees, supervisees, or research or teaching assistants or who use the services of others, such as interpreters, take reasonable steps to (1) avoid delegating such work to persons who have a multiple relationship with those being served that would likely lead to exploitation or loss of objectivity; (2) authorize only those responsibilities that such persons can be expected to perform competently on the basis of their education, training, or experience, either independently or with the level of supervision being provided; and (3) see that such persons perform these services competently. (See also Standards 2.02, *Providing Services in Emergencies*; 3.05, *Multiple Relationships*; 4.01, *Maintaining Confidentiality*; 9.01, *Bases for Assessments*; 9.02, *Use of Assessments*; 9.03, *Informed Consent in Assessments*; and 9.07, *Assessment by Unqualified Persons*.)

2.06 Personal Problems and Conflicts

(a) Psychologists refrain from initiating an activity when they know or should know that there is a substantial likelihood that their personal problems will prevent them from performing their work-related activities in a competent manner.

(b) When psychologists become aware of personal problems that may interfere with their performing work-related duties adequately, they take appropriate measures, such as obtaining professional consultation or assistance, and determine whether they should limit, suspend, or terminate their work-related duties. (See also Standard 10.10, *Terminating Therapy*.)

3. Human Relations

3.01 Unfair Discrimination

In their work-related activities, psychologists do not engage in unfair discrimination based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law.

3.02 Sexual Harassment

Psychologists do not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the psychologist's activities or roles as a psychologist, and that either (1) is unwelcome, is offensive, or creates a hostile workplace or educational environment, and the psychologist knows or is told this or (2) is sufficiently severe or intense to be abusive to a reasonable person in

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the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts. (See also Standard 1.08, Unfair Discrimination Against Complainants and Respondents.)

3.03 Other Harassment

Psychologists do not knowingly engage in behavior that is harassing or demeaning to persons with whom they interact in their work based on factors such as those persons' age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status.

3.04 Avoiding Harm

Psychologists take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organizational clients, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.

3.05 Multiple Relationships

(a) A multiple relationship occurs when a psychologist is in a professional role with a person and (1) at the same time is in another role with the same person, (2) at the same time is in a relationship with a person closely associated with or related to the person with whom the psychologist has the professional relationship, or (3) promises to enter into another relationship in the future with the person or a person closely associated with or related to the person.

A psychologist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence, or effectiveness in performing his or her functions as a psychologist, or otherwise risks exploitation or harm to the person with whom the professional relationship exists.

Multiple relationships that would not reasonably be expected to cause impairment or risk exploitation or harm are not unethical.

(b) If a psychologist finds that, due to unforeseen factors, a potentially harmful multiple relationship has arisen, the psychologist takes reasonable steps to resolve it with due regard for the best interests of the affected person and maximal compliance with the Ethics Code.

(c) When psychologists are required by law, institutional policy, or extraordinary circumstances to serve in more than one role in judicial or administrative proceedings, at the outset they clarify role expectations and the extent of confidentiality and thereafter as changes occur. (See also Standards 3.04, Avoiding Harm, and 3.07, Third-Party Requests for Services.)

3.06 Conflict of Interest

Psychologists refrain from taking on a professional role when personal, scientific, professional, legal, financial, or other interests or relationships could reasonably be expected to (1) impair their objectivity, competence, or effectiveness in performing their functions as psychologists or (2) expose the person or organization with whom the professional relationship exists to harm or exploitation.

3.07 Third-Party Requests for Services

When psychologists agree to provide services to a person or entity at the request of a third party, psychologists attempt to clarify at the outset of the service the nature of the relationship with all individuals or organizations involved. This clarification includes the role of the psychologist (e.g., therapist, consultant, diagnostician, or expert witness), an identification of who is the client, the probable uses of the services provided or the information obtained, and the fact that there may be limits to confidentiality. (See also Standards 3.05, Multiple Relationships, and 4.02, Discussing the Limits of Confidentiality.)

3.08 Exploitative Relationships

Psychologists do not exploit persons over whom they have supervisory, evaluative, or other authority such as clients/patients, students, supervisees, research participants, and employees. (See also Standards 3.05, Multiple Relationships; 6.04, Fees and Financial Arrangements; 6.05, Barter With Clients/Patients; 7.07, Sexual Relationships With Students and Supervisees; 10.05, Sexual Intimacies With Current Therapy Clients/Patients; 10.06, Sexual Intimacies With Relatives or Significant Others of Current Therapy Clients/Patients; 10.07, Therapy With Former Sexual Partners; and 10.08, Sexual Intimacies With Former Therapy Clients/Patients.)

3.09 Cooperation With Other Professionals

When indicated and professionally appropriate, psychologists cooperate with other professionals in order to serve their clients/patients effectively and appropriately. (See also Standard 4.05, Disclosures.)

3.10 Informed Consent

(a) When psychologists conduct research or provide assessment, therapy, counseling, or consulting services in person or via electronic transmission or other forms of communication, they obtain the informed consent of the individual or individuals using language that is reasonably understandable to that person or persons except when conducting such activities without consent is mandated by law or governmental regulation or as otherwise provided in this Ethics Code.

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(See also Standards 8.02, Informed Consent to Research; 9.03, Informed Consent in Assessments; and 10.01, Informed Consent to Therapy.)

(b) For persons who are legally incapable of giving informed consent, psychologists nevertheless (1) provide an appropriate explanation, (2) seek the individual's assent, (3) consider such persons' preferences and best interests, and (4) obtain appropriate permission from a legally authorized person, if such substitute consent is permitted or required by law. When consent by a legally authorized person is not permitted or required by law, psychologists take reasonable steps to protect the individual's rights and welfare.

(c) When psychological services are court ordered or otherwise mandated, psychologists inform the individual of the nature of the anticipated services, including whether the services are court ordered or mandated and any limits of confidentiality, before proceeding.

(d) Psychologists appropriately document written or oral consent, permission, and assent. (See also Standards 8.02, Informed Consent to Research; 9.03, Informed Consent in Assessments; and 10.01, Informed Consent to Therapy.)

3.11 Psychological Services Delivered To or Through Organizations

(a) Psychologists delivering services to or through organizations provide information beforehand to clients and when appropriate those directly affected by the services about (1) the nature and objectives of the services, (2) the intended recipients, (3) which of the individuals are clients, (4) the relationship the psychologist will have with each person and the organization, (5) the probable uses of services provided and information obtained, (6) who will have access to the information, and (7) limits of confidentiality. As soon as feasible, they provide information about the results and conclusions of such services to appropriate persons.

(b) If psychologists will be precluded by law or by organizational roles from providing such information to particular individuals or groups, they so inform those individuals or groups at the outset of the service.

3.12 Interruption of Psychological Services

Unless otherwise covered by contract, psychologists make reasonable efforts to plan for facilitating services in the event that psychological services are interrupted by factors such as the psychologist's illness, death, unavailability, relocation, or retirement or by the client's/patient's relocation or financial limitations. (See also Standard 6.02c, Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work.)

4. Privacy And Confidentiality

4.01 Maintaining Confidentiality

Psychologists have a primary obligation and take reasonable precautions to protect confidential information obtained through or stored in any medium, recognizing that the extent and limits of confidentiality may be regulated by law or established by institutional rules or professional or scientific relationship. (See also Standard 2.05, Delegation of Work to Others.)

4.02 Discussing the Limits of Confidentiality

(a) Psychologists discuss with persons (including, to the extent feasible, persons who are legally incapable of giving informed consent and their legal representatives) and organizations with whom they establish a scientific or professional relationship (1) the relevant limits of confidentiality and (2) the foreseeable uses of the information generated through their psychological activities. (See also Standard 3.10, Informed Consent.)

(b) Unless it is not feasible or is contraindicated, the discussion of confidentiality occurs at the outset of the relationship and thereafter as new circumstances may warrant.

(c) Psychologists who offer services, products, or information via electronic transmission inform clients/patients of the risks to privacy and limits of confidentiality.

4.03 Recording

Before recording the voices or images of individuals to whom they provide services, psychologists obtain permission from all such persons or their legal representatives. (See also Standards 8.03, Informed Consent for Recording Voices and Images in Research; 8.05, Dispensing With Informed Consent for Research; and 8.07, Deception in Research.)

4.04 Minimizing Intrusions on Privacy

(a) Psychologists include in written and oral reports and consultations, only information germane to the purpose for which the communication is made.

(b) Psychologists discuss confidential information obtained in their work only for appropriate scientific or professional purposes and only with persons clearly concerned with such matters.

4.05 Disclosures

(a) Psychologists may disclose confidential information with the appropriate consent of the organizational client, the individual client/patient, or another legally authorized person on behalf of the client/patient unless prohibited by law.

(b) Psychologists disclose confidential information without the consent of the individual only as mandated by law, or where permitted by law for a valid purpose such as to (1) provide needed professional services; (2) obtain appropriate professional consultations; (3) protect the client/patient, psychologist, or others from harm; or (4) obtain payment for services from a client/patient, in which instance disclosure is limited to the minimum that is necessary to achieve the purpose. (See also Standard 6.04e, Fees and Financial Arrangements.)

4.06 Consultations

When consulting with colleagues, (1) psychologists do not disclose confidential information that reasonably could lead to the identification of a client/patient, research participant, or other person or organization with whom they have a confidential relationship unless they have obtained the prior consent of the person or organization or the disclosure cannot be avoided, and (2) they disclose information only to the extent necessary to achieve the purposes of the consultation. (See also Standard 4.01, Maintaining Confidentiality.)

4.07 Use of Confidential Information for Didactic or Other Purposes

Psychologists do not disclose in their writings, lectures, or other public media, confidential, personally identifiable information concerning their clients/patients, students, research participants, organizational clients, or other recipients of their services that they obtained during the course of their work, unless (1) they take reasonable steps to disguise the person or organization, (2) the person or organization has consented in writing, or (3) there is legal authorization for doing so.

5. Advertising and Other Public Statements

5.01 Avoidance of False or Deceptive Statements

(a) Public statements include but are not limited to paid or unpaid advertising, product endorsements, grant applications, licensing applications, other credentialing applications, brochures, printed matter, directory listings, personal resumes or curricula vitae, or comments for use in media such as print or electronic transmission, statements in legal proceedings, lectures and public oral presentations, and published materials. Psychologists do not knowingly make public statements that are false, deceptive, or fraudulent concerning their research, practice, or other work activities or those of persons or organizations with which they are affiliated.

(b) Psychologists do not make false, deceptive, or fraudulent statements concerning (1) their training, experience, or competence; (2) their academic degrees; (3) their credentials; (4) their institutional or association affiliations; (5) their services; (6) the scientific or clinical basis for, or results or degree of success of, their services; (7) their fees; or (8) their publications or research findings.

(c) Psychologists claim degrees as credentials for their health services only if those degrees (1) were earned from a regionally accredited educational institution or (2) were the basis for psychology licensure by the state in which they practice.

5.02 Statements by Others

(a) Psychologists who engage others to create or place public statements that promote their professional practice, products, or activities retain professional responsibility for such statements.

(b) Psychologists do not compensate employees of press, radio, television, or other communication media in return for publicity in a news item. (See also Standard 1.01, Misuse of Psychologists' Work.)

(c) A paid advertisement relating to psychologists' activities must be identified or clearly recognizable as such.

5.03 Descriptions of Workshops and Non-Degree-Granting Educational Programs

To the degree to which they exercise control, psychologists responsible for announcements, catalogs, brochures, or advertisements describing workshops, seminars, or other non-degree-granting educational programs ensure that they accurately describe the audience for which the program is intended, the educational objectives, the presenters, and the fees involved.

5.04 Media Presentations

When psychologists provide public advice or comment via print, internet, or other electronic transmission, they take precautions to ensure that statements (1) are based on their professional knowledge, training, or experience in accord with appropriate psychological literature and practice; (2) are otherwise consistent with this Ethics Code; and (3) do not indicate that a professional relationship has been established with the recipient. (See also Standard 2.04, Bases for Scientific and Professional Judgments.)

5.05 Testimonials

Psychologists do not solicit testimonials from current therapy clients/patients or other persons who because of their particular circumstances are vulnerable to undue influence.

5.06 In-Person Solicitation

Psychologists do not engage, directly or through agents, in uninvited in-person solicitation of business from actual or potential therapy clients/patients or other persons who because of their particular circumstances are vulnerable to undue influence. However, this prohibition does not preclude (1) attempting to implement appropriate collateral contacts for the purpose of benefiting an already engaged therapy client/patient or (2) providing disaster or community outreach services.

6. Record Keeping and Fees

6.01 Documentation of Professional and Scientific Work and Maintenance of Records

Psychologists create, and to the extent the records are under their control, maintain, disseminate, store, retain, and dispose of records and data relating to their professional and scientific work in order to (1) facilitate provision of services later by them or by other professionals, (2) allow for replication of research design and analyses, (3) meet institutional requirements, (4) ensure accuracy of billing and payments, and (5) ensure compliance with law. (See also Standard 4.01, Maintaining Confidentiality.)

6.02 Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work

(a) Psychologists maintain confidentiality in creating, storing, accessing, transferring, and disposing of records under their control, whether these are written, automated, or in any other medium. (See also Standards 4.01, Maintaining Confidentiality, and 6.01, Documentation of Professional and Scientific Work and Maintenance of Records.)

(b) If confidential information concerning recipients of psychological services is entered into databases or systems of records available to persons whose access has not been consented to by the recipient, psychologists use coding or other techniques to avoid the inclusion of personal identifiers.

(c) Psychologists make plans in advance to facilitate the appropriate transfer and to protect the confidentiality of records and data in the event of psychologists' withdrawal from positions or practice. (See also Standards 3.12, Interruption of Psychological Services, and 10.09, Interruption of Therapy.)

6.03 Withholding Records for Nonpayment

Psychologists may not withhold records under their control that are requested and needed for a client's/patient's emergency treatment solely because payment has not been received.

6.04 Fees and Financial Arrangements

(a) As early as is feasible in a professional or scientific relationship, psychologists and recipients of psychological services reach an agreement specifying compensation and billing arrangements.

(b) Psychologists' fee practices are consistent with law.

(c) Psychologists do not misrepresent their fees.

(d) If limitations to services can be anticipated because of limitations in financing, this is discussed with the recipient of services as early as is feasible. (See also Standards 10.09, Interruption of Therapy, and 10.10, Terminating Therapy.)

(e) If the recipient of services does not pay for services as agreed, and if psychologists intend to use collection agencies or legal measures to collect the fees, psychologists first inform the person that such measures will be taken and provide that person an opportunity to make prompt payment. (See also Standards 4.05, Disclosures; 6.03, Withholding Records for Nonpayment; and 10.01, Informed Consent to Therapy.)

6.05 Barter With Clients/Patients

Barter is the acceptance of goods, services, or other nonmonetary remuneration from clients/patients in return for psychological services. Psychologists may barter only if (1) it is not clinically contraindicated, and (2) the resulting arrangement is not exploitative. (See also Standards 3.05, Multiple Relationships, and 6.04, Fees and Financial Arrangements.)

6.06 Accuracy in Reports to Payors and Funding Sources

In their reports to payors for services or sources of research funding, psychologists take reasonable steps to ensure the accurate reporting of the nature of the service provided or research conducted, the fees, charges, or payments, and where applicable, the identity of the provider, the findings, and the diagnosis. (See also Standards 4.01, Maintaining Confidentiality; 4.04, Minimizing Intrusions on Privacy; and 4.05, Disclosures.)

6.07 Referrals and Fees

When psychologists pay, receive payment from, or divide fees with another professional, other than in an employer-employee relationship, the payment to each is based on the services provided (clinical, consultative, administrative, or other) and is not based on the referral itself. (See also Standard 3.09, Cooperation With Other Professionals.)

7. Education and Training

7.01 Design of Education and Training Programs

Psychologists responsible for education and training programs take reasonable steps to ensure that the programs are designed to provide the appropriate knowledge and proper experiences, and to meet the requirements for licensure, certification, or other goals for which claims are made by the program. (See also Standard 5.03, Descriptions of Workshops and Non-Degree-Granting Educational Programs.)

7.02 Descriptions of Education and Training Programs

Psychologists responsible for education and training programs take reasonable steps to ensure that there is a current and accurate description of the program content (including participation in required course- or program-related counseling, psychotherapy, experiential groups, consulting projects, or community service), training goals and objectives, stipends and benefits, and requirements that must be met for satisfactory completion of the program. This information must be made readily available to all interested parties.

7.03 Accuracy in Teaching

(a) Psychologists take reasonable steps to ensure that course syllabi are accurate regarding the subject matter to be covered, bases for evaluating progress, and the nature of course experiences. This standard does not preclude an instructor from modifying course content or requirements when the instructor considers it pedagogically necessary or desirable, so long as students are made aware of these modifications in a manner that enables them to fulfill course requirements. (See also Standard 5.01, Avoidance of False or Deceptive Statements.)

(b) When engaged in teaching or training, psychologists present psychological information accurately. (See also Standard 2.03, Maintaining Competence.)

7.04 Student Disclosure of Personal Information

Psychologists do not require students or supervisees to disclose personal information in course- or program-related activities, either orally or in writing, regarding sexual history, history of abuse and neglect, psychological treatment, and relationships with parents, peers, and spouses or significant others except if (1) the program or training facility has clearly identified this requirement in its admissions and program materials or (2) the information is necessary to evaluate or obtain assistance for students whose personal problems could reasonably be judged to be preventing them from performing their training- or professionally related activities in a competent manner or posing a threat to the students or others.

7.05 Mandatory Individual or Group Therapy

(a) When individual or group therapy is a program or course requirement, psychologists responsible for that program allow students in undergraduate and graduate programs the option of selecting such therapy from practitioners unaffiliated with the program. (See also Standard 7.02, Descriptions of Education and Training Programs.)

(b) Faculty who are or are likely to be responsible for evaluating students' academic performance do not themselves provide that therapy. (See also Standard 3.05, Multiple Relationships.)

7.06 Assessing Student and Supervisee Performance

(a) In academic and supervisory relationships, psychologists establish a timely and specific process for providing feedback to students and supervisees. Information regarding the process is provided to the student at the beginning of supervision.

(b) Psychologists evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.

7.07 Sexual Relationships With Students and Supervisees

Psychologists do not engage in sexual relationships with students or supervisees who are in their department, agency, or training center or over whom psychologists have or are likely to have evaluative authority. (See also Standard 3.05, Multiple Relationships.)

8. Research and Publication

8.01 Institutional Approval

When institutional approval is required, psychologists provide accurate information about their research proposals and obtain approval prior to conducting the research. They conduct the research in accordance with the approved research protocol.

8.02 Informed Consent to Research

(a) When obtaining informed consent as required in Standard 3.10, Informed Consent, psychologists inform participants about (1) the purpose of the research, expected duration, and procedures; (2) their right to decline to participate and to withdraw from the research once participation has begun; (3) the foreseeable consequences of declining or withdrawing; (4) reasonably foreseeable factors that may be expected to influence their willingness to participate such as potential risks, discomfort, or adverse effects; (5) any prospective research benefits; (6) limits of confidentiality; (7) incentives for participation; and (8) whom to contact for questions about the research and research participants' rights. They provide opportunity for the prospective participants to ask questions and receive answers. (See also Standards 8.03, Informed Consent for Recording Voices and Images in Research; 8.05, Dispensing With Informed Consent for Research; and 8.07, Deception in Research.)

(b) Psychologists conducting intervention research involving the use of experimental treatments clarify to participants at the outset of the research (1) the experimental nature of the treatment; (2) the services that will or will not be available to the control group(s) if appropriate; (3) the means by which assignment to treatment and control groups will be made; (4) available treatment alternatives if an individual does not wish to participate in the research or wishes to withdraw once a study has begun; and (5) compensation for or monetary costs of participating including, if appropriate, whether reimbursement from the participant or a third-party payor will be sought. (See also Standard 8.02a, Informed Consent to Research.)

8.03 Informed Consent for Recording Voices and Images in Research

Psychologists obtain informed consent from research participants prior to recording their voices or images for data collection unless (1) the research consists solely of naturalistic observations in public places, and it is not anticipated that the recording will be used in a manner that could cause personal identification or harm, or (2) the research design includes deception, and consent for the use of the recording is obtained during debriefing. (See also Standard 8.07, Deception in Research.)

8.04 Client/Patient, Student, and Subordinate Research Participants

(a) When psychologists conduct research with clients/patients, students, or subordinates as participants, psychologists take steps to protect the prospective participants from adverse consequences of declining or withdrawing from participation.

(b) When research participation is a course requirement or an opportunity for extra credit, the prospective participant is given the choice of equitable alternative activities.

8.05 Dispensing With Informed Consent for Research

Psychologists may dispense with informed consent only (1) where research would not reasonably be assumed to create distress or harm and involves (a) the study of normal educational practices, curricula, or classroom management methods conducted in educational settings; (b) only anonymous questionnaires, naturalistic observations, or archival research for which disclosure of responses would not place participants at risk of criminal or civil liability or damage their financial standing, employability, or reputation, and confidentiality is protected; or (c) the study of factors related to job or organization effectiveness conducted in organizational settings for which there is no risk to participants' employability, and confidentiality is protected or (2) where otherwise permitted by law or federal or institutional regulations.

8.06 Offering Inducements for Research Participation

(a) Psychologists make reasonable efforts to avoid offering excessive or inappropriate financial or other inducements for research participation when such inducements are likely to coerce participation.

(b) When offering professional services as an inducement for research participation, psychologists clarify the nature of the services, as well as the risks, obligations, and limitations. (See also Standard 6.05, Barter With Clients/Patients.)

8.07 Deception in Research

(a) Psychologists do not conduct a study involving deception unless they have determined that the use of deceptive techniques is justified by the study's significant prospective scientific, educational, or applied value and that effective nondeceptive alternative procedures are not feasible.

(b) Psychologists do not deceive prospective participants about research that is reasonably expected to cause physical pain or severe emotional distress.

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(c) Psychologists explain any deception that is an integral feature of the design and conduct of an experiment to participants as early as is feasible, preferably at the conclusion of their participation, but no later than at the conclusion of the data collection, and permit participants to withdraw their data. (See also Standard 8.08, Debriefing.)

8.08 Debriefing

(a) Psychologists provide a prompt opportunity for participants to obtain appropriate information about the nature, results, and conclusions of the research, and they take reasonable steps to correct any misconceptions that participants may have of which the psychologists are aware.

(b) If scientific or humane values justify delaying or withholding this information, psychologists take reasonable measures to reduce the risk of harm.

(c) When psychologists become aware that research procedures have harmed a participant, they take reasonable steps to minimize the harm.

8.09 Humane Care and Use of Animals in Research

(a) Psychologists acquire, care for, use, and dispose of animals in compliance with current federal, state, and local laws and regulations, and with professional standards.

(b) Psychologists trained in research methods and experienced in the care of laboratory animals supervise all procedures involving animals and are responsible for ensuring appropriate consideration of their comfort, health, and humane treatment.

(c) Psychologists ensure that all individuals under their supervision who are using animals have received instruction in research methods and in the care, maintenance, and handling of the species being used, to the extent appropriate to their role. (See also Standard 2.05, Delegation of Work to Others.)

(d) Psychologists make reasonable efforts to minimize the discomfort, infection, illness, and pain of animal subjects.

(e) Psychologists use a procedure subjecting animals to pain, stress, or privation only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational, or applied value.

(f) Psychologists perform surgical procedures under appropriate anesthesia and follow techniques to avoid infection and minimize pain during and after surgery.

(g) When it is appropriate that an animal's life be terminated, psychologists proceed rapidly, with an effort to minimize pain and in accordance with accepted procedures.

8.10 Reporting Research Results

(a) Psychologists do not fabricate data. (See also Standard 5.01a, Avoidance of False or Deceptive Statements.)

(b) If psychologists discover significant errors in their published data, they take reasonable steps to correct such errors in a correction, retraction, erratum, or other appropriate publication means.

8.11 Plagiarism

Psychologists do not present portions of another's work or data as their own, even if the other work or data source is cited occasionally.

8.12 Publication Credit

(a) Psychologists take responsibility and credit, including authorship credit, only for work they have actually performed or to which they have substantially contributed. (See also Standard 8.12b, Publication Credit.)

(b) Principal authorship and other publication credits accurately reflect the relative scientific or professional contributions of the individuals involved, regardless of their relative status. Mere possession of an institutional position, such as department chair, does not justify authorship credit. Minor contributions to the research or to the writing for publications are acknowledged appropriately, such as in footnotes or in an introductory statement.

(c) Except under exceptional circumstances, a student is listed as principal author on any multiple-authored article that is substantially based on the student's doctoral dissertation. Faculty advisors discuss publication credit with students as early as feasible and throughout the research and publication process as appropriate. (See also Standard 8.12b, Publication Credit.)

8.13 Duplicate Publication of Data

Psychologists do not publish, as original data, data that have been previously published. This does not preclude republishing data when they are accompanied by proper acknowledgment.

8.14 Sharing Research Data for Verification

(a) After research results are published, psychologists do not withhold the data on which their conclusions are based from other competent professionals who seek to verify the substantive claims through reanalysis and who intend to use such data only for that purpose, provided that the confidentiality of the participants can be protected and unless legal rights concerning proprietary data preclude their release. This does not preclude psychologists from requiring that such individuals or groups be responsible for costs associated with the provision of such information.

(b) Psychologists who request data from other psychologists to verify the substantive claims through reanalysis may use shared data only for the declared purpose. Requesting psychologists obtain prior written agreement for all other uses of the data.

8.15 Reviewers

Psychologists who review material submitted for presentation, publication, grant, or research proposal review respect the confidentiality of and the proprietary rights in such information of those who submitted it.

9. Assessment

9.01 Bases for Assessments

(a) Psychologists base the opinions contained in their recommendations, reports, and diagnostic or evaluative statements, including forensic testimony, on information and techniques sufficient to substantiate their findings. (See also Standard 2.04, Bases for Scientific and Professional Judgments.)

(b) Except as noted in 9.01c, psychologists provide opinions of the psychological characteristics of individuals only after they have conducted an examination of the individuals adequate to support their statements or conclusions. When, despite reasonable efforts, such an examination is not practical, psychologists document the efforts they made and the result of those efforts, clarify the probable impact of their limited information on the reliability and validity of their opinions, and appropriately limit the nature and extent of their conclusions or recommendations. (See also Standards 2.01, Boundaries of Competence, and 9.06, Interpreting Assessment Results.)

(c) When psychologists conduct a record review or provide consultation or supervision and an individual examination is not warranted or necessary for the opinion, psychologists explain this and the sources of information on which they based their conclusions and recommendations.

9.02 Use of Assessments

(a) Psychologists administer, adapt, score, interpret, or use assessment techniques, interviews, tests, or instruments in a manner and for purposes that are appropriate in light of the research on or evidence of the usefulness and proper application of the techniques.

(b) Psychologists use assessment instruments whose validity and reliability have been established for use with members of the population tested. When such validity or reliability has not been established, psychologists describe the strengths and limitations of test results and interpretation.

(c) Psychologists use assessment methods that are appropriate to an individual's language preference and competence, unless the use of an alternative language is relevant to the assessment issues.

9.03 Informed Consent in Assessments

(a) Psychologists obtain informed consent for assessments, evaluations, or diagnostic services, as described in Standard 3.10, Informed Consent, except when (1) testing is mandated by law or governmental regulations; (2) informed consent is implied because testing is conducted as a routine educational, institutional, or organizational activity (e.g., when participants voluntarily agree to assessment when applying for a job); or (3) one purpose of the testing is to evaluate decisional capacity. Informed consent includes an explanation of the nature and purpose of the assessment, fees, involvement of third parties, and limits of confidentiality and sufficient opportunity for the client/patient to ask questions and receive answers.

(b) Psychologists inform persons with questionable capacity to consent or for whom testing is mandated by law or governmental regulations about the nature and purpose of the proposed assessment services, using language that is reasonably understandable to the person being assessed.

(c) Psychologists using the services of an interpreter obtain informed consent from the client/patient to use that interpreter, ensure that confidentiality of test results and test security are maintained, and include in their recommendations, reports, and diagnostic or evaluative statements, including forensic testimony, discussion of any limitations on the data obtained. (See also Standards 2.05, Delegation of Work to Others; 4.01, Maintaining Confidentiality; 9.01, Bases for Assessments; 9.06, Interpreting Assessment Results; and 9.07, Assessment by Unqualified Persons.)

9.04 Release of Test Data

(a) The term *test data* refers to raw and scaled scores, client/patient responses to test questions or stimuli, and psychologists' notes and recordings concerning client/patient statements and behavior during an examination. Those portions of test materials that include client/patient responses are included in the definition of *test data*. Pursuant to a client/patient release, psychologists provide test data to the client/patient or other persons identified in the release. Psychologists may refrain from releasing test data to protect a client/patient or others from substantial harm or misuse or misrepresentation of the data or the test, recognizing that in many instances release of confidential information under these circumstances is regulated by law. (See also Standard 9.11, Maintaining Test Security.)

(b) In the absence of a client/patient release, psychologists provide test data only as required by law or court order.

9.05 Test Construction

Psychologists who develop tests and other assessment techniques use appropriate psychometric procedures and current scientific or professional knowledge for test design, standardization, validation, reduction or elimination of bias, and recommendations for use.

9.06 Interpreting Assessment Results

When interpreting assessment results, including automated interpretations, psychologists take into account the purpose of the assessment as well as the various test factors, test-taking abilities, and other characteristics of the person being assessed, such as situational, personal, linguistic, and cultural differences, that might affect psychologists' judgments or reduce the accuracy of their interpretations. They indicate any significant limitations of their interpretations. (See also Standards 2.01b and c, Boundaries of Competence, and 3.01, Unfair Discrimination.)

9.07 Assessment by Unqualified Persons

Psychologists do not promote the use of psychological assessment techniques by unqualified persons, except when such use is conducted for training purposes with appropriate supervision. (See also Standard 2.05, Delegation of Work to Others.)

9.08 Obsolete Tests and Outdated Test Results

(a) Psychologists do not base their assessment or intervention decisions or recommendations on data or test results that are outdated for the current purpose.

(b) Psychologists do not base such decisions or recommendations on tests and measures that are obsolete and not useful for the current purpose.

9.09 Test Scoring and Interpretation Services

(a) Psychologists who offer assessment or scoring services to other professionals accurately describe the purpose, norms, validity, reliability, and applications of the procedures and any special qualifications applicable to their use.

(b) Psychologists select scoring and interpretation services (including automated services) on the basis of evidence of the validity of the program and procedures as well as on other appropriate considerations. (See also Standard 2.01b and c, Boundaries of Competence.)

(c) Psychologists retain responsibility for the appropriate application, interpretation, and use of assessment instruments, whether they score and interpret such tests themselves or use automated or other services.

9.10 Explaining Assessment Results

Regardless of whether the scoring and interpretation are done by psychologists, by employees or assistants, or by automated or other outside services, psychologists take reasonable steps to ensure that explanations of results are given to the individual or designated representative unless the nature of the relationship precludes provision of an explanation of results (such as in some organizational consulting, preemployment or security screenings, and forensic evaluations), and this fact has been clearly explained to the person being assessed in advance.

9.11. Maintaining Test Security

The term *test materials* refers to manuals, instruments, protocols, and test questions or stimuli and does not include *test data* as defined in Standard 9.04, Release of Test Data. Psychologists make reasonable efforts to maintain the integrity and security of test materials and other assessment techniques consistent with law and contractual obligations, and in a manner that permits adherence to this Ethics Code.

10. Therapy

10.01 Informed Consent to Therapy

(a) When obtaining informed consent to therapy as required in Standard 3.10, Informed Consent, psychologists inform clients/patients as early as is feasible in the therapeutic relationship about the nature and anticipated course of therapy, fees, involvement of third parties, and limits of confidentiality and provide sufficient opportunity for the client/patient to ask

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questions and receive answers. (See also Standards 4.02, Discussing the Limits of Confidentiality, and 6.04, Fees and Financial Arrangements.)

(b) When obtaining informed consent for treatment for which generally recognized techniques and procedures have not been established, psychologists inform their clients/patients of the developing nature of the treatment, the potential risks involved, alternative treatments that may be available, and the voluntary nature of their participation. (See also Standards 2.01e, Boundaries of Competence, and 3.10, Informed Consent.)

(c) When the therapist is a trainee and the legal responsibility for the treatment provided resides with the supervisor, the client/patient, as part of the informed consent procedure, is informed that the therapist is in training and is being supervised and is given the name of the supervisor.

10.02 Therapy Involving Couples or Families

(a) When psychologists agree to provide services to several persons who have a relationship (such as spouses, significant others, or parents and children), they take reasonable steps to clarify at the outset (1) which of the individuals are clients/patients and (2) the relationship the psychologist will have with each person. This clarification includes the psychologist's role and the probable uses of the services provided or the information obtained. (See also Standard 4.02, Discussing the Limits of Confidentiality.)

(b) If it becomes apparent that psychologists may be called on to perform potentially conflicting roles (such as family therapist and then witness for one party in divorce proceedings), psychologists take reasonable steps to clarify and modify, or withdraw from, roles appropriately. (See also Standard 3.05c, Multiple Relationships.)

10.03 Group Therapy

When psychologists provide services to several persons in a group setting, they describe at the outset the roles and responsibilities of all parties and the limits of confidentiality.

10.04 Providing Therapy to Those Served by Others

In deciding whether to offer or provide services to those already receiving mental health services elsewhere, psychologists carefully consider the treatment issues and the potential client's/patient's welfare. Psychologists discuss these issues with the client/patient or another legally authorized person on behalf of the client/patient in order to minimize the risk of confusion and conflict, consult with the other service providers when appropriate, and proceed with caution and sensitivity to the therapeutic issues.

10.05 Sexual Intimacies With Current Therapy Clients/Patients

Psychologists do not engage in sexual intimacies with current therapy clients/patients.

10.06 Sexual Intimacies With Relatives or Significant Others of Current Therapy Clients/Patients

Psychologists do not engage in sexual intimacies with individuals they know to be close relatives, guardians, or significant others of current clients/patients. Psychologists do not terminate therapy to circumvent this standard.

10.07 Therapy With Former Sexual Partners

Psychologists do not accept as therapy clients/patients persons with whom they have engaged in sexual intimacies.

10.08 Sexual Intimacies With Former Therapy Clients/Patients

(a) Psychologists do not engage in sexual intimacies with former clients/patients for at least two years after cessation or termination of therapy.

(b) Psychologists do not engage in sexual intimacies with former clients/patients even after a two-year interval except in the most unusual circumstances. Psychologists who engage in such activity after the two years following cessation or termination of therapy and of having no sexual contact with the former client/patient bear the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including (1) the amount of time that has passed since therapy terminated; (2) the nature, duration, and intensity of the therapy; (3) the circumstances of termination; (4) the client's/patient's personal history; (5) the client's/patient's current mental status; (6) the likelihood of adverse impact on the client/patient; and (7) any statements or actions made by the therapist during the course of therapy suggesting or inviting the possibility of a posttermination sexual or romantic relationship with the client/patient. (See also Standard 3.05, Multiple Relationships.)

10.09 Interruption of Therapy

When entering into employment or contractual relationships, psychologists make reasonable efforts to provide for orderly and appropriate resolution of responsibility for client/patient care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the client/patient. (See also Standard 3.12, Interruption of Psychological Services.)

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10.10 Terminating Therapy

(a) Psychologists terminate therapy when it becomes reasonably clear that the client/patient no longer needs the service, is not likely to benefit, or is being harmed by continued service.

(b) Psychologists may terminate therapy when threatened or otherwise endangered by the client/patient or another person with whom the client/patient has a relationship.

(c) Except where precluded by the actions of clients/patients or third-party payors, prior to termination psychologists provide pretermination counseling and suggest alternative service providers as appropriate.

History and Effective Date Footnote

This version of the APA Ethics Code was adopted by the American Psychological Association's Council of Representatives during its meeting, August 21, 2002, and is effective beginning June 1, 2003. Inquiries concerning the substance or interpretation of the APA Ethics Code should be addressed to the Director, Office of Ethics, American Psychological Association, 750 First Street, NE, Washington, DC 20002-4242. The Ethics Code and information regarding the Code can be found on the APA web site, <http://www.apa.org/ethics>. The standards in this Ethics Code will be used to adjudicate complaints brought concerning alleged conduct occurring on or after the effective date. Complaints regarding conduct occurring prior to the effective date will be adjudicated on the basis of the version of the Ethics Code that was in effect at the time the conduct occurred.

The APA has previously published its Ethics Code as follows:

American Psychological Association. (1953). Ethical standards of psychologists. Washington, DC: Author.

American Psychological Association. (1959). Ethical standards of psychologists. *American Psychologist*, 14, 279-282.

American Psychological Association. (1963). Ethical standards of psychologists. *American Psychologist*, 18, 56-60.

American Psychological Association. (1968). Ethical standards of psychologists. *American Psychologist*, 23, 357-361.

American Psychological Association. (1977, March). Ethical standards of psychologists. *APA Monitor*, 22-23.

American Psychological Association. (1979). Ethical standards of psychologists. Washington, DC: Author.

American Psychological Association. (1981). Ethical principles of psychologists. *American Psychologist*, 36, 633-638.

American Psychological Association. (1990). Ethical principles of psychologists (Amended June 2, 1989). *American Psychologist*, 45, 390-395.

American Psychological Association. (1992). Ethical principles of psychologists and code of conduct. *American Psychologist*, 47, 1597-1611.

Request copies of the APA's Ethical Principles of Psychologists and Code of Conduct from the APA Order Department, 750 First Street, NE, Washington, DC 20002-4242, or phone (202) 336-5510.

Ethics Code 2002.doc 10/8/02

The Layperson's Guide to Counselor Ethics:

What You Should Know About the Ethical Practice of Professional Counselors

Approved by the ACA Governing Council, October 1999

As clients make decisions concerning the professional counselor from whom they will seek services, they should realize that there are standard practices and procedures that they can expect. Many of these practices and procedures are driven by the code of ethics that your professional counselor is bound to follow, the American Counseling Association's (ACA) ACA Code of Ethics & Standards of Practice. This document offers some highlights specifically relevant to you as consumer. You have the right to ask your professional counselor for a complete copy of the ACA Code of Ethics & Standards of Practice. The following will highlight some of these practices and procedures that you should expect from your professional counselor.

What to Expect

- Your professional counselor will describe her or his qualifications and areas of expertise.
- Your professional counselor will treat you with respect and dignity, especially in regard to age, color, culture, disability, ethnic group, gender, race, religion, sexual orientation, marital status, or socioeconomic status.
- Your professional counselor will inform you of the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of all counseling services that you will receive. You may request this information in writing.
- Your professional counselor will inform you of and give you the opportunity to discuss matters of confidentiality, privacy, and disclosure of information. She or he will also inform you of the limitations to confidentiality.
- Your professional counselor will inform you of all financial arrangements related to service prior to entering the counseling relationship. You may request this information in writing.
- Your professional counselor will, when necessary, assist in making appropriate alternative service arrangements. Such arrangements may be necessary following termination, at follow-up, and for referral.
- When questions or concerns arise regarding services requested or services received, please discuss them immediately with your professional counselor. If such questions cannot be answered or a resolution reached, please call or contact the ACA for advice and/or counsel at 1-800-347-6647, X314, or at plr@counseling.org.



How to File an Ethics Complaint with the American Counseling Association's ACA Ethics Committee

The ACA has jurisdiction only over professional counselors who are ACA members, or who were members during the time of the alleged behavior. The first step in the process is to FAX or mail a request for verification of membership (membership verifications cannot be done by phone). This can be a one- or two-sentence request, such as, "I would like to verify if [professional counselor] of [city, state], was an ACA member during [month/year]." Your signature, as well as a return address, must be included. If it is determined that the ACA does have jurisdiction, a standard ethics complaint form will be sent to you.

Membership verification requests are sent to the following address or FAX number:

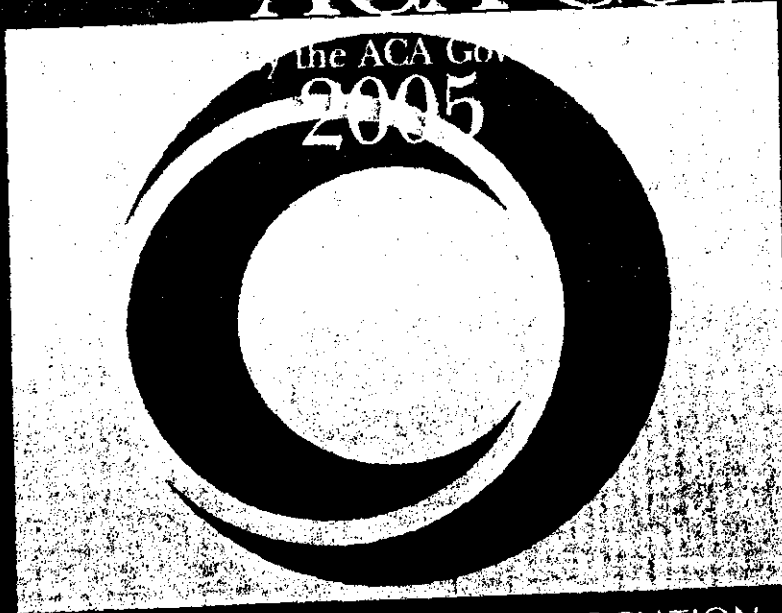
American Counseling Association
ACA Professional Learning & Resources -- ACA Ethics
5999 Stevenson Ave.
Alexandria, VA 22304
Attn: ACA Ethics Committee Liaison (CONFIDENTIAL)
(703) 823-3760 (FAX)

The standard ethics complaint form will ask you to include the following: (a) your name, address, phone number, and e-mail address (b) the name, address, and phone number of the professional counselor about whom you are filing the complaint, and (c) a brief description of the reason why the complaint is being filed. You will also receive a copy of the ACA Code of Ethics & Standards of Practice.

The ACA Ethics Committee liaison will send you a letter acknowledging the receipt of your complaint and asking for any other information the committee might need at that time. If the professional counselor is (or was) an ACA member, the committee liaison will then guide you through the ACA's process of determining whether an ethics violation has taken place. If he or she is not a member, the liaison will describe other options you may have.

For additional information, please call the ACA at 1-800-347-6647, X314, or e-mail at plr@counseling.org.

ACA Code of Ethics



AMERICAN COUNSELING ASSOCIATION
www.counseling.org

Mission

The mission of the American Counseling Association is to enhance the quality of life in society by promoting the development of professional counselors, advancing the counseling profession, and using the profession and practice of counseling to promote respect for human dignity and diversity.

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ACA Code of Ethics Preamble

The American Counseling Association is an educational, scientific, and professional organization whose members work in a variety of settings and serve in multiple capacities. ACA members are dedicated to the enhancement of human development throughout the life span. Association members recognize diversity and embrace a cross-cultural approach in support of the worth, dignity, potential, and uniqueness of people within their social and cultural contexts.

Professional values are an important way of living out an ethical commitment. Values inform principles. Inherently held values that guide our behaviors or exceed prescribed behaviors are deeply ingrained in the counselor and developed out of personal dedication, rather than the mandatory requirement of an external organization.

ACA Code of Ethics Purpose

The *ACA Code of Ethics* serves five main purposes:

1. The *Code* enables the association to clarify to current and future members, and to those served by members, the nature of the ethical responsibilities held in common by its members.
2. The *Code* helps support the mission of the association.
3. The *Code* establishes principles that define ethical behavior and best practices of association members.
4. The *Code* serves as an ethical guide designed to assist members in constructing a professional course of action that best serves those utilizing counseling services and best promotes the values of the counseling profession.
5. The *Code* serves as the basis for processing of ethical complaints and inquiries initiated against members of the association.

The *ACA Code of Ethics* contains eight main sections that address the following areas:

- Section A: The Counseling Relationship
- Section B: Confidentiality, Privileged Communication, and Privacy
- Section C: Professional Responsibility
- Section D: Relationships With Other Professionals
- Section E: Evaluation, Assessment, and Interpretation
- Section F: Supervision, Training, and Teaching
- Section G: Research and Publication
- Section H: Resolving Ethical Issues

Each section of the *ACA Code of Ethics* begins with an Introduction. The introductions to each section discuss what counselors should aspire to with regard to ethical behavior and responsibility. The Introduction helps set the tone for that particular section and provides a starting point that invites reflection on the ethical mandates contained in each part of the *ACA Code of Ethics*.

When counselors are faced with ethical dilemmas that are difficult to resolve, they are expected to engage in a carefully considered ethical decision-making process. Reasonable differences of opinion can and do exist among counselors with respect to the ways in which values, ethical principles, and ethical standards would be applied when they conflict. While there is no specific ethical decision-making model that is most effective, counselors are expected to be familiar with a credible model of decision making that can bear public scrutiny and its application.

Through a chosen ethical decision-making process and evaluation of the context of the situation, counselors are empowered to make decisions that help expand the capacity of people to grow and develop.

A brief glossary is given to provide readers with a concise description of some of the terms used in the *ACA Code of Ethics*.

Section A

The Counseling Relationship

Introduction

Counselors encourage client growth and development in ways that foster the interest and welfare of clients and promote formation of healthy relationships. Counselors actively attempt to understand the diverse cultural backgrounds of the clients they serve. Counselors also explore their own cultural identities and how these affect their values and beliefs about the counseling process.

Counselors are encouraged to contribute to society by devoting a portion of their professional activity to services for which there is little or no financial return (*pro bono publico*).

A.1. Welfare of Those Served by Counselors

A.1.a. Primary Responsibility

The primary responsibility of counselors is to respect the dignity and to promote the welfare of clients.

A.1.b. Records

Counselors maintain records necessary for rendering professional services to their clients and as required by laws, regulations, or agency or institution procedures. Counselors include sufficient and timely documentation in their client records to facilitate the delivery and continuity of needed services. Counselors take reasonable steps to ensure that documentation in records accurately reflects client progress and services provided. If errors are made in client records, counselors take steps to properly note the correction of such errors according to agency or institutional policies. (See A.12.g.7., B.6., B.6.g., G.2.j.)

A.1.c. Counseling Plans

Counselors and their clients work jointly in devising integrated counseling plans that offer reasonable promise of success and are consistent with abilities and circumstances of clients. Counselors and clients regularly review counseling plans to assess their continued viability and effectiveness, respecting the freedom of choice of clients. (See A.2.a., A.2.d., A.12.g.)

A.1.d. Support Network Involvement

Counselors recognize that support

networks hold various meanings in the lives of clients and consider enlisting the support, understanding, and involvement of others (e.g., religious/spiritual/community leaders, family members, friends) as positive resources, when appropriate, with client consent.

A.1.e. Employment Needs

Counselors work with their clients considering employment in jobs that are consistent with the overall abilities, vocational limitations, physical restrictions, general temperament, interest and aptitude patterns, social skills, education, general qualifications, and other relevant characteristics and needs of clients. When appropriate, counselors appropriately trained in career development will assist in the placement of clients in positions that are consistent with the interest, culture, and the welfare of clients, employers, and/or the public.

A.2. Informed Consent in the Counseling Relationship

(See A.12.g., B.5., B.6.b., E.3., E.13.b., F.1.c., G.2.a.)

A.2.a. Informed Consent

Clients have the freedom to choose whether to enter into or remain in a counseling relationship and need adequate information about the counseling process and the counselor. Counselors have an obligation to review in writing and verbally with clients the rights and responsibilities of both the counselor and the client. Informed consent is an ongoing part of the counseling process, and counselors appropriately document discussions of informed consent throughout the counseling relationship.

A.2.b. Types of Information Needed

Counselors explicitly explain to clients the nature of all services provided. They inform clients about issues such as, but not limited to, the following: the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services; the counselor's qualifications, credentials, and relevant experience; continuation of services upon the incapacitation or death of a counselor; and other pertinent information. Counselors take steps to ensure that clients understand the implications of diagnosis, the intended use of tests and reports, fees, and billing arrangements.

Clients have the right to confidentiality and to be provided with an explanation of its limitations (including how supervisors and/or treatment team professionals are involved); to obtain clear information about their records; to participate in the ongoing counseling plans; and to refuse any services or modality change and to be advised of the consequences of such refusal.

A.2.c. Developmental and Cultural Sensitivity

Counselors communicate information in ways that are both developmentally and culturally appropriate. Counselors use clear and understandable language when discussing issues related to informed consent. When clients have difficulty understanding the language used by counselors, they provide necessary services (e.g., arranging for a qualified interpreter or translator) to ensure comprehension by clients. In collaboration with clients, counselors consider cultural implications of informed consent procedures and, where possible, counselors adjust their practices accordingly.

A.2.d. Inability to Give Consent

When counseling minors or persons unable to give voluntary consent, counselors seek the assent of clients to services, and include them in decision making as appropriate. Counselors recognize the need to balance the ethical rights of clients to make choices, their capacity to give consent or assent to receive services, and parental or familial legal rights and responsibilities to protect these clients and make decisions on their behalf.

A.3. Clients Served by Others

When counselors learn that their clients are in a professional relationship with another mental health professional, they request release from clients to inform the other professionals and strive to establish positive and collaborative professional relationships.

A.4. Avoiding Harm and Imposing Values

A.4.a. Avoiding Harm

Counselors act to avoid harming their clients, trainees, and research participants and to minimize or to remedy unavoidable or unanticipated harm.

A.4.b. Personal Values

Counselors are aware of their own values, attitudes, beliefs, and behaviors and avoid imposing values that

are inconsistent with counseling goals. Counselors respect the diversity of clients, trainees, and research participants.

A.5. Roles and Relationships

With Clients

(See *F.3., F.10., G.3.*)

A.5.a. Current Clients

Sexual or romantic counselor–client interactions or relationships with current clients, their romantic partners, or their family members are prohibited.

A.5.b. Former Clients

Sexual or romantic counselor–client interactions or relationships with former clients, their romantic partners, or their family members are prohibited for a period of 5 years following the last professional contact. Counselors, before engaging in sexual or romantic interactions or relationships with clients, their romantic partners, or client family members after 5 years following the last professional contact, demonstrate forethought and document (in written form) whether the interactions or relationship can be viewed as exploitive in some way and/or whether there is still potential to harm the former client; in cases of potential exploitation and/or harm, the counselor avoids entering such an interaction or relationship.

A.5.c. Nonprofessional Interactions or Relationships (Other Than Sexual or Romantic Interactions or Relationships)

Counselor–client nonprofessional relationships with clients, former clients, their romantic partners, or their family members should be avoided, except when the interaction is potentially beneficial to the client.

(See *A.5.d.*)

A.5.d. Potentially Beneficial Interactions

When a counselor–client nonprofessional interaction with a client or former client may be potentially beneficial to the client or former client, the counselor must document in case records, prior to the interaction (when feasible), the rationale for such an interaction, the potential benefit, and anticipated consequences for the client or former client and other individuals significantly involved with the client or former client. Such interactions should be initiated with appropriate client consent. Where

unintentional harm occurs to the client or former client, or to an individual significantly involved with the client or former client, due to the nonprofessional interaction, the counselor must show evidence of an attempt to remedy such harm. Examples of potentially beneficial interactions include, but are not limited to, attending a formal ceremony (e.g., a wedding/commitment ceremony or graduation); purchasing a service or product provided by a client or former client (excepting unrestricted bartering); hospital visits to an ill family member; mutual membership in a professional association, organization, or community. (See *A.5.c.*)

A.5.e. Role Changes in the Professional Relationship

When a counselor changes a role from the original or most recent contracted relationship, he or she obtains informed consent from the client and explains the right of the client to refuse services related to the change. Examples of role changes include

1. changing from individual to relationship or family counseling, or vice versa;
2. changing from a nonforensic evaluative role to a therapeutic role, or vice versa;
3. changing from a counselor to a researcher role (i.e., enlisting clients as research participants), or vice versa; and
4. changing from a counselor to a mediator role, or vice versa.

Clients must be fully informed of any anticipated consequences (e.g., financial, legal, personal, or therapeutic) of counselor role changes.

A.6. Roles and Relationships at Individual, Group, Institutional, and Societal Levels

A.6.a. Advocacy

When appropriate, counselors advocate at individual, group, institutional, and societal levels to examine potential barriers and obstacles that inhibit access and/or the growth and development of clients.

A.6.b. Confidentiality and Advocacy

Counselors obtain client consent prior to engaging in advocacy efforts on behalf of an identifiable client to

improve the provision of services and to work toward removal of systemic barriers or obstacles that inhibit client access, growth, and development.

A.7. Multiple Clients

When a counselor agrees to provide counseling services to two or more persons who have a relationship, the counselor clarifies at the outset which person or persons are clients and the nature of the relationships the counselor will have with each involved person. If it becomes apparent that the counselor may be called upon to perform potentially conflicting roles, the counselor will clarify, adjust, or withdraw from roles appropriately. (See *A.8.a., B.4.*)

A.8. Group Work

(See *B.4.a.*)

A.8.a. Screening

Counselors screen prospective group counseling/therapy participants. To the extent possible, counselors select members whose needs and goals are compatible with goals of the group, who will not impede the group process, and whose well-being will not be jeopardized by the group experience.

A.8.b. Protecting Clients

In a group setting, counselors take reasonable precautions to protect clients from physical, emotional, or psychological trauma.

A.9. End-of-Life Care for Terminally Ill Clients

A.9.a. Quality of Care

Counselors strive to take measures that enable clients

1. to obtain high quality end-of-life care for their physical, emotional, social, and spiritual needs;
2. to exercise the highest degree of self-determination possible;
3. to be given every opportunity possible to engage in informed decision making regarding their end-of-life care; and
4. to receive complete and adequate assessment regarding their ability to make competent, rational decisions on their own behalf from a mental health professional who is experienced in end-of-life care practice.

A.9.b. Counselor Competence, Choice, and Referral

Recognizing the personal, moral, and competence issues related to

end-of-life decisions, counselors may choose to work or not work with terminally ill clients who wish to explore their end-of-life options. Counselors provide appropriate referral information to ensure that clients receive the necessary help.

A.9.c. Confidentiality

Counselors who provide services to terminally ill individuals who are considering hastening their own deaths have the option of breaking or not breaking confidentiality, depending on applicable laws and the specific circumstances of the situation and after seeking consultation or supervision from appropriate professional and legal parties. (*See B.5.c., B.7.c.*)

A.10. Fees and Bartering

A.10.a. Accepting Fees From Agency Clients

Counselors refuse a private fee or other remuneration for rendering services to persons who are entitled to such services through the counselor's employing agency or institution. The policies of a particular agency may make explicit provisions for agency clients to receive counseling services from members of its staff in private practice. In such instances, the clients must be informed of other options open to them should they seek private counseling services.

A.10.b. Establishing Fees

In establishing fees for professional counseling services, counselors consider the financial status of clients and locality. In the event that the established fee structure is inappropriate for a client, counselors assist clients in attempting to find comparable services of acceptable cost.

A.10.c. Nonpayment of Fees

If counselors intend to use collection agencies or take legal measures to collect fees from clients who do not pay for services as agreed upon, they first inform clients of intended actions and offer clients the opportunity to make payment.

A.10.d. Bartering

Counselors may barter only if the relationship is not exploitive or harmful and does not place the counselor in an unfair advantage, if the client requests it, and if such arrangements are an accepted practice among professionals in the community. Counselors consider the cultural implications

of bartering and discuss relevant concerns with clients and document such agreements in a clear written contract.

A.10.e. Receiving Gifts

Counselors understand the challenges of accepting gifts from clients and recognize that in some cultures, small gifts are a token of respect and showing gratitude. When determining whether or not to accept a gift from clients, counselors take into account the therapeutic relationship, the monetary value of the gift, a client's motivation for giving the gift, and the counselor's motivation for wanting or declining the gift.

A.11. Termination and Referral

A.11.a. Abandonment Prohibited

Counselors do not abandon or neglect clients in counseling. Counselors assist in making appropriate arrangements for the continuation of treatment, when necessary, during interruptions such as vacations, illness, and following termination.

A.11.b. Inability to Assist Clients

If counselors determine an inability to be of professional assistance to clients, they avoid entering or continuing counseling relationships. Counselors are knowledgeable about culturally and clinically appropriate referral resources and suggest these alternatives. If clients decline the suggested referrals, counselors should discontinue the relationship.

A.11.c. Appropriate Termination

Counselors terminate a counseling relationship when it becomes reasonably apparent that the client no longer needs assistance, is not likely to benefit, or is being harmed by continued counseling. Counselors may terminate counseling when in jeopardy of harm by the client, or another person with whom the client has a relationship, or when clients do not pay fees as agreed upon. Counselors provide pretermination counseling and recommend other service providers when necessary.

A.11.d. Appropriate Transfer of Services

When counselors transfer or refer clients to other practitioners, they ensure that appropriate clinical and administrative processes are completed and open communication is maintained with both clients and practitioners.

A.12. Technology Applications

A.12.a. Benefits and Limitations

Counselors inform clients of the benefits and limitations of using information technology applications in the counseling process and in business/billing procedures. Such technologies include but are not limited to computer hardware and software, telephones, the World Wide Web, the Internet, online assessment instruments and other communication devices.

A.12.b. Technology-Assisted Services

When providing technology-assisted distance counseling services, counselors determine that clients are intellectually, emotionally, and physically capable of using the application and that the application is appropriate for the needs of clients.

A.12.c. Inappropriate Services

When technology-assisted distance counseling services are deemed inappropriate by the counselor or client, counselors consider delivering services face to face.

A.12.d. Access

Counselors provide reasonable access to computer applications when providing technology-assisted distance counseling services.

A.12.e. Laws and Statutes

Counselors ensure that the use of technology does not violate the laws of any local, state, national, or international entity and observe all relevant statutes.

A.12.f. Assistance

Counselors seek business, legal, and technical assistance when using technology applications, particularly when the use of such applications crosses state or national boundaries.

A.12.g. Technology and Informed Consent

As part of the process of establishing informed consent, counselors do the following:

1. Address issues related to the difficulty of maintaining the confidentiality of electronically transmitted communications.
2. Inform clients of all colleagues, supervisors, and employees, such as Informational Technology (IT) administrators, who might have authorized or unauthorized access to electronic transmissions.
3. Urge clients to be aware of all authorized or unauthorized users

including family members and fellow employees who have access to any technology clients may use in the counseling process.

4. Inform clients of pertinent legal rights and limitations governing the practice of a profession over state lines or international boundaries.
5. Use encrypted Web sites and e-mail communications to help ensure confidentiality when possible.
6. When the use of encryption is not possible, counselors notify clients of this fact and limit electronic transmissions to general communications that are not client specific.
7. Inform clients if and for how long archival storage of transaction records are maintained.
8. Discuss the possibility of technology failure and alternate methods of service delivery.
9. Inform clients of emergency procedures, such as calling 911 or a local crisis hotline, when the counselor is not available.
10. Discuss time zone differences, local customs, and cultural or language differences that might impact service delivery.
11. Inform clients when technology-assisted distance counseling services are not covered by insurance. (See A.2.)

A.12.h. Sites on the World Wide Web

Counselors maintaining sites on the World Wide Web (the Internet) do the following:

1. Regularly check that electronic links are working and professionally appropriate.
2. Establish ways clients can contact the counselor in case of technology failure.
3. Provide electronic links to relevant state licensure and professional certification boards to protect consumer rights and facilitate addressing ethical concerns.
4. Establish a method for verifying client identity.
5. Obtain the written consent of the legal guardian or other authorized legal representative prior to rendering services in the event the client is a minor child, an adult who is legally incompetent, or an adult incapable of giving informed consent.
6. Strive to provide a site that is accessible to persons with disabilities.

7. Strive to provide translation capabilities for clients who have a different primary language while also addressing the imperfect nature of such translations.
8. Assist clients in determining the validity and reliability of information found on the World Wide Web and other technology applications.

Section B

Confidentiality, Privileged Communication, and Privacy

Introduction

Counselors recognize that trust is a cornerstone of the counseling relationship. Counselors aspire to earn the trust of clients by creating an ongoing partnership, establishing and upholding appropriate boundaries, and maintaining confidentiality. Counselors communicate the parameters of confidentiality in a culturally competent manner.

B.1. Respecting Client Rights

B.1.a. Multicultural/Diversity Considerations

Counselors maintain awareness and sensitivity regarding cultural meanings of confidentiality and privacy. Counselors respect differing views toward disclosure of information. Counselors hold ongoing discussions with clients as to how, when, and with whom information is to be shared.

B.1.b. Respect for Privacy

Counselors respect client rights to privacy. Counselors solicit private information from clients only when it is beneficial to the counseling process.

B.1.c. Respect for Confidentiality

Counselors do not share confidential information without client consent or without sound legal or ethical justification.

B.1.d. Explanation of Limitations

At initiation and throughout the counseling process, counselors inform clients of the limitations of confidentiality and seek to identify foreseeable situations in which confidentiality must be breached. (See A.2.b.)

B.2. Exceptions

B.2.a. Danger and Legal Requirements

The general requirement that counselors keep information confidential does not apply when disclosure is required to protect clients or identified others from serious and foreseeable harm or when legal requirements demand that confidential information must be revealed. Counselors consult with other professionals when in doubt as to the validity of an exception. Additional considerations apply when addressing end-of-life issues. (See A.9.c.)

B.2.b. Contagious, Life-Threatening Diseases

When clients disclose that they have a disease commonly known to be both communicable and life threatening, counselors may be justified in disclosing information to identifiable third parties, if they are known to be at demonstrable and high risk of contracting the disease. Prior to making a disclosure, counselors confirm that there is such a diagnosis and assess the intent of clients to inform the third parties about their disease or to engage in any behaviors that may be harmful to an identifiable third party.

B.2.c. Court-Ordered Disclosure

When subpoenaed to release confidential or privileged information without a client's permission, counselors obtain written, informed consent from the client or take steps to prohibit the disclosure or have it limited as narrowly as possible due to potential harm to the client or counseling relationship.

B.2.d. Minimal Disclosure

To the extent possible, clients are informed before confidential information is disclosed and are involved in the disclosure decision-making process. When circumstances require the disclosure of confidential information, only essential information is revealed.

B.3. Information Shared With Others

B.3.a. Subordinates

Counselors make every effort to ensure that privacy and confidentiality of clients are maintained by subordinates, including employees, supervisees, students, clerical assistants, and volunteers. (See F.1.c.)

B.3.b. Treatment Teams

When client treatment involves a continued review or participation by a treatment team, the client will be informed of the team's existence and composition, information being shared, and the purposes of sharing such information.

B.3.c. Confidential Settings

Counselors discuss confidential information only in settings in which they can reasonably ensure client privacy.

B.3.d. Third-Party Payers

Counselors disclose information to third-party payers only when clients have authorized such disclosure.

B.3.e. Transmitting Confidential Information

Counselors take precautions to ensure the confidentiality of information transmitted through the use of computers, electronic mail, facsimile machines, telephones, voicemail, answering machines, and other electronic or computer technology. (*See A.12.g.*)

B.3.f. Deceased Clients

Counselors protect the confidentiality of deceased clients, consistent with legal requirements and agency or setting policies.

B.4. Groups and Families**B.4.a. Group Work**

In group work, counselors clearly explain the importance and parameters of confidentiality for the specific group being entered.

B.4.b. Couples and Family Counseling

In couples and family counseling, counselors clearly define who is considered "the client" and discuss expectations and limitations of confidentiality. Counselors seek agreement and document in writing such agreement among all involved parties having capacity to give consent concerning each individual's right to confidentiality and any obligation to preserve the confidentiality of information known.

B.5. Clients Lacking Capacity to Give Informed Consent**B.5.a. Responsibility to Clients**

When counseling minor clients or adult clients who lack the capacity to give voluntary, informed consent, counselors protect the confidentiality of information received in the counseling relationship as specified by federal and state laws, written policies, and applicable ethical standards.

B.5.b. Responsibility to Parents and Legal Guardians

Counselors inform parents and legal guardians about the role of counselors and the confidential nature of the counseling relationship. Counselors are sensitive to the cultural diversity of families and respect the inherent rights and responsibilities of parents/guardians over the welfare of their children/charges according to law. Counselors work to establish, as appropriate, collaborative relationships with parents/guardians to best serve clients.

B.5.c. Release of Confidential Information

When counseling minor clients or adult clients who lack the capacity to give voluntary consent to release confidential information, counselors seek permission from an appropriate third party to disclose information. In such instances, counselors inform clients consistent with their level of understanding and take culturally appropriate measures to safeguard client confidentiality.

B.6. Records**B.6.a. Confidentiality of Records**

Counselors ensure that records are kept in a secure location and that only authorized persons have access to records.

B.6.b. Permission to Record

Counselors obtain permission from clients prior to recording sessions through electronic or other means.

B.6.c. Permission to Observe

Counselors obtain permission from clients prior to observing counseling sessions, reviewing session transcripts, or viewing recordings of sessions with supervisors, faculty, peers, or others within the training environment.

B.6.d. Client Access

Counselors provide reasonable access to records and copies of records when requested by competent clients. Counselors limit the access of clients to their records, or portions of their records, only when there is compelling evidence that such access would cause harm to the client. Counselors document the request of clients and the rationale for withholding some or all of the record in the files of clients. In situations involving multiple clients, counselors provide individual clients with only those parts of records that related

directly to them and do not include confidential information related to any other client.

B.6.e. Assistance With Records

When clients request access to their records, counselors provide assistance and consultation in interpreting counseling records.

B.6.f. Disclosure or Transfer

Unless exceptions to confidentiality exist, counselors obtain written permission from clients to disclose or transfer records to legitimate third parties. Steps are taken to ensure that receivers of counseling records are sensitive to their confidential nature. (*See A.3., E.4.*)

B.6.g. Storage and Disposal After Termination

Counselors store records following termination of services to ensure reasonable future access, maintain records in accordance with state and federal statutes governing records, and dispose of client records and other sensitive materials in a manner that protects client confidentiality. When records are of an artistic nature, counselors obtain client (or guardian) consent with regards to handling of such records or documents. (*See A.1.b.*)

B.6.h. Reasonable Precautions

Counselors take reasonable precautions to protect client confidentiality in the event of the counselor's termination of practice, incapacity, or death. (*See C.2.h.*)

B.7. Research and Training**B.7.a. Institutional Approval**

When institutional approval is required, counselors provide accurate information about their research proposals and obtain approval prior to conducting their research. They conduct research in accordance with the approved research protocol.

B.7.b. Adherence to Guidelines

Counselors are responsible for understanding and adhering to state, federal, agency, or institutional policies or applicable guidelines regarding confidentiality in their research practices.

B.7.c. Confidentiality of Information Obtained in Research

Violations of participant privacy and confidentiality are risks of participation in research involving human participants. Investigators maintain all research records in a secure manner.

They explain to participants the risks of violations of privacy and confidentiality and disclose to participants any limits of confidentiality that reasonably can be expected. Regardless of the degree to which confidentiality will be maintained, investigators must disclose to participants any limits of confidentiality that reasonably can be expected. (See G.2.e.)

B.7.d. Disclosure of Research Information

Counselors do not disclose confidential information that reasonably could lead to the identification of a research participant unless they have obtained the prior consent of the person. Use of data derived from counseling relationships for purposes of training, research, or publication is confined to content that is disguised to ensure the anonymity of the individuals involved. (See G.2.a., G.2.d.)

B.7.e. Agreement for Identification
Identification of clients, students, or supervisees in a presentation or publication is permissible only when they have reviewed the material and agreed to its presentation or publication. (See G.4.d.)

B.8. Consultation

B.8.a. Agreements

When acting as consultants, counselors seek agreements among all parties involved concerning each individual's rights to confidentiality, the obligation of each individual to preserve confidential information, and the limits of confidentiality of information shared by others.

B.8.b. Respect for Privacy

Information obtained in a consulting relationship is discussed for professional purposes only with persons directly involved with the case. Written and oral reports present only data germane to the purposes of the consultation, and every effort is made to protect client identity and to avoid undue invasion of privacy.

B.8.c. Disclosure of Confidential Information

When consulting with colleagues, counselors do not disclose confidential information that reasonably could lead to the identification of a client or other person or organization with whom they have a confidential relationship unless they have obtained the prior consent of the person or organization or the disclo-

sure cannot be avoided. They disclose information only to the extent necessary to achieve the purposes of the consultation. (See D.2.d.)

Section C

Professional Responsibility

Introduction

Counselors aspire to open, honest, and accurate communication in dealing with the public and other professionals. They practice in a non-discriminatory manner within the boundaries of professional and personal competence and have a responsibility to abide by the *ACA Code of Ethics*. Counselors actively participate in local, state, and national associations that foster the development and improvement of counseling. Counselors advocate to promote change at the individual, group, institutional, and societal levels that improve the quality of life for individuals and groups and remove potential barriers to the provision or access of appropriate services being offered. Counselors have a responsibility to the public to engage in counseling practices that are based on rigorous research methodologies. In addition, counselors engage in self-care activities to maintain and promote their emotional, physical, mental, and spiritual well-being to best meet their professional responsibilities.

C.1. Knowledge of Standards

Counselors have a responsibility to read, understand, and follow the *ACA Code of Ethics* and adhere to applicable laws and regulations.

C.2. Professional Competence

C.2.a. Boundaries of Competence

Counselors practice only within the boundaries of their competence, based on their education, training, supervised experience, state and national professional credentials, and appropriate professional experience. Counselors gain knowledge, personal awareness, sensitivity, and skills pertinent to working with a diverse client population. (See A.9.b., C.4.e., E.2., F.2., F.11.b.)

C.2.b. New Specialty Areas of Practice

Counselors practice in specialty areas new to them only after appropriate education, training, and supervised experience. While developing skills in new specialty areas, counselors take steps to ensure the competence of their work and to protect others from possible harm. (See F.6.f.)

C.2.c. Qualified for Employment

Counselors accept employment only for positions for which they are qualified by education, training, supervised experience, state and national professional credentials, and appropriate professional experience. Counselors hire for professional counseling positions only individuals who are qualified and competent for those positions.

C.2.d. Monitor Effectiveness

Counselors continually monitor their effectiveness as professionals and take steps to improve when necessary. Counselors in private practice take reasonable steps to seek peer supervision as needed to evaluate their efficacy as counselors.

C.2.e. Consultation on Ethical Obligations

Counselors take reasonable steps to consult with other counselors or related professionals when they have questions regarding their ethical obligations or professional practice.

C.2.f. Continuing Education

Counselors recognize the need for continuing education to acquire and maintain a reasonable level of awareness of current scientific and professional information in their fields of activity. They take steps to maintain competence in the skills they use, are open to new procedures, and keep current with the diverse populations and specific populations with whom they work.

C.2.g. Impairment

Counselors are alert to the signs of impairment from their own physical, mental, or emotional problems and refrain from offering or providing professional services when such impairment is likely to harm a client or others. They seek assistance for problems that reach the level of professional impairment, and, if necessary, they limit, suspend, or terminate their professional responsibilities until such time it is determined that they may safely resume their work. Counselors assist colleagues or supervisors in recognizing their own professional impairment

and provide consultation and assistance when warranted with colleagues or supervisors showing signs of impairment and intervene as appropriate to prevent imminent harm to clients. (See A.11.b, F.8.b.)

C.2.h. Counselor Incapacitation or Termination of Practice

When counselors leave a practice, they follow a prepared plan for transfer of clients and files. Counselors prepare and disseminate to an identified colleague or "records custodian" a plan for the transfer of clients and files in the case of their incapacitation, death, or termination of practice.

C.3. Advertising and Soliciting Clients

C.3.a. Accurate Advertising

When advertising or otherwise representing their services to the public, counselors identify their credentials in an accurate manner that is not false, misleading, deceptive, or fraudulent.

C.3.b. Testimonials

Counselors who use testimonials do not solicit them from current clients nor former clients nor any other persons who may be vulnerable to undue influence.

C.3.c. Statements by Others

Counselors make reasonable efforts to ensure that statements made by others about them or the profession of counseling are accurate.

C.3.d. Recruiting Through Employment

Counselors do not use their places of employment or institutional affiliation to recruit or gain clients, supervisees, or consultees for their private practices.

C.3.e. Products and Training Advertisements

Counselors who develop products related to their profession or conduct workshops or training events ensure that the advertisements concerning these products or events are accurate and disclose adequate information for consumers to make informed choices. (See C.6.d.)

C.3.f. Promoting to Those Served

Counselors do not use counseling, teaching, training, or supervisory relationships to promote their products or training events in a manner that is deceptive or would exert undue influence on individuals who may be vulnerable. However, coun-

selor educators may adopt textbooks they have authored for instructional purposes.

C.4. Professional Qualifications

C.4.a. Accurate Representation

Counselors claim or imply only professional qualifications actually completed and correct any known misrepresentations of their qualifications by others. Counselors truthfully represent the qualifications of their professional colleagues. Counselors clearly distinguish between paid and volunteer work experience and accurately describe their continuing education and specialized training. (See C.2.a.)

C.4.b. Credentials

Counselors claim only licenses or certifications that are current and in good standing.

C.4.c. Educational Degrees

Counselors clearly differentiate between earned and honorary degrees.

C.4.d. Implying Doctoral-Level Competence

Counselors clearly state their highest earned degree in counseling or closely related field. Counselors do not imply doctoral-level competence when only possessing a master's degree in counseling or a related field by referring to themselves as "Dr." in a counseling context when their doctorate is not in counseling or related field.

C.4.e. Program Accreditation Status

Counselors clearly state the accreditation status of their degree programs at the time the degree was earned.

C.4.f. Professional Membership

Counselors clearly differentiate between current, active memberships and former memberships in associations. Members of the American Counseling Association must clearly differentiate between professional membership, which implies the possession of at least a master's degree in counseling, and regular membership, which is open to individuals whose interests and activities are consistent with those of ACA but are not qualified for professional membership.

C.5. Nondiscrimination

Counselors do not condone or engage in discrimination based on age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital status/partnership, language preference,

socioeconomic status, or any basis proscribed by law. Counselors do not discriminate against clients, students, employees, supervisees, or research participants in a manner that has a negative impact on these persons.

C.6. Public Responsibility

C.6.a. Sexual Harassment

Counselors do not engage in or condone sexual harassment. Sexual harassment is defined as sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with professional activities or roles, and that either

1. is unwelcome, is offensive, or creates a hostile workplace or learning environment, and counselors know or are told this; or
2. is sufficiently severe or intense to be perceived as harassment to a reasonable person in the context in which the behavior occurred.

Sexual harassment can consist of a single intense or severe act or multiple persistent or pervasive acts.

C.6.b. Reports to Third Parties

Counselors are accurate, honest, and objective in reporting their professional activities and judgments to appropriate third parties, including courts, health insurance companies, those who are the recipients of evaluation reports, and others. (See B.3, E.4.)

C.6.c. Media Presentations

When counselors provide advice or comment by means of public lectures, demonstrations, radio or television programs, prerecorded tapes, technology-based applications, printed articles, mailed material, or other media, they take reasonable precautions to ensure that

1. the statements are based on appropriate professional counseling literature and practice,
2. the statements are otherwise consistent with the *ACA Code of Ethics*, and
3. the recipients of the information are not encouraged to infer that a professional counseling relationship has been established.

C.6.d. Exploitation of Others

Counselors do not exploit others in their professional relationships. (See C.3.e.)

C.6.e. Scientific Bases for Treatment Modalities

Counselors use techniques/procedures/modalities that are grounded in

theory and/or have an empirical or scientific foundation. Counselors who do not must define the techniques/procedures as "unproven" or "developing" and explain the potential risks and ethical considerations of using such techniques/procedures and take steps to protect clients from possible harm. (*See A.4.a., E.5.c., E.5.d.*)

C.7. Responsibility to Other Professionals

C.7.a. Personal Public Statements

When making personal statements in a public context, counselors clarify that they are speaking from their personal perspectives and that they are not speaking on behalf of all counselors or the profession.

Section D

Relationships With Other Professionals

Introduction

Professional counselors recognize that the quality of their interactions with colleagues can influence the quality of services provided to clients. They work to become knowledgeable about colleagues within and outside the field of counseling. Counselors develop positive working relationships and systems of communication with colleagues to enhance services to clients.

D.1. Relationships With Colleagues, Employers, and Employees

D.1.a. Different Approaches

Counselors are respectful of approaches to counseling services that differ from their own. Counselors are respectful of traditions and practices of other professional groups with which they work.

D.1.b. Forming Relationships

Counselors work to develop and strengthen interdisciplinary relations with colleagues from other disciplines to best serve clients.

D.1.c. Interdisciplinary Teamwork

Counselors who are members of interdisciplinary teams delivering multifaceted services to clients, keep the focus on how to best serve the clients.

They participate in and contribute to decisions that affect the well-being of clients by drawing on the perspectives, values, and experiences of the counseling profession and those of colleagues from other disciplines. (*See A.1.a.*)

D.1.d. Confidentiality

When counselors are required by law, institutional policy, or extraordinary circumstances to serve in more than one role in judicial or administrative proceedings, they clarify role expectations and the parameters of confidentiality with their colleagues. (*See B.1.c., B.1.d., B.2.c., B.2.d., B.3.b.*)

D.1.e. Establishing Professional and Ethical Obligations

Counselors who are members of interdisciplinary teams clarify professional and ethical obligations of the team as a whole and of its individual members. When a team decision raises ethical concerns, counselors first attempt to resolve the concern within the team. If they cannot reach resolution among team members, counselors pursue other avenues to address their concerns consistent with client well-being.

D.1.f. Personnel Selection and Assignment

Counselors select competent staff and assign responsibilities compatible with their skills and experiences.

D.1.g. Employer Policies

The acceptance of employment in an agency or institution implies that counselors are in agreement with its general policies and principles. Counselors strive to reach agreement with employers as to acceptable standards of conduct that allow for changes in institutional policy conducive to the growth and development of clients.

D.1.h. Negative Conditions

Counselors alert their employers of inappropriate policies and practices. They attempt to effect changes in such policies or procedures through constructive action within the organization. When such policies are potentially disruptive or damaging to clients or may limit the effectiveness of services provided and change cannot be effected, counselors take appropriate further action. Such action may include referral to appropriate certification, accreditation, or state licensure organizations, or voluntary termination of employment.

D.1.i. Protection From Punitive Action

Counselors take care not to harass or dismiss an employee who has acted in a responsible and ethical manner

to expose inappropriate employer policies or practices.

D.2. Consultation

D.2.a. Consultant Competency

Counselors take reasonable steps to ensure that they have the appropriate resources and competencies when providing consultation services. Counselors provide appropriate referral resources when requested or needed. (*See C.2.a.*)

D.2.b. Understanding Consultees

When providing consultation, counselors attempt to develop with their consultees a clear understanding of problem definition, goals for change, and predicted consequences of interventions selected.

D.2.c. Consultant Goals

The consulting relationship is one in which consultee adaptability and growth toward self-direction are consistently encouraged and cultivated.

D.2.d. Informed Consent in Consultation

When providing consultation, counselors have an obligation to review, in writing and verbally, the rights and responsibilities of both counselors and consultees. Counselors use clear and understandable language to inform all parties involved about the purpose of the services to be provided, relevant costs, potential risks and benefits, and the limits of confidentiality. Working in conjunction with the consultee, counselors attempt to develop a clear definition of the problem, goals for change, and predicted consequences of interventions that are culturally responsive and appropriate to the needs of consultees. (*See A.2.a., A.2.b.*)

Section E

Evaluation, Assessment, and Interpretation

Introduction

Counselors use assessment instruments as one component of the counseling process, taking into account the client personal and cultural context. Counselors promote the well-being of individual clients or groups of clients by developing and using appropriate educational, psychological, and career assessment instruments.

E.1. General

E.1.a. Assessment

The primary purpose of educational, psychological, and career assessment is to provide measurements that are valid and reliable in either comparative or absolute terms. These include, but are not limited to, measurements of ability, personality, interest, intelligence, achievement, and performance. Counselors recognize the need to interpret the statements in this section as applying to both quantitative and qualitative assessments.

E.1.b. Client Welfare

Counselors do not misuse assessment results and interpretations, and they take reasonable steps to prevent others from misusing the information these techniques provide. They respect the client's right to know the results, the interpretations made, and the bases for counselors' conclusions and recommendations.

E.2. Competence to Use and Interpret Assessment Instruments

E.2.a. Limits of Competence

Counselors utilize only those testing and assessment services for which they have been trained and are competent. Counselors using technology assisted test interpretations are trained in the construct being measured and the specific instrument being used prior to using its technology based application. Counselors take reasonable measures to ensure the proper use of psychological and career assessment techniques by persons under their supervision. (See A.12.)

E.2.b. Appropriate Use

Counselors are responsible for the appropriate application, scoring, interpretation, and use of assessment instruments relevant to the needs of the client, whether they score and interpret such assessments themselves or use technology or other services.

E.2.c. Decisions Based on Results

Counselors responsible for decisions involving individuals or policies that are based on assessment results have a thorough understanding of educational, psychological, and career measurement, including validation criteria, assessment research, and guidelines for assessment development and use.

E.3. Informed Consent in Assessment

E.3.a. Explanation to Clients

Prior to assessment, counselors explain the nature and purposes of assessment and the specific use of results by potential recipients. The explanation will be given in the language of the client (or other legally authorized person on behalf of the client), unless an explicit exception has been agreed upon in advance. Counselors consider the client's personal or cultural context, the level of the client's understanding of the results, and the impact of the results on the client. (See A.2, A.12.g, F1.c.)

E.3.b. Recipients of Results

Counselors consider the examinee's welfare, explicit understandings, and prior agreements in determining who receives the assessment results. Counselors include accurate and appropriate interpretations with any release of individual or group assessment results. (See B.2.c., B.5.)

E.4. Release of Data to Qualified Professionals

Counselors release assessment data in which the client is identified only with the consent of the client or the client's legal representative. Such data are released only to persons recognized by counselors as qualified to interpret the data. (See B.1., B.3., B.6.b.)

E.5. Diagnosis of Mental Disorders

E.5.a. Proper Diagnosis

Counselors take special care to provide proper diagnosis of mental disorders. Assessment techniques (including personal interview) used to determine client care (e.g., locus of treatment, type of treatment, or recommended follow-up) are carefully selected and appropriately used.

E.5.b. Cultural Sensitivity

Counselors recognize that culture affects the manner in which clients' problems are defined. Clients' socioeconomic and cultural experiences are considered when diagnosing mental disorders. (See A.2.c.)

E.5.c. Historical and Social Prejudices in the Diagnosis of Pathology

Counselors recognize historical and social prejudices in the misdiagnosis and pathologizing of certain indi-

viduals and groups and the role of mental health professionals in perpetuating these prejudices through diagnosis and treatment.

E.5.d. Refraining From Diagnosis

Counselors may refrain from making and/or reporting a diagnosis if they believe it would cause harm to the client or others.

E.6. Instrument Selection

E.6.a. Appropriateness of Instruments

Counselors carefully consider the validity, reliability, psychometric limitations, and appropriateness of instruments when selecting assessments.

E.6.b. Referral Information

If a client is referred to a third party for assessment, the counselor provides specific referral questions and sufficient objective data about the client to ensure that appropriate assessment instruments are utilized. (See A.9.b., B.3.)

E.6.c. Culturally Diverse Populations

Counselors are cautious when selecting assessments for culturally diverse populations to avoid the use of instruments that lack appropriate psychometric properties for the client population. (See A.2.c., E.5.b.)

E.7. Conditions of Assessment Administration

(See A.12.b., A.12.d.)

E.7.a. Administration Conditions

Counselors administer assessments under the same conditions that were established in their standardization. When assessments are not administered under standard conditions, as may be necessary to accommodate clients with disabilities, or when unusual behavior or irregularities occur during the administration, those conditions are noted in interpretation, and the results may be designated as invalid or of questionable validity.

E.7.b. Technological Administration

Counselors ensure that administration programs function properly and provide clients with accurate results when technological or other electronic methods are used for assessment administration.

E.7.c. Unsupervised Assessments

Unless the assessment instrument is designed, intended, and validated for self-administration and/or scoring,

F.1.c. Informed Consent and Client Rights

Supervisors make supervisees aware of client rights including the protection of client privacy and confidentiality in the counseling relationship. Supervisees provide clients with professional disclosure information and inform them of how the supervision process influences the limits of confidentiality. Supervisees make clients aware of who will have access to records of the counseling relationship and how these records will be used. (See A.2.b., B.1.d.)

F.2. Counselor Supervision Competence**F.2.a. Supervisor Preparation**

Prior to offering clinical supervision services, counselors are trained in supervision methods and techniques. Counselors who offer clinical supervision services regularly pursue continuing education activities including both counseling and supervision topics and skills. (See C.2.a., C.2.f.)

F.2.b. Multicultural Issues/Diversity in Supervision

Counseling supervisors are aware of and address the role of multiculturalism/diversity in the supervisory relationship.

F.3. Supervisory Relationships**F.3.a. Relationship Boundaries With Supervisees**

Counseling supervisors clearly define and maintain ethical professional, personal, and social relationships with their supervisees. Counseling supervisors avoid nonprofessional relationships with current supervisees. If supervisors must assume other professional roles (e.g., clinical and administrative supervisor, instructor) with supervisees, they work to minimize potential conflicts and explain to supervisees the expectations and responsibilities associated with each role. They do not engage in any form of nonprofessional interaction that may compromise the supervisory relationship.

F.3.b. Sexual Relationships

Sexual or romantic interactions or relationships with current supervisees are prohibited.

F.3.c. Sexual Harassment

Counseling supervisors do not condone or subject supervisees to sexual harassment. (See C.6.a.)

F.3.d. Close Relatives and Friends

Counseling supervisors avoid accepting close relatives, romantic partners, or friends as supervisees.

F.3.e. Potentially Beneficial Relationships

Counseling supervisors are aware of the power differential in their relationships with supervisees. If they believe nonprofessional relationships with a supervisee may be potentially beneficial to the supervisee, they take precautions similar to those taken by counselors when working with clients. Examples of potentially beneficial interactions or relationships include attending a formal ceremony; hospital visits; providing support during a stressful event; or mutual membership in a professional association, organization, or community. Counseling supervisors engage in open discussions with supervisees when they consider entering into relationships with them outside of their roles as clinical and/or administrative supervisors. Before engaging in nonprofessional relationships, supervisors discuss with supervisees and document the rationale for such interactions, potential benefits or drawbacks, and anticipated consequences for the supervisee. Supervisors clarify the specific nature and limitations of the additional role(s) they will have with the supervisee.

F.4. Supervisor Responsibilities**F.4.a. Informed Consent for Supervision**

Supervisors are responsible for incorporating into their supervision the principles of informed consent and participation. Supervisors inform supervisees of the policies and procedures to which they are to adhere and the mechanisms for due process appeal of individual supervisory actions.

F.4.b. Emergencies and Absences

Supervisors establish and communicate to supervisees procedures for contacting them or, in their absence, alternative on-call supervisors to assist in handling crises.

F.4.c. Standards for Supervisees

Supervisors make their supervisees aware of professional and ethical standards and legal responsibilities. Supervisors of postdegree counselors encourage these counselors to adhere to professional standards of practice. (See C.1.)

F.4.d. Termination of the Supervisory Relationship

Supervisors or supervisees have the right to terminate the supervisory

relationship with adequate notice. Reasons for withdrawal are provided to the other party. When cultural, clinical, or professional issues are crucial to the viability of the supervisory relationship, both parties make efforts to resolve differences. When termination is warranted, supervisors make appropriate referrals to possible alternative supervisors.

F.5. Counseling Supervision Evaluation, Remediation, and Endorsement**F.5.a. Evaluation**

Supervisors document and provide supervisees with ongoing performance appraisal and evaluation feedback and schedule periodic formal evaluative sessions throughout the supervisory relationship.

F.5.b. Limitations

Through ongoing evaluation and appraisal, supervisors are aware of the limitations of supervisees that might impede performance. Supervisors assist supervisees in securing remedial assistance when needed. They recommend dismissal from training programs, applied counseling settings, or state or voluntary professional credentialing processes when those supervisees are unable to provide competent professional services. Supervisors seek consultation and document their decisions to dismiss or refer supervisees for assistance. They ensure that supervisees are aware of options available to them to address such decisions. (See C.2.g.)

F.5.c. Counseling for Supervisees

If supervisees request counseling, supervisors provide them with acceptable referrals. Counselors do not provide counseling services to supervisees. Supervisors address interpersonal competencies in terms of the impact of these issues on clients, the supervisory relationship, and professional functioning. (See F.3.a.)

F.5.d. Endorsement

Supervisors endorse supervisees for certification, licensure, employment, or completion of an academic or training program only when they believe supervisees are qualified for the endorsement. Regardless of qualifications, supervisors do not endorse supervisees whom they believe to be impaired in any way that would interfere with the performance of the duties associated with the endorsement.

F.6. Responsibilities of Counselor Educators

F.6.a. Counselor Educators

Counselor educators who are responsible for developing, implementing, and supervising educational programs are skilled as teachers and practitioners. They are knowledgeable regarding the ethical, legal, and regulatory aspects of the profession, are skilled in applying that knowledge, and make students and supervisees aware of their responsibilities. Counselor educators conduct counselor education and training programs in an ethical manner and serve as role models for professional behavior. (See C.1., C.2.a., C.2.c.)

F.6.b. Infusing Multicultural Issues/Diversity

Counselor educators infuse material related to multiculturalism/diversity into all courses and workshops for the development of professional counselors.

F.6.c. Integration of Study and Practice

Counselor educators establish education and training programs that integrate academic study and supervised practice.

F.6.d. Teaching Ethics

Counselor educators make students and supervisees aware of the ethical responsibilities and standards of the profession and the ethical responsibilities of students to the profession. Counselor educators infuse ethical considerations throughout the curriculum. (See C.1.)

F.6.e. Peer Relationships

Counselor educators make every effort to ensure that the rights of peers are not compromised when students or supervisees lead counseling groups or provide clinical supervision. Counselor educators take steps to ensure that students and supervisees understand they have the same ethical obligations as counselor educators, trainers, and supervisors.

F.6.f. Innovative Theories and Techniques

When counselor educators teach counseling techniques/procedures that are innovative, without an empirical foundation, or without a well-grounded theoretical foundation, they define the counseling techniques/procedures as "unproven" or "developing" and explain to students the potential risks and ethical considerations of using such techniques/procedures.

F.6.g. Field Placements

Counselor educators develop clear policies within their training programs regarding field placement and other clinical experiences. Counselor educators provide clearly stated roles and responsibilities for the student or supervisee, the site supervisor, and the program supervisor. They confirm that site supervisors are qualified to provide supervision and inform site supervisors of their professional and ethical responsibilities in this role.

F.6.h. Professional Disclosure

Before initiating counseling services, counselors-in-training disclose their status as students and explain how this status affects the limits of confidentiality. Counselor educators ensure that the clients at field placements are aware of the services rendered and the qualifications of the students and supervisees rendering those services. Students and supervisees obtain client permission before they use any information concerning the counseling relationship in the training process. (See A.2.b.)

F.7. Student Welfare

F.7.a. Orientation

Counselor educators recognize that orientation is a developmental process that continues throughout the educational and clinical training of students. Counseling faculty provide prospective students with information about the counselor education program's expectations:

1. the type and level of skill and knowledge acquisition required for successful completion of the training;
2. program training goals, objectives, and mission, and subject matter to be covered;
3. bases for evaluation;
4. training components that encourage self-growth or self-disclosure as part of the training process;
5. the type of supervision settings and requirements of the sites for required clinical field experiences;
6. student and supervisee evaluation and dismissal policies and procedures; and
7. up-to-date employment prospects for graduates.

F.7.b. Self-Growth Experiences

Counselor education programs delineate requirements for self-disclosure or self-growth experiences in their

admission and program materials. Counselor educators use professional judgment when designing training experiences they conduct that require student and supervisee self-growth or self-disclosure. Students and supervisees are made aware of the ramifications their self-disclosure may have when counselors whose primary role as teacher, trainer, or supervisor requires acting on ethical obligations to the profession. Evaluative components of experiential training experiences explicitly delineate predetermined academic standards that are separate and do not depend on the student's level of self-disclosure. Counselor educators may require trainees to seek professional help to address any personal concerns that may be affecting their competency.

F.8. Student Responsibilities

F.8.a. Standards for Students

Counselors-in-training have a responsibility to understand and follow the *ACA Code of Ethics* and adhere to applicable laws, regulatory policies, and rules and policies governing professional staff behavior at the agency or placement setting. Students have the same obligation to clients as those required of professional counselors. (See C.1., H.1.)

F.8.b. Impairment

Counselors-in-training refrain from offering or providing counseling services when their physical, mental, or emotional problems are likely to harm a client or others. They are alert to the signs of impairment, seek assistance for problems, and notify their program supervisors when they are aware that they are unable to effectively provide services. In addition, they seek appropriate professional services for themselves to remediate the problems that are interfering with their ability to provide services to others. (See A.1., C.2.d., C.2.g.)

F.9. Evaluation and Remediation of Students

F.9.a. Evaluation

Counselors clearly state to students, prior to and throughout the training program, the levels of competency expected, appraisal methods, and timing of evaluations for both didactic and clinical competencies. Counselor educators provide students

with ongoing performance appraisal and evaluation feedback throughout the training program.

F.9.b. Limitations

Counselor educators, throughout ongoing evaluation and appraisal, are aware of and address the inability of some students to achieve counseling competencies that might impede performance. Counselor educators

1. assist students in securing remedial assistance when needed,
2. seek professional consultation and document their decision to dismiss or refer students for assistance, and
3. ensure that students have recourse in a timely manner to address decisions to require them to seek assistance or to dismiss them and provide students with due process according to institutional policies and procedures. (See C.2.g.)

F.9.c. Counseling for Students

If students request counseling or if counseling services are required as part of a remediation process, counselor educators provide acceptable referrals.

F. 10. Roles and Relationships Between Counselor Educators and Students

F.10.a. Sexual or Romantic Relationships

Sexual or romantic interactions or relationships with current students are prohibited.

F.10.b. Sexual Harassment

Counselor educators do not condone or subject students to sexual harassment. (See C.6.a.)

F.10.c. Relationships With Former Students

Counselor educators are aware of the power differential in the relationship between faculty and students. Faculty members foster open discussions with former students when considering engaging in a social, sexual, or other intimate relationship. Faculty members discuss with the former student how their former relationship may affect the change in relationship.

F.10.d. Nonprofessional Relationships

Counselor educators avoid nonprofessional or ongoing professional relationships with students in which

there is a risk of potential harm to the student or that may compromise the training experience or grades assigned. In addition, counselor educators do not accept any form of professional services, fees, commissions, reimbursement, or remuneration from a site for student or supervisee placement.

F.10.e. Counseling Services

Counselor educators do not serve as counselors to current students unless this is a brief role associated with a training experience.

F.10.f. Potentially Beneficial Relationships

Counselor educators are aware of the power differential in the relationship between faculty and students. If they believe a nonprofessional relationship with a student may be potentially beneficial to the student, they take precautions similar to those taken by counselors when working with clients. Examples of potentially beneficial interactions or relationships include, but are not limited to, attending a formal ceremony; hospital visits; providing support during a stressful event; or mutual membership in a professional association, organization, or community. Counselor educators engage in open discussions with students when they consider entering into relationships with students outside of their roles as teachers and supervisors. They discuss with students the rationale for such interactions, the potential benefits and drawbacks, and the anticipated consequences for the student. Educators clarify the specific nature and limitations of the additional role(s) they will have with the student prior to engaging in a nonprofessional relationship. Nonprofessional relationships with students should be time-limited and initiated with student consent.

F.11. Multicultural/Diversity Competence in Counselor Education and Training Programs

F.11.a. Faculty Diversity

Counselor educators are committed to recruiting and retaining a diverse faculty.

F.11.b. Student Diversity

Counselor educators actively attempt to recruit and retain a diverse student body. Counselor educators

demonstrate commitment to multicultural/diversity competence by recognizing and valuing diverse cultures and types of abilities students bring to the training experience. Counselor educators provide appropriate accommodations that enhance and support diverse student well-being and academic performance.

F.11.c. Multicultural/Diversity Competence

Counselor educators actively infuse multicultural/diversity competency in their training and supervision practices. They actively train students to gain awareness, knowledge, and skills in the competencies of multicultural practice. Counselor educators include case examples, role-plays, discussion questions, and other classroom activities that promote and represent various cultural perspectives.

Section G

Research and Publication

Introduction

Counselors who conduct research are encouraged to contribute to the knowledge base of the profession and promote a clearer understanding of the conditions that lead to a healthy and more just society. Counselors support efforts of researchers by participating fully and willingly whenever possible. Counselors minimize bias and respect diversity in designing and implementing research programs.

G.1. Research Responsibilities

G.1.a. Use of Human Research Participants

Counselors plan, design, conduct, and report research in a manner that is consistent with pertinent ethical principles, federal and state laws, host institutional regulations, and scientific standards governing research with human research participants.

G.1.b. Deviation From Standard Practice

Counselors seek consultation and observe stringent safeguards to protect the rights of research participants when a research problem suggests a deviation from standard or acceptable practices.

G.1.c. Independent Researchers

When independent researchers do not have access to an Institutional Review Board (IRB), they should consult with researchers who are familiar with IRB procedures to provide appropriate safeguards.

G.1.d. Precautions to Avoid Injury

Counselors who conduct research with human participants are responsible for the welfare of participants throughout the research process and should take reasonable precautions to avoid causing injurious psychological, emotional, physical, or social effects to participants.

G.1.e. Principal Researcher Responsibility

The ultimate responsibility for ethical research practice lies with the principal researcher. All others involved in the research activities share ethical obligations and responsibility for their own actions.

G.1.f. Minimal Interference

Counselors take reasonable precautions to avoid causing disruptions in the lives of research participants that could be caused by their involvement in research.

G.1.g. Multicultural/Diversity Considerations in Research

When appropriate to research goals, counselors are sensitive to incorporating research procedures that take into account cultural considerations. They seek consultation when appropriate.

G.2. Rights of Research Participants

(See A.2, A.7.)

G.2.a. Informed Consent in Research

Individuals have the right to consent to become research participants. In seeking consent, counselors use language that

1. accurately explains the purpose and procedures to be followed,
2. identifies any procedures that are experimental or relatively untried,
3. describes any attendant discomforts and risks,
4. describes any benefits or changes in individuals or organizations that might be reasonably expected,
5. discloses appropriate alternative procedures that would be advantageous for participants,
6. offers to answer any inquiries concerning the procedures,
7. describes any limitations on confidentiality,

8. describes the format and potential target audiences for the dissemination of research findings, and

9. instructs participants that they are free to withdraw their consent and to discontinue participation in the project at any time without penalty.

G.2.b. Deception

Counselors do not conduct research involving deception unless alternative procedures are not feasible and the prospective value of the research justifies the deception. If such deception has the potential to cause physical or emotional harm to research participants, the research is not conducted, regardless of prospective value. When the methodological requirements of a study necessitate concealment or deception, the investigator explains the reasons for this action as soon as possible during the debriefing.

G.2.c. Student/Supervisee Participation

Researchers who involve students or supervisees in research make clear to them that the decision regarding whether or not to participate in research activities does not affect one's academic standing or supervisory relationship. Students or supervisees who choose not to participate in educational research are provided with an appropriate alternative to fulfill their academic or clinical requirements.

G.2.d. Client Participation

Counselors conducting research involving clients make clear in the informed consent process that clients are free to choose whether or not to participate in research activities. Counselors take necessary precautions to protect clients from adverse consequences of declining or withdrawing from participation.

G.2.e. Confidentiality of Information

Information obtained about research participants during the course of an investigation is confidential. When the possibility exists that others may obtain access to such information, ethical research practice requires that the possibility, together with the plans for protecting confidentiality, be explained to participants as a part of the procedure for obtaining informed consent.

G.2.f. Persons Not Capable of Giving Informed Consent

When a person is not capable of giving informed consent, counselors

provide an appropriate explanation to, obtain agreement for participation from, and obtain the appropriate consent of a legally authorized person.

G.2.g. Commitments to Participants

Counselors take reasonable measures to honor all commitments to research participants. (See A.2.c.)

G.2.h. Explanations After Data Collection

After data are collected, counselors provide participants with full clarification of the nature of the study to remove any misconceptions participants might have regarding the research. Where scientific or human values justify delaying or withholding information, counselors take reasonable measures to avoid causing harm.

G.2.i. Informing Sponsors

Counselors inform sponsors, institutions, and publication channels regarding research procedures and outcomes. Counselors ensure that appropriate bodies and authorities are given pertinent information and acknowledgement.

G.2.j. Disposal of Research Documents and Records

Within a reasonable period of time following the completion of a research project or study, counselors take steps to destroy records or documents (audio, video, digital, and written) containing confidential data or information that identifies research participants. When records are of an artistic nature, researchers obtain participant consent with regard to handling of such records or documents. (See B.4.a, B.4.g.)

G.3. Relationships With Research Participants (When Research Involves Intensive or Extended Interactions)**G.3.a. Nonprofessional Relationships**

Nonprofessional relationships with research participants should be avoided.

G.3.b. Relationships With Research Participants

Sexual or romantic counselor-research participant interactions or relationships with current research participants are prohibited.

G.3.c. Sexual Harassment and Research Participants

Researchers do not condone or subject research participants to sexual harassment.

G.3.d. Potentially Beneficial Interactions

When a nonprofessional interaction between the researcher and the research participant may be potentially beneficial, the researcher must document, prior to the interaction (when feasible), the rationale for such an interaction, the potential benefit, and anticipated consequences for the research participant. Such interactions should be initiated with appropriate consent of the research participant. Where unintentional harm occurs to the research participant due to the nonprofessional interaction, the researcher must show evidence of an attempt to remedy such harm.

G.4. Reporting Results**G.4.a. Accurate Results**

Counselors plan, conduct, and report research accurately. They provide thorough discussions of the limitations of their data and alternative hypotheses. Counselors do not engage in misleading or fraudulent research, distort data, misrepresent data, or deliberately bias their results. They explicitly mention all variables and conditions known to the investigator that may have affected the outcome of a study or the interpretation of data. They describe the extent to which results are applicable for diverse populations.

G.4.b. Obligation to Report Unfavorable Results

Counselors report the results of any research of professional value. Results that reflect unfavorably on institutions, programs, services, prevailing opinions, or vested interests are not withheld.

G.4.c. Reporting Errors

If counselors discover significant errors in their published research, they take reasonable steps to correct such errors in a correction erratum, or through other appropriate publication means.

G.4.d. Identity of Participants

Counselors who supply data, aid in the research of another person, report research results, or make original data available take due care to disguise the identity of respective participants in the absence of specific authorization from the participants to do otherwise. In situations where participants self-identify their involvement in research studies, researchers take active steps to ensure that data is adapted/changed to protect

the identity and welfare of all parties and that discussion of results does not cause harm to participants.

G.4.e. Replication Studies

Counselors are obligated to make available sufficient original research data to qualified professionals who may wish to replicate the study.

G.5. Publication**G.5.a. Recognizing Contributions**

When conducting and reporting research, counselors are familiar with and give recognition to previous work on the topic, observe copyright laws, and give full credit to those to whom credit is due.

G.5.b. Plagiarism

Counselors do not plagiarize, that is, they do not present another person's work as their own work.

G.5.c. Review/Republication of Data or Ideas

Counselors fully acknowledge and make editorial reviewers aware of prior publication of ideas or data where such ideas or data are submitted for review or publication.

G.5.d. Contributors

Counselors give credit through joint authorship, acknowledgment, footnote statements, or other appropriate means to those who have contributed significantly to research or concept development in accordance with such contributions. The principal contributor is listed first and minor technical or professional contributions are acknowledged in notes or introductory statements.

G.5.e. Agreement of Contributors

Counselors who conduct joint research with colleagues or students/supervisees establish agreements in advance regarding allocation of tasks, publication credit, and types of acknowledgement that will be received.

G.5.f. Student Research

For articles that are substantially based on students course papers, projects, dissertations or theses, and on which students have been the primary contributors, they are listed as principal authors.

G.5.g. Duplicate Submission

Counselors submit manuscripts for consideration to only one journal at a time. Manuscripts that are published in whole or in substantial part in another journal or published work are not submitted for publication

without acknowledgment and permission from the previous publication.

G.5.h. Professional Review

Counselors who review material submitted for publication, research, or other scholarly purposes respect the confidentiality and proprietary rights of those who submitted it. Counselors use care to make publication decisions based on valid and defensible standards. Counselors review article submissions in a timely manner and based on their scope and competency in research methodologies. Counselors who serve as reviewers at the request of editors or publishers make every effort to only review materials that are within their scope of competency and use care to avoid personal biases.

Section H

Resolving Ethical Issues

Introduction

Counselors behave in a legal, ethical, and moral manner in the conduct of their professional work. They are aware that client protection and trust in the profession depend on a high level of professional conduct. They hold other counselors to the same standards and are willing to take appropriate action to ensure that these standards are upheld.

Counselors strive to resolve ethical dilemmas with direct and open communication among all parties involved and seek consultation with colleagues and supervisors when necessary. Counselors incorporate ethical practice into their daily professional work. They engage in ongoing professional development regarding current topics in ethical and legal issues in counseling.

H.1. Standards and the Law

(See F.9.a.)

H.1.a. Knowledge

Counselors understand the *ACA Code of Ethics* and other applicable ethics codes from other professional organizations or from certification and licensure bodies of which they are members. Lack of knowledge or misunderstanding of an ethical responsibility is not a

defense against a charge of unethical conduct.

H.1.b. Conflicts Between Ethics and Laws

If ethical responsibilities conflict with law, regulations, or other governing legal authority, counselors make known their commitment to the *ACA Code of Ethics* and take steps to resolve the conflict. If the conflict cannot be resolved by such means, counselors may adhere to the requirements of law, regulations, or other governing legal authority.

H.2. Suspected Violations

H.2.a. Ethical Behavior Expected

Counselors expect colleagues to adhere to the *ACA Code of Ethics*. When counselors possess knowledge that raises doubts as to whether another counselor is acting in an ethical manner, they take appropriate action. (See *H.2.b.*, *H.2.c.*)

H.2.b. Informal Resolution

When counselors have reason to believe that another counselor is violating or has violated an ethical standard, they attempt first to resolve the issue informally with the other counselor if feasible, provided such action does not violate confidentiality rights that may be involved.

H.2.c. Reporting Ethical Violations

If an apparent violation has substantially harmed, or is likely to substantially harm a person or organization

and is not appropriate for informal resolution or is not resolved properly, counselors take further action appropriate to the situation. Such action might include referral to state or national committees on professional ethics, voluntary national certification bodies, state licensing boards, or to the appropriate institutional authorities. This standard does not apply when an intervention would violate confidentiality rights or when counselors have been retained to review the work of another counselor whose professional conduct is in question.

H.2.d. Consultation

When uncertain as to whether a particular situation or course of action may be in violation of the *ACA Code of Ethics*, counselors consult with other counselors who are knowledgeable about ethics and the *ACA Code of Ethics*, with colleagues, or with appropriate authorities

H.2.e. Organizational Conflicts

If the demands of an organization with which counselors are affiliated pose a conflict with the *ACA Code of Ethics*, counselors specify the nature of such conflicts and express to their supervisors or other responsible officials their commitment to the *ACA Code of Ethics*. When possible, counselors work toward change within the organization to allow full adherence to the *ACA Code of Ethics*. In doing so, they address any confidentiality issues.

H.2.f. Unwarranted Complaints

Counselors do not initiate, participate in, or encourage the filing of ethics complaints that are made with reckless disregard or willful ignorance of facts that would disprove the allegation.

H.2.g. Unfair Discrimination Against Complainants and Respondents

Counselors do not deny persons employment, advancement, admission to academic or other programs, tenure, or promotion based solely upon their having made or their being the subject of an ethics complaint. This does not preclude taking action based upon the outcome of such proceedings or considering other appropriate information.

H.3. Cooperation With Ethics Committees

Counselors assist in the process of enforcing the *ACA Code of Ethics*. Counselors cooperate with investigations, proceedings, and requirements of the ACA Ethics Committee or ethics committees of other duly constituted associations or boards having jurisdiction over those charged with a violation. Counselors are familiar with the *ACA Policy and Procedures for Processing Complaints of Ethical Violations* and use it as a reference for assisting in the enforcement of the *ACA Code of Ethics*.

Glossary of Terms

- Advocacy** – promotion of the well-being of individuals and groups, and the counseling profession within systems and organizations. Advocacy seeks to remove barriers and obstacles that inhibit access, growth, and development.
- Assent** – to demonstrate agreement, when a person is otherwise not capable or competent to give formal consent (e.g., informed consent) to a counseling service or plan.
- Client** – an individual seeking or referred to the professional services of a counselor for help with problem resolution or decision making.
- Counselor** – a professional (or a student who is a counselor-in-training) engaged in a counseling practice or other counseling-related services. Counselors fulfill many roles and responsibilities such as counselor educators, researchers, supervisors, practitioners, and consultants.
- Counselor Educator** – a professional counselor engaged primarily in developing, implementing, and supervising the educational preparation of counselors-in-training.
- Counselor Supervisor** – a professional counselor who engages in a formal relationship with a practicing counselor or counselor-in-training for the purpose of overseeing that individual's counseling work or clinical skill development.
- Culture** – membership in a socially constructed way of living, which incorporates collective values, beliefs, norms, boundaries, and lifestyles that are cocreated with others who share similar worldviews comprising biological, psychosocial, historical, psychological, and other factors.
- Diversity** – the similarities and differences that occur within and across cultures, and the intersection of cultural and social identities.
- Documents** – any written, digital, audio, visual, or artistic recording of the work within the counseling relationship between counselor and client.
- Examinee** – a recipient of any professional counseling service that includes educational, psychological, and career appraisal utilizing qualitative or quantitative techniques.
- Forensic Evaluation** – any formal assessment conducted for court or other legal proceedings.
- Multicultural/Diversity Competence** – a capacity whereby counselors possess cultural and diversity awareness and knowledge about self and others, and how this awareness and knowledge is applied effectively in practice with clients and client groups.
- Multicultural/Diversity Counseling** – counseling that recognizes diversity and embraces approaches that support the worth, dignity, potential, and uniqueness of individuals within their historical, cultural, economic, political, and psychosocial contexts.
- Student** – an individual engaged in formal educational preparation as a counselor-in-training.
- Supervisee** – a professional counselor or counselor-in-training whose counseling work or clinical skill development is being overseen in a formal supervisory relationship by a qualified trained professional.
- Supervisor** – counselors who are trained to oversee the professional clinical work of counselors and counselors-in-training.
- Teaching** – all activities engaged in as part of a formal educational program designed to lead to a graduate degree in counseling.
- Training** – the instruction and practice of skills related to the counseling profession. Training contributes to the ongoing proficiency of students and professional counselors.

These items include...

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Code of Ethics for Nurses
with interpretive statements

Acknowledgments

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Code of Ethics for

Nurses

The nurse, in all professional relationships, practices with compassion and respect for the inherent dignity, worth, and uniqueness of every individual, unrestricted by considerations of social or economic status, personal attributes, or the nature of health problems.

The nurse's primary commitment is to the patient, whether an individual, family, group, or community.

The nurse promotes, advocates for, and strives to protect the health, safety, and rights of the patient.

The nurse is responsible and accountable for individual nursing practice and determines the appropriate delegation of tasks consistent with the nurse's obligation to provide optimum patient care.

The nurse owes the same duties to self as to others, including the responsibility to preserve integrity and safety, to maintain competence, and to continue personal and professional growth.

The nurse participates in establishing, maintaining, and improving health care environments and conditions of employment conducive to the provision of quality health care and consistent with the values of the profession through individual and collective action.

The nurse participates in the advancement of the profession through contributions to practice, education, administration, and knowledge development.

The nurse collaborates with other health professionals and the public in promoting community, national, and international efforts to meet health needs.

The profession of nursing, as represented by associations and their members, is responsible for articulating nursing values, for maintaining the integrity of the profession and its practice, and for shaping social policy.

There are numerous approaches to ethics; these include adopting or subscribing to ethical theories, including humanist, feminist, and social ethics, adhering to ethical principles, and cultivating virtues. The Code of Ethics for Nurses reflects all of these approaches. The words "ethical" and "moral" are used throughout the Code of Ethics. "Ethical" is used to refer to reasons for decisions about how one ought to act, using the above mentioned approaches. In general, the word "moral" overlaps with "ethical" but is more aligned with personal belief and cultural values. Statements that describe activities and attributes of nurses in this Code of Ethics are to be understood as normative or prescriptive statements expressing expectations of ethical behavior.

Preface

Ethics is an integral part of the foundation of nursing. Nursing has a distinguished history of concern for the welfare of the sick, injured, and vulnerable and for social justice. This concern is embodied in the provision of nursing care to individuals and the community. Nursing encompasses the prevention of illness, the alleviation of suffering, and the protection, promotion, and restoration of health in the care of individuals, families, groups, and communities. Nurses act to change those aspects of social structures that detract from health and well-being. Individuals who become nurses are expected not only to adhere to the ideals and moral norms of the profession but also to embrace them as a part of what it means to be a nurse. The ethical tradition of nursing is self-reflective, enduring, and distinctive. A code of ethics makes explicit the primary goals, values, and obligations of the profession.

The Code of Ethics for Nurses serves the following purposes:

- It is a succinct statement of the ethical obligations and duties of every individual who enters the nursing profession.
- It is the profession's nonnegotiable ethical standard.
- It is an expression of nursing's own understanding of its commitment to society.

There are numerous approaches for addressing ethics; these include adopting or subscribing to ethical theories, including humanist, feminist, and social ethics, adhering to ethical principles, and cultivating virtues. The Code of Ethics for Nurses reflects all of these approaches. The words "ethical" and "moral" are used throughout the Code of Ethics. "Ethical" is used to refer to reasons for decisions about how one ought to act, using the above mentioned approaches. In general, the word "moral" overlaps with "ethical" but is more aligned with personal belief and cultural values. Statements that describe activities and attributes of nurses in this Code of Ethics are to be understood as normative or prescriptive statements expressing expectations of ethical behavior.

The Code of Ethics for Nurses uses the term *patient* to refer to recipients of nursing care. The derivation of this word refers to "one who suffers," reflecting a universal aspect of human existence. Nonetheless, it is recognized that nurses also provide services to those seeking health as well as those responding to illness, to students and to staff, in health care facilities as well as in communities. Similarly, the term *practice* refers to the actions of the nurse in whatever role the nurse fulfills, including direct patient care provider, educator, administrator, researcher, policy developer, or other. Thus, the values and obligations expressed in this Code of Ethics apply to nurses in all roles and settings.

The Code of Ethics for Nurses is a dynamic document. As nursing and its social context change, changes to the Code of Ethics are also necessary. The Code of Ethics consists of two components: the provisions and the accompanying interpretive statements. There are nine provisions. The first three describe the most fundamental values and commitments of the nurse, the next three address boundaries of duty and loyalty, and the last three address aspects of duties beyond individual patient encounters. For each provision, there are interpretive statements that provide greater specificity for practice and are responsive to the contemporary context of nursing. Consequently, the interpretive statements are subject to more frequent revision than are the provisions. Additional ethical guidance and detail can be found in ANA or constituent member association position statements that address clinical, research, administrative, educational, or public policy issues.

Code of Ethics for Nurses with Interpretive Statements provides a framework for nurses to use in ethical analysis and decision-making. The Code of Ethics establishes the ethical standard for the profession. It is not negotiable in any setting nor is it subject to revision or amendment except by formal process of the House of Delegates of the ANA. The Code of Ethics for Nurses is a reflection of the proud ethical heritage of nursing, a guide for nurses now and in the future.

Code of Ethics for Nurses

with interpretive statements

The nurse, in all professional relationships, practices with compassion and respect for the inherent dignity, worth and uniqueness of every individual, unrestricted by considerations of social or economic status, personal attributes, or the nature of health problems.

1.1 Respect for human dignity

A fundamental principle that underlies all nursing practice is respect for the inherent worth, dignity, and human rights of every individual. Nurses take into account the needs and values of all persons in all professional relationships.

1.2 Relationships to patients

The need for health care is universal, transcending all individual differences. The nurse establishes relationships and delivers nursing services with respect for human needs and values, and without prejudice. An individual's lifestyle, value system and religious beliefs should be considered in planning health care with and for each patient. Such consideration does not suggest that the nurse necessarily agrees with or condones certain individual choices, but that the nurse respects the patient as a person.

1.3 The nature of health problems

The nurse respects the worth, dignity and rights of all human beings irrespective of the nature of the health problem. The worth of the person is not affected by disease, disability, functional status, or proximity to death. This respect extends to all who require the services of the nurse for the promotion of health, the prevention of illness, the restoration of health, the alleviation of suffering, and the provision of supportive care to those who are dying.

The measures nurses take to care for the patient enable the patient to live with as much physical, emotional, social, and spiritual well-being as possible. Nursing care aims to maximize the values that the patient has treasured in life and extends supportive care to the family and significant others. Nursing care is directed toward meeting the comprehensive needs of patients and their families across the continuum of care. This is particularly vital in the care of patients and their families at the end of life to prevent and relieve the cascade of symptoms and suffering that are commonly associated with dying.

Nurses are leaders and vigilant advocates for the delivery of dignified and humane care. Nurses actively participate in assessing and assuring the responsible and appropriate use of interventions in order to minimize unwarranted or unwanted treatment and patient suffering. The acceptability and importance of carefully considered decisions regarding resuscitation status, withholding and withdrawing life-sustaining therapies, forgoing medically provided nutrition and hydration, aggressive pain and symptom management and advance directives are increasingly evident. The nurse should provide interventions to relieve pain and other symptoms in the dying patient even when those interventions entail risks of hastening death. However, nurses may not act with the sole intent of ending a patient's life even though such action may be motivated by compassion, respect for patient autonomy and quality of life considerations. Nurses have invaluable experience, knowledge, and insight into care at the end of life and should be actively involved in related research, education, practice, and policy development.

1.4 The right to self-determination

Respect for human dignity requires the recognition of specific patient rights, particularly, the right of self-determination. Self-determination, also known as autonomy, is the philosophical basis for informed consent in health care. Patients have the moral and legal right to determine what will be done with their own person; to be given accurate, complete, and understandable information in a manner that facilitates an informed judgment; to be assisted with weighing the benefits, burdens, and available options in their treatment, including the choice of no treatment; to accept, refuse, or terminate treatment without deceit, undue influence, duress, coercion, or penalty; and to be given necessary support throughout the decision-making and treatment process. Such support would include the opportunity to make decisions with family and significant others and the provision of advice and support from knowledgeable nurses and other health professionals. Patients should be involved in planning their own health care to the extent they are able and choose to participate.

Each nurse has an obligation to be knowledgeable about the moral and legal rights of all patients to self-determination. The nurse preserves, protects, and supports those interests by assessing the patient's comprehension of both the information presented and the implications of decisions. In situations in which the patient lacks the capacity to make a decision, a designated surrogate decision-maker should be consulted. The role of the surrogate is to make decisions as the patient would, based upon the patient's previously expressed wishes and known values. In the absence of a designated surrogate

decision-maker, decisions should be made in the best interests of the patient, considering the patient's personal values to the extent that they are known. The nurse supports patient self-determination by participating in discussions with surrogates, providing guidance and referral to other resources as necessary, and identifying and addressing problems in the decision-making process. Support of autonomy in the broadest sense also includes recognition that people of some cultures place less weight on individualism and choose to defer to family or community values in decision-making. Respect not just for the specific decision but also for the patient's method of decision-making is consistent with the principle of autonomy.

Individuals are interdependent members of the community. The nurse recognizes that there are situations in which the right to individual self-determination may be outweighed or limited by the rights, health and welfare of others, particularly in relation to public health considerations. Nonetheless, limitation of individual rights must always be considered a serious deviation from the standard of care, justified only when there are no less restrictive means available to preserve the rights of others and the demands of justice.

1.5 Relationships with colleagues and others

The principle of respect for persons extends to all individuals with whom the nurse interacts. The nurse maintains compassionate and caring relationships with colleagues and others with a commitment to the fair treatment of individuals, to integrity-preserving compromise, and to resolving conflict. Nurses function in many roles, including direct care provider, administrator, educator, researcher, and consultant. In each of these roles, the nurse treats colleagues, employees, assistants, and students with respect and compassion. This standard of conduct precludes any and all prejudicial actions, any form of harassment or threatening behavior, or disregard for the effect of one's actions on others. The nurse values the distinctive contribution of individuals or groups, and collaborates to meet the shared goal of providing quality health services.

The nurse's primary commitment is to the patient, whether an individual, family, group or community.

2.1 Primacy of the patient's interests

The nurse's primary commitment is to the recipient of nursing and health care services—the patient—whether the recipient is an individual, a family, a group, or a community. Nursing holds a fundamental commitment to the uniqueness of the individual patient; therefore, any plan of care must reflect that uniqueness. The nurse strives to provide patients with opportunities to

participate in planning care, assures that patients find the plans acceptable and supports the implementation of the plan. Addressing patient interests requires recognition of the patient's place in the family or other networks of relationship. When the patient's wishes are in conflict with others, the nurse seeks to help resolve the conflict. Where conflict persists, the nurse's commitment remains to the identified patient.

2.2 Conflict of interest for nurses

Nurses are frequently put in situations of conflict arising from competing loyalties in the workplace, including situations of conflicting expectations from patients, families, physicians, colleagues, and in many cases, health care organizations and health plans. Nurses must examine the conflicts arising between their own personal and professional values, the values and interests of others who are also responsible for patient care and health care decisions, as well as those of patients. Nurses strive to resolve such conflicts in ways that ensure patient safety, guard the patient's best interests and preserve the professional integrity of the nurse.

Situations created by changes in health care financing and delivery systems, such as incentive systems to decrease spending, pose new possibilities of conflict between economic self-interest and professional integrity. The use of bonuses, sanctions, and incentives tied to financial targets are examples of features of health care systems that may present such conflict. Conflicts of interest may arise in any domain of nursing activity including clinical practice, administration, education, or research. Advanced practice nurses who bill directly for services and nursing executives with budgetary responsibilities must be especially cognizant of the potential for conflicts of interest. Nurses should disclose to all relevant parties (e.g., patients, employers, colleagues) any perceived or actual conflict of interest and in some situations should withdraw from further participation. Nurses in all roles must seek to ensure that employment arrangements are just and fair and do not create an unreasonable conflict between patient care and direct personal gain.

2.3 Collaboration

Collaboration is not just cooperation, but it is the concerted effort of individuals and groups to attain a shared goal. In health care, that goal is to address the health needs of the patient and the public. The complexity of health care delivery systems requires a multi-disciplinary approach to the delivery of services that has the strong support and active participation of all the health professions. Within this context, nursing's unique contribution, scope of practice, and relationship with other health professions needs to be clearly articulated, represented, and preserved. By its very nature,

collaboration requires mutual trust, recognition, and respect among the health care team, shared decision-making about patient care, and open dialogue among all parties who have an interest in and a concern for health outcomes. Nurses should work to assure that the relevant parties are involved and have a voice in decision-making about patient care issues. Nurses should see that the questions that need to be addressed are asked and that the information needed for informed decision-making is available and provided. Nurses should actively promote the collaborative multi-disciplinary planning required to ensure the availability and accessibility of quality health services to all persons who have needs for health care.

Intraprofessional collaboration within nursing is fundamental to effectively addressing the health needs of patients and the public. Nurses engaged in non-clinical roles, such as administration or research, while not providing direct care, nonetheless are collaborating in the provision of care through their influence and direction of those who do. Effective nursing care is accomplished through the interdependence of nurses in differing roles—those who teach the needed skills, set standards, manage the environment of care, or expand the boundaries of knowledge used by the profession. In this sense, nurses in all roles share a responsibility for the outcomes of nursing care.

2.4 Professional boundaries

When acting within one's role as a professional, the nurse recognizes and maintains boundaries that establish appropriate limits to relationships. While the nature of nursing work has an inherently personal component, nurse-patient relationships and nurse-colleague relationships have, as their foundation, the purpose of preventing illness, alleviating suffering, and protecting, promoting, and restoring the health of patients. In this way, nurse-patient and nurse-colleague relationships differ from those that are purely personal and unstructured, such as friendship. The intimate nature of nursing care, the involvement of nurses in important and sometimes highly stressful life events, and the mutual dependence of colleagues working in close concert all present the potential for blurring of limits to professional relationships. Maintaining authenticity and expressing oneself as an individual, while remaining within the bounds established by the purpose of the relationship, can be especially difficult in prolonged or long-term relationships. In all encounters, nurses are responsible for retaining their professional boundaries. When those professional boundaries are jeopardized, the nurse should seek assistance from peers or supervisors or take appropriate steps to remove her/himself from the situation.

The nurse promotes, advocates for, and strives to protect the health, safety, and rights of the patient.

3.1 Privacy

The nurse safeguards the patient's right to privacy. The need for health care does not justify unwanted intrusion into the patient's life. The nurse advocates for an environment that provides for sufficient physical privacy, including auditory privacy for discussions of a personal nature and policies and practices that protect the confidentiality of information.

3.2 Confidentiality

Associated with the right to privacy, the nurse has a duty to maintain confidentiality of all patient information. The patient's well-being could be jeopardized and the fundamental trust between patient and nurse destroyed by unnecessary access to data or by the inappropriate disclosure of identifiable patient information. The rights, well-being, and safety of the individual patient should be the primary factors in arriving at any professional judgment concerning the disposition of confidential information received from or about the patient, whether oral, written or electronic. The standard of nursing practice and the nurse's responsibility to provide quality care require that relevant data be shared with those members of the health care team who have a need to know. Only information pertinent to a patient's treatment and welfare is disclosed, and only to those directly involved with the patient's care. Duties of confidentiality, however, are not absolute and may need to be modified in order to protect the patient, other innocent parties, and in circumstances of mandatory disclosure for public health reasons.

Information used for purposes of peer review, third-party payments, and other quality improvement or risk management mechanisms may be disclosed only under defined policies, mandates, or protocols. These written guidelines must assure that the rights, well-being, and safety of the patient are protected. In general, only that information directly relevant to a task or specific responsibility should be disclosed. When using electronic communications, special effort should be made to maintain data security.

3.3 Protection of participants in research

Stemming from the right to self-determination, each individual has the right to choose whether or not to participate in research. It is imperative that the patient or legally authorized surrogate receive sufficient information that is material to an informed decision, to comprehend that information, and to know how to discontinue participation in research without penalty. Necessary information to achieve an adequately informed consent includes the nature of

participation, potential harms and benefits, and available alternatives to taking part in the research. Additionally, the patient should be informed of how the data will be protected. The patient has the right to refuse to participate in research or to withdraw at any time without fear of adverse consequences or reprisal.

Research should be conducted and directed only by qualified persons. Prior to implementation, all research should be approved by a qualified review board to ensure patient protection and the ethical integrity of the research. Nurses should be cognizant of the special concerns raised by research involving vulnerable groups, including children, prisoners, students, the elderly, and the poor. The nurse who participates in research in any capacity should be fully informed about both the subject's and the nurse's rights and obligations in the particular research study and in research in general. Nurses have the duty to question and, if necessary, to report and to refuse to participate in research they deem morally objectionable.

3.4 Standards and review mechanisms

Nursing is responsible and accountable for assuring that only those individuals who have demonstrated the knowledge, skill, practice experiences, commitment, and integrity essential to professional practice are allowed to enter into and continue to practice within the profession. Nurse educators have a responsibility to ensure that basic competencies are achieved and to promote a commitment to professional practice prior to entry of an individual into practice. Nurse administrators are responsible for assuring that the knowledge and skills of each nurse in the workplace are assessed prior to the assignment of responsibilities requiring preparation beyond basic academic programs.

The nurse has a responsibility to implement and maintain standards of professional nursing practice. The nurse should participate in planning, establishing, implementing, and evaluating review mechanisms designed to safeguard patients and nurses, such as peer review processes or committees, credentialing processes, quality improvement initiatives, and ethics committees. Nurse administrators must ensure that nurses have access to and inclusion on institutional ethics committees. Nurses must bring forward difficult issues related to patient care and/or institutional constraints upon ethical practice for discussion and review. The nurse acts to promote inclusion of appropriate others in all deliberations related to patient care.

Nurses should also be active participants in the development of policies and review mechanisms designed to promote patient safety, reduce the likelihood

of errors, and address both environmental system factors and human factors that present increased risk to patients. In addition, when errors do occur, nurses are expected to follow institutional guidelines in reporting errors committed or observed to the appropriate supervisory personnel and for assuring responsible disclosure of errors to patients. Under no circumstances should the nurse participate in, or condone through silence, either an attempt to hide an error or a punitive response that serves only to fix blame rather than correct the conditions that led to the error.

3.5 Acting on questionable practice

The nurse's primary commitment is to the health, well-being, and safety of the patient across the life span and in all settings in which health care needs are addressed. As an advocate for the patient, the nurse must be alert to and take appropriate action regarding any instances of incompetent, unethical, illegal, or impaired practice by any member of the health care team or the health care system or any action on the part of others that places the rights or best interests of the patient in jeopardy. To function effectively in this role, nurses must be knowledgeable about the Code of Ethics, standards of practice of the profession, relevant federal, state and local laws and regulations, and the employing organization's policies and procedures.

When the nurse is aware of inappropriate or questionable practice in the provision or denial of health care, concern should be expressed to the person carrying out the questionable practice. Attention should be called to the possible detrimental affect upon the patient's well-being or best interests as well as the integrity of nursing practice. When factors in the health care delivery system or health care organization threaten the welfare of the patient, similar action should be directed to the responsible administrator. If indicated, the problem should be reported to an appropriate higher authority within the institution or agency, or to an appropriate external authority.

There should be established processes for reporting and handling incompetent, unethical, illegal, or impaired practice within the employment setting so that such reporting can go through official channels, thereby reducing the risk of reprisal against the reporting nurse. All nurses have a responsibility to assist those who identify potentially questionable practice. State nurses associations should be prepared to provide assistance and support in the development and evaluation of such processes and reporting procedures. When incompetent, unethical, illegal, or impaired practice is not corrected within the employment setting and continues to jeopardize patient well-being and safety, the problem should be reported to other appropriate authorities such as practice committees of the pertinent professional

organizations, the legally constituted bodies concerned with licensing of specific categories of health workers and professional practitioners, or the regulatory agencies concerned with evaluating standards or practice. Some situations may warrant the concern and involvement of all such groups. Accurate reporting and factual documentation, and not merely opinion, undergird all such responsible actions. When a nurse chooses to engage in the act of responsible reporting about situations that are perceived as unethical, incompetent, illegal, or impaired, the professional organization has a responsibility to provide the nurse with support and assistance and to protect the practice of those nurses who choose to voice their concerns. Reporting unethical, illegal, incompetent, or impaired practices, even when done appropriately, may present substantial risks to the nurse; nevertheless, such risks do not eliminate the obligation to address serious threats to patient safety.

3.6 Addressing impaired practice

Nurses must be vigilant to protect the patient, the public, and the profession from potential harm when a colleague's practice, in any setting, appears to be impaired. The nurse extends compassion and caring to colleagues who are in recovery from illness or when illness interferes with job performance. In a situation where a nurse suspects another's practice may be impaired, the nurse's duty is to take action designed both to protect patients and to assure that the impaired individual receives assistance in regaining optimal function. Such action should usually begin with consulting supervisory personnel and may also include confronting the individual in a supportive manner and with the assistance of others or helping the individual to access appropriate resources. Nurses are encouraged to follow guidelines outlined by the profession and policies of the employing organization to assist colleagues whose job performance may be adversely affected by mental or physical illness or by personal circumstances. Nurses in all roles should advocate for colleagues whose job performance may be impaired to ensure that they receive appropriate assistance, treatment and access to fair institutional and legal processes. This includes supporting the return to practice of the individual who has sought assistance and is ready to resume professional duties.

If impaired practice poses a threat or danger to self or others, regardless of whether the individual has sought help, the nurse must take action to report the individual to persons authorized to address the problem. Nurses who advocate for others whose job performance creates a risk for harm should be protected from negative consequences. Advocacy may be a difficult process and the nurse is advised to follow workplace policies. If workplace policies do

not exist or are inappropriate—that is, they deny the nurse in question access to due legal process or demand resignation—the reporting nurse may obtain guidance from the professional association, state peer assistance programs, employee assistance program or a similar resource.

The nurse is responsible and accountable for individual nursing practice and determines the appropriate delegation of tasks consistent with the nurse's obligation to provide optimum patient care.

4.1 Acceptance of accountability and responsibility

Individual registered nurses bear primary responsibility for the nursing care that their patients receive and are individually accountable for their own practice. Nursing practice includes direct care activities, acts of delegation, and other responsibilities such as teaching, research, and administration. In each instance, the nurse retains accountability and responsibility for the quality of practice and for conformity with standards of care.

Nurses are faced with decisions in the context of the increased complexity and changing patterns in the delivery of health care. As the scope of nursing practice changes, the nurse must exercise judgment in accepting responsibilities, seeking consultation, and assigning activities to others who carry out nursing care. For example, some advanced practice nurses have the authority to issue prescription and treatment orders to be carried out by other nurses. These acts are not acts of delegation. Both the advanced practice nurse issuing the order and the nurse accepting the order are responsible for the judgments made and accountable for the actions taken.

4.2 Accountability for nursing judgment and action

Accountability means to be answerable to oneself and others for one's own actions. In order to be accountable, nurses act under a code of ethical conduct that is grounded in the moral principles of fidelity and respect for the dignity, worth, and self-determination of patients. Nurses are accountable for judgments made and actions taken in the course of nursing practice, irrespective of health care organizations' policies or providers' directives.

4.3 Responsibility for nursing judgment and action

Responsibility refers to the specific accountability or liability associated with the performance of duties of a particular role. Nurses accept or reject specific role demands based upon their education, knowledge, competence, and extent of experience. Nurses in administration, education, and research also have obligations to the recipients of nursing care. Although nurses in administration, education, and research have relationships with patients that

are less direct, in assuming the responsibilities of a particular role, they share responsibility for the care provided by those whom they supervise and instruct. The nurse must not engage in practices prohibited by law or delegate activities to others that are prohibited by the practice acts of other health care providers.

Individual nurses are responsible for assessing their own competence. When the needs of the patient are beyond the qualifications and competencies of the nurse, consultation and collaboration must be sought from qualified nurses, other health professionals, or other appropriate sources. Educational resources should be sought by nurses and provided by institutions to maintain and advance the competence of nurses. Nurse educators act in collaboration with their students to assess the learning needs of the student, the effectiveness of the teaching program, the identification and utilization of appropriate resources, and the support needed for the learning process.

4.4 Delegation of nursing activities

Since the nurse is accountable for the quality of nursing care given to patients, nurses are accountable for the assignment of nursing responsibilities to other nurses and the delegation of nursing care activities to other health care workers. While delegation and assignment are used here in a generic moral sense, it is understood that individual states may have a particular legal definition of these terms.

The nurse must make reasonable efforts to assess individual competence when assigning selected components of nursing care to other health care workers. This assessment involves evaluating the knowledge, skills, and experience of the individual to whom the care is assigned, the complexity of the assigned tasks, and the health status of the patient. The nurse is also responsible for monitoring the activities of these individuals and evaluating the quality of the care provided. Nurses may not delegate responsibilities such as assessment and evaluation; they may delegate tasks. The nurse must not knowingly assign or delegate to any member of the nursing team a task for which that person is not prepared or qualified. Employer policies or directives do not relieve the nurse of responsibility for making judgments about the delegation and assignment of nursing care tasks.

Nurses functioning in management or administrative roles have a particular responsibility to provide an environment that supports and facilitates appropriate assignment and delegation. This includes providing appropriate orientation to staff, assisting less experienced nurses in developing necessary skills and competencies, and establishing policies and procedures that protect

both the patient and nurse from the inappropriate assignment or delegation of nursing responsibilities, activities, or tasks.

Nurses functioning in educator or preceptor roles may have less direct relationships with patients. However, through assignment of nursing care activities to learners they share responsibility and accountability for the care provided. It is imperative that the knowledge and skills of the learner be sufficient to provide the assigned nursing care and that appropriate supervision be provided to protect both the patient and the learner.

The nurse owes the same duties to self as to others, including the responsibility to preserve integrity and safety, to maintain competence, and to continue personal and professional growth.

5.1 Moral self-respect

Moral respect accords moral worth and dignity to all human beings irrespective of their personal attributes or life situation. Such respect extends to oneself as well; the same duties that we owe to others we owe to ourselves. Self-regarding duties refer to a realm of duties that primarily concern oneself and include professional growth and maintenance of competence, preservation of wholeness of character, and personal integrity.

5.2 Professional growth and maintenance of competence

Though it has consequences for others, maintenance of competence and ongoing professional growth involves the control of one's own conduct in a way that is primarily self-regarding. Competence affects one's self-respect, self-esteem, professional status, and the meaningfulness of work. In all nursing roles, evaluation of one's own performance, coupled with peer review, is a means by which nursing practice can be held to the highest standards. Each nurse is responsible for participating in the development of criteria for evaluation of practice and for using those criteria in peer and self-assessment.

Continual professional growth, particularly in knowledge and skill, requires a commitment to lifelong learning. Such learning includes, but is not limited to, continuing education, networking with professional colleagues, self-study, professional reading, certification, and seeking advanced degrees. Nurses are required to have knowledge relevant to the current scope and standards of nursing practice, changing issues, concerns, controversies, and ethics. Where the care required is outside the competencies of the individual nurse, consultation should be sought or the patient should be referred to others for appropriate care.

5.3 Wholeness of character

Nurses have both personal and professional identities that are neither entirely separate, nor entirely merged, but are integrated. In the process of becoming a professional, the nurse embraces the values of the profession, integrating them with personal values. Duties to self involve an authentic expression of one's own moral point-of-view in practice. Sound ethical decision-making requires the respectful and open exchange of views between and among all individuals with relevant interests. In a community of moral discourse, no one person's view should automatically take precedence over that of another. Thus the nurse has a responsibility to express moral perspectives, even when they differ from those of others, and even when they might not prevail.

This wholeness of character encompasses relationships with patients. In situations where the patient requests a personal opinion from the nurse, the nurse is generally free to express an informed personal opinion as long as this preserves the voluntariness of the patient and maintains appropriate professional and moral boundaries. It is essential to be aware of the potential for undue influence attached to the nurse's professional role. Assisting patients to clarify their own values in reaching informed decisions may be helpful in avoiding unintended persuasion. In situations where nurses' responsibilities include care for those whose personal attributes, condition, lifestyle, or situation is stigmatized by the community and are personally unacceptable, the nurse still renders respectful and skilled care.

5.4 Preservation of integrity

Integrity is an aspect of wholeness of character and is primarily a self-concern of the individual nurse. An economically constrained health care environment presents the nurse with particularly troubling threats to integrity. Threats to integrity may include a request to deceive a patient, to withhold information, or to falsify records, as well as verbal abuse from patients or coworkers. Threats to integrity also may include an expectation that the nurse will act in a way that is inconsistent with the values or ethics of the profession, or more specifically a request that is in direct violation of the Code of Ethics. Nurses have a duty to remain consistent with both their personal and professional values and to accept compromise only to the degree that it remains an integrity-preserving compromise. An integrity-preserving compromise does not jeopardize the dignity or well-being of the nurse or others. Integrity-preserving compromise can be difficult to achieve, but is more likely to be accomplished in situations where there is an open forum for moral discourse and an atmosphere of mutual respect and regard.

Where nurses are placed in situations of compromise that exceed acceptable moral limits or involve violations of the moral standards of the profession, whether in direct patient care or in any other forms of nursing practice, they may express their conscientious objection to participation. Where a particular treatment, intervention, activity, or practice is morally objectionable to the nurse, whether intrinsically so or because it is inappropriate for the specific patient, or where it may jeopardize both patients and nursing practice, the nurse is justified in refusing to participate on moral grounds. Such grounds exclude personal preference, prejudice, convenience, or arbitrariness. Conscientious objection may not insulate the nurse against formal or informal penalty. The nurse who decides not to take part on the grounds of conscientious objection must communicate this decision in appropriate ways. Whenever possible, such a refusal should be made known in advance and in time for alternate arrangements to be made for patient care. The nurse is obliged to provide for the patient's safety, to avoid patient abandonment, and to withdraw only when assured that alternative sources of nursing care are available to the patient.

Where patterns of institutional behavior or professional practice compromise the integrity of all its nurses, nurses should express their concern or conscientious objection collectively to the appropriate body or committee. In addition, they should express their concern, resist, and seek to bring about a change in those persistent activities or expectations in the practice setting that are morally objectionable to nurses and jeopardize either patient or nurse well-being.

The nurse participates in establishing, maintaining, and improving health care environments and conditions of employment conducive to the provision of quality health care and consistent with the values of the profession through individual and collective action.

6.1 Influence of the environment on moral virtues and values

Virtues are habits of character that predispose persons to meet their moral obligations; that is, to do what is right. Excellences are habits of character that predispose a person to do a particular job or task well. Virtues such as wisdom, honesty, and courage are habits or attributes of the morally good person. Excellences such as compassion, patience, and skill are habits of character of the morally good nurse. For the nurse, virtues and excellences are those habits that affirm and promote the values of human dignity, well-being, respect, health, independence, and other values central to nursing. Both virtues and excellences, as aspects of moral character, can be either nurtured by the environment in which the nurse practices or they can be

diminished or thwarted. All nurses have a responsibility to create, maintain, and contribute to environments that support the growth of virtues and excellences and enable nurses to fulfill their ethical obligations.

6.2 Influence of the environment on ethical obligations

All nurses, regardless of role, have a responsibility to create, maintain, and contribute to environments of practice that support nurses in fulfilling their ethical obligations. Environments of practice include observable features, such as working conditions, and written policies and procedures setting out expectations for nurses, as well as less tangible characteristics such as informal peer norms. Organizational structures, role descriptions, health and safety initiatives, grievance mechanisms, ethics committees, compensation systems, and disciplinary procedures all contribute to environments that can either present barriers or foster ethical practice and professional fulfillment. Environments in which employees are provided fair hearing of grievances, are supported in practicing according to standards of care, and are justly treated allow for the realization of the values of the profession and are consistent with sound nursing practice.

6.3 Responsibility for the healthcare environment

The nurse is responsible for contributing to a moral environment that encourages respectful interactions with colleagues, support of peers, and identification of issues that need to be addressed. Nurse administrators have a particular responsibility to assure that employees are treated fairly and that nurses are involved in decisions related to their practice and working conditions. Acquiescing and accepting unsafe or inappropriate practices, even if the individual does not participate in the specific practice, is equivalent to condoning unsafe practice. Nurses should not remain employed in facilities that routinely violate patient rights or require nurses to severely and repeatedly compromise standards of practice or personal morality.

As with concerns about patient care, nurses should address concerns about the health care environment through appropriate channels. Organizational changes are difficult to accomplish and may require persistent efforts over time. Toward this end, nurses may participate in collective action such as collective bargaining or workplace advocacy, preferably through a professional association such as the state nurses association, in order to address the terms and conditions of employment. Agreements reached through such action must be consistent with the profession's standards of practice, the state law regulating practice, and the Code of Ethics for Nursing. Conditions of employment must

contribute to the moral environment, the provision of quality patient care, and the professional satisfaction for nurses.

The professional association also serves as an advocate for the nurse by seeking to secure just compensation and humane working conditions for nurses. To accomplish this, the professional association may engage in collective bargaining on behalf of nurses. While seeking to assure just economic and general welfare for nurses, collective bargaining, nonetheless, seeks to keep the interests of both nurses and patients in balance.

The nurse participates in the advancement of the profession through contributions to practice, education, administration, and knowledge development.

7.1 Advancing the profession through active involvement in nursing and in health care policy

Nurses should advance their profession by contributing in some way to the leadership, activities, and the viability of their professional organizations. Nurses can also advance the profession by serving in leadership or mentorship roles or on committees within their places of employment. Nurses who are self-employed can advance the profession by serving as role models for professional integrity. Nurses can also advance the profession through participation in civic activities related to health care or through local, state, national, or international initiatives. Nurse educators have a specific responsibility to enhance students' commitment to professional and civic values. Nurse administrators have a responsibility to foster an employment environment that facilitates nurses' ethical integrity and professionalism, and nurse researchers are responsible for active contribution to the body of knowledge supporting and advancing nursing practice.

7.2 Advancing the profession by developing, maintaining, and implementing professional standards in clinical, administrative, and educational practice

Standards and guidelines reflect the practice of nursing grounded in ethical commitments and a body of knowledge. Professional standards and guidelines for nurses must be developed by nurses and reflect nursing's responsibility to society. It is the responsibility of nurses to identify their own scope of practice as permitted by professional practice standards and guidelines, by state and federal laws, by relevant societal values, and by the Code of Ethics.

The nurse as administrator or manager must establish, maintain, and promote conditions of employment that enable nurses within that

organization or community setting to practice in accord with accepted standards of nursing practice and provide a nursing and health care work environment that meets the standards and guidelines of nursing practice. Professional autonomy and self regulation in the control of conditions of practice are necessary for implementing nursing standards and guidelines and assuring quality care for those whom nursing serves.

The nurse educator is responsible for promoting and maintaining optimum standards of both nursing education and of nursing practice in any settings where planned learning activities occur. Nurse educators must also ensure that only those students who possess the knowledge, skills, and competencies that are essential to nursing graduate from their nursing programs.

7.3 Advancing the profession through knowledge development, dissemination, and application to practice

The nursing profession should engage in scholarly inquiry to identify, evaluate, refine, and expand the body of knowledge that forms the foundation of its discipline and practice. In addition, nursing knowledge is derived from the sciences and from the humanities. Ongoing scholarly activities are essential to fulfilling a profession's obligations to society. All nurses working alone or in collaboration with others can participate in the advancement of the profession through the development, evaluation, dissemination, and application of knowledge in practice. However, an organizational climate and infrastructure conducive to scholarly inquiry must be valued and implemented for this to occur.

The nurse collaborates with other health professionals and the public in promoting community, national, and international efforts to meet health needs.

8.1 Health needs and concerns

The nursing profession is committed to promoting the health, welfare, and safety of all people. The nurse has a responsibility to be aware not only of specific health needs of individual patients but also of broader health concerns such as world hunger, environmental pollution, lack of access to health care, violation of human rights, and inequitable distribution of nursing and health care resources. The availability and accessibility of high quality health services to all people require both interdisciplinary planning and collaborative partnerships among health professionals and others at the community, national, and international levels.

3.2 Responsibilities to the public

Nurses, individually and collectively, have a responsibility to be knowledgeable about the health status of the community and existing threats to health and safety. Through support of and participation in community organizations and groups, the nurse assists in efforts to educate the public, facilitates informed choice, identifies conditions and circumstances that contribute to illness, injury and disease, fosters healthy life styles, and participates in institutional and legislative efforts to promote health and meet national health objectives. In addition, the nurse supports initiatives to address barriers to health, such as poverty, homelessness, unsafe living conditions, abuse and violence, and lack of access to health services.

The nurse also recognizes that health care is provided to culturally diverse populations in this country and in all parts of the world. In providing care, the nurse should avoid imposition of the nurse's own cultural values upon others. The nurse should affirm human dignity and show respect for the values and practices associated with different cultures and use approaches to care that reflect awareness and sensitivity.

The profession of nursing, as represented by associations and their members, is responsible for articulating nursing values, for maintaining the integrity of the profession and its practice, and for shaping social policy.

9.1 Assertion of values

It is the responsibility of a professional association to communicate and affirm the values of the profession to its members. It is essential that the professional organization encourages discourse that supports critical self-reflection and evaluation within the profession. The organization also communicates to the public the values that nursing considers central to social change that will enhance health.

9.2 The profession carries out its collective responsibility through professional associations

The nursing profession continues to develop ways to clarify nursing's accountability to society. The contract between the profession and society is made explicit through such mechanisms as (a) the Code of Ethics for Nurses, (b) the standards of nursing practice, (c) the ongoing development of nursing knowledge derived from nursing theory, scholarship, and research in order to guide nursing actions, (d) educational requirements for practice, (e) certification, and (f) mechanisms for evaluating the effectiveness of professional nursing actions.

9.3 Intraprofessional integrity

A professional association is responsible for expressing the values and ethics of the profession and also for encouraging the professional organization and its members to function in accord with those values and ethics. Thus, one of its fundamental responsibilities is to promote awareness of and adherence to the Code of Ethics and to critique the activities and ends of the professional association itself. Values and ethics influence the power structures of the association in guiding, correcting, and directing its activities. Legitimate concerns for the self-interest of the association and the profession are balanced by a commitment to the social goods that are sought. Through critical self-reflection and self-evaluation, associations must foster change within themselves, seeking to move the professional community toward its stated ideals.

9.4 Social reform

Nurses can work individually as citizens or collectively through political action to bring about social change. It is the responsibility of a professional nursing association to speak for nurses collectively in shaping and reshaping health care within our nation, specifically in areas of health care policy and legislation that affect accessibility, quality, and the cost of health care. Here, the professional association maintains vigilance and takes action to influence legislators, reimbursement agencies, nursing organizations, and other health professions. In these activities, health is understood as being broader than delivery and reimbursement systems, but extending to health-related sociocultural issues such as violation of human rights, homelessness, hunger, violence, and the stigma of illness.

Afterword

The development of *Code of Ethics for Nurses with Interpretive Statements* is a benchmark for both the American Nurses Association and for the profession of nursing as a whole. The evolution of the Code dates from 1893 when the "Nightingale Pledge" was adopted, and from 1926 and 1940 when tentative Codes were suggested but not formally ratified. This is the first time in the last 25 years that the entire Code has been revised and the second time in the last 50 years that an entirely new document has been produced. This Code is the result of five years of work on the part of the Code of Ethics Project Task Force, an advisory board, state liaisons, and ANA staff. It is the culmination of more than ten field reviews of drafts that were circulated in hard copy and made available online, incorporating comments from hundreds of nurses across the United States and abroad.

The ethical tradition that has been manifest in every iteration of the Code is self-reflective, enduring, and distinctive. The ethical standard established by the Code of Ethics is nonnegotiable. This means that the Code supports the nurse in a steadfast way across various settings and in a variety of nursing roles. This Code of Ethics is for all nurses and is particularly useful at the beginning of the 21st century because it: reiterates the fundamental values and commitments of the nurse (Provisions 1-3); identifies the boundaries of duty and loyalty (Provisions 4-6); and describes the duties of the nurse that extend beyond individual patient encounters (Provisions 7-9). The achievement of a true global awareness about the human condition and the needs for health care is one of the most important moral challenges of the 21st century, and this Code beckons nurses toward such an awareness.

The Code of Ethics is the promise that nurses are doing their best to provide care for their patients and their communities, supporting each other in the process so that all nurses can fulfill their ethical and professional obligations. *Code of Ethics for Nurses with Interpretive Statements* is an important tool that can be used now as leverage to a better future for nurses, patients, and health care.

The Evolution of Nursing's Code of Ethics

Whatever the version of the Code, it has always been fundamentally concerned with the principles of doing no harm, of benefitting others, of loyalty, and of truthfulness. As well, the Code has been concerned with social justice and, in later versions, with the changing context of health care as well as the autonomy of the patient and the nurse.

- 1893 The "Nightingale Pledge," patterned after medicine's Hippocratic Oath, is understood as the first nursing code of ethics.
- 1896 The Nurses' Associated Alumnae of the United States and Canada (later to become the American Nurses Association), whose first purpose was to establish and maintain a code of ethics.
- 1926 "A Suggested Code" is provisionally adopted and published in the American Journal of Nursing (AJN) but is never formally adopted.
- 1940 "A Tentative Code" is published in AJN, but also is never formally adopted.
- 1950 The Code for Professional Nurses, in the form of 17 provisions that are a substantive revision of the "Tentative Code" of 1940, is unanimously accepted by the ANA House of Delegates.
- 1956 The Code for Professional Nurses is amended.
- 1960 The Code for Professional Nurses is revised.
- 1968 The Code for Professional Nurses is substantively revised, condensing the 17 provisions of the 1960 Code into 10 provisions.
- 1976 *Code for Nurses with Interpretive Statements*, a modification of the provisions and interpretive statements, is published as 11 provisions.
- 1985 *Code for Nurses with Interpretive Statements* retains the provisions of the 1976 version and includes revised interpretive statements.
- 2001 *Code of Ethics for Nurses with Interpretive Statements* is accepted by the ANA House of Delegates.

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Law Enforcement Oath of Honor

*On my honor, I will never
betray my badge, my integrity,
my character or the public trust.*

*I will always have the courage to hold
myself and others accountable for our actions.*

*I will always uphold the
constitution, my community, and the
agency I serve.*



International Association of Chiefs of Police

Model Policy on Standards of Conduct

Standards of Conduct

IACP National Law Enforcement Policy Center

Standards of Conduct

Model Policy

I. PURPOSE

It is the purpose of this policy to provide additional specificity to the standards of conduct embodied in the law enforcement officer's code of ethics and this agency's statement of values so that officers of this agency will better understand prohibitions and limitations pertaining to their conduct and activities while on and off duty.

The rules of conduct set forth in this policy are not intended to serve as an exhaustive treatment of requirements, limitations, or prohibitions on officer conduct and activities established by this agency. Rather, they are intended to (1) alert officers to some of the more sensitive and often problematic matters involved in police conduct and ethics; (2) specify, where possible, actions and inactions that are contrary to and that conflict with the duties and responsibilities of law enforcement officers, and (3) guide officers in conducting themselves and their affairs in a manner that reflects standards of deportment and professionalism as required of law enforcement officers. Additional guidance on matters of conduct is provided in regard to specific policies, procedures, and directives disseminated by this agency and from officers' immediate supervisors and commanders.

II. POLICY

Actions of officers that are inconsistent, incompatible or in conflict with the values established by this agency negatively affect its reputation and that of its officers. Such actions and inactions thereby detract from the agency's overall ability to effectively and efficiently protect the public, maintain peace

and order, and conduct other essential business. Therefore, it is the policy of this law enforcement agency that officers conduct themselves at all times in a manner that reflects the ethical standards consistent with the rules contained in this policy and otherwise disseminated by this agency.

III. DEFINITIONS

Accountability: In the context of this policy, accountability means the duty of all officers to truthfully acknowledge and explain their actions and decisions when requested to do so by an authorized member of this agency without deception or subterfuge.

IV. PROCEDURES

A. General Conduct

1. Obedience to Laws, Regulations, and Orders

- a. Officers shall not violate any law or any agency policy, rule, or procedure.
- b. Officers shall obey all lawful orders.

2. Conduct Unbecoming an Officer

Officers shall not engage in any conduct or activities on- or off-duty that reflect discredit on the officers, tend to bring this agency into disrepute, or impair its efficient and effective operation.

3. Accountability, Responsibility, and Discipline

- a. Officers are directly accountable for their actions through the chain of command, to this agency's chief executive officer.
- b. Officers shall cooperate fully in any internal administrative investigation conducted by this or other authorized agency and shall provide complete and accurate information in regard to any issue under investigation.
- c. Officers shall be accurate, complete, and truthful in all matters.
- d. Officers shall accept responsibility for their actions without attempting to conceal, divert, or mitigate their true culpability nor shall they engage in efforts to thwart, influence, or interfere with an internal or criminal investigation.

e. Officers who are arrested, cited, or come under investigation for any criminal offense in this or another jurisdiction shall report this fact to a superior as soon as possible.

4. Conduct Toward Fellow Employees

a. Officers shall conduct themselves in a manner that will foster cooperation among members of this agency, showing respect, courtesy, and professionalism in their dealings with one another.

b. Employees shall not use language or engage in acts that demean, harass, or intimidate another person. (Members should refer to this agency's policy on "Harassment and Discrimination in the Workplace" for additional information on this subject)

5. Conduct Toward the Public

a. Officers shall conduct themselves toward the public in a civil and professional manner that connotes a service orientation and that will foster public respect and cooperation.

b. Officers shall treat violators with respect and courtesy, guard against employing an officious or overbearing attitude or language that may belittle, ridicule, or intimidate the individual, or act in a manner that unnecessarily delays the performance of their duty.

c. While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, officers shall adhere to this agency's use-of-force policy and shall observe the civil rights and protect the well-being of those in their charge.

6. Use of Alcohol and Drugs

a. Officers shall not consume any intoxicating beverage while on duty unless authorized by a supervisor.

b. No alcoholic beverage shall be served or consumed on police premises or in vehicles owned by this jurisdiction.

c. An officer shall not be under the influence of alcohol in a public place, whether on- or off-duty.

d. No officer shall report for duty with the odor of alcoholic beverage on his or her breath.

e. No officer shall report to work or be on duty as a law enforcement officer when his or her judgment or physical condition has been impaired by alcohol, medication, or other substances.

f. Officers must report the use of any substance, prior to reporting for duty that impairs their ability to perform as a law enforcement officer.

g. Supervisors shall order a drug or alcohol screening test when they have reasonable suspicion that an employee is using and/or under the influence of drugs or alcohol. Such screening shall conform to this agency's policy on employee drug-screening and testing.

7. Use of Tobacco Products

While on duty, a police officer shall not use a tobacco product unless in a designated area and while not conducting police business. Additionally, officers are not permitted to use tobacco products in a vehicle owned or maintained by this agency.

8. Abuse of Law Enforcement Powers or Position

a. Officers shall report any unsolicited gifts, gratuities, or other items of value that they receive and shall provide a full report of the circumstances of their receipt if directed.

b. Officers shall not use their authority or position for financial gain, for obtaining or granting privileges or favors not otherwise available to them or others except as a private citizen, to avoid the consequences of illegal acts for themselves or for others, to barter, solicit, or accept any goods or services (to include, gratuities, gifts, discounts, rewards, loans, or fees) whether for the officer or for another.

c. Officers shall not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence.

d. Officers shall not solicit or accept contributions for this agency or for any other agency, organization, event, or cause without the express consent of the agency chief executive or his or her designee.

e. Officers are prohibited from using information gained through their position as a law enforcement officer to advance financial or other private interests of themselves or others.

f. Officers who institute or reasonably expect to benefit from any civil action that arises from acts performed under color of authority shall inform their commanding officer.

9. Off-Duty Police Action

a. Officers shall not use their police powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.

b. Unless operating a marked police vehicle, off-duty officers shall not arrest or issue citations or warnings to traffic violators on sight, except when the violation is of such a dangerous nature that officers would reasonably be expected to take appropriate action.

10. Prohibited Associations and Establishments

a. Arresting, investigating, or custodial officers shall not commence social relations with the spouse, immediate family member, or romantic companion of persons in the custody of this agency.

b. Officers shall not knowingly commence or maintain a relationship with any person who is under criminal investigation, indictment, arrest, or incarceration by this or another police or criminal justice agency, and/or who has an open and notorious criminal reputation in the community (for example, persons whom they know, should know, or have reason to believe are involved in felonious activity), except as necessary to the performance of official duties, or where unavoidable because of familial relationships.

c. Except in the performance of official duties, officers shall not knowingly enter any establishment in which the law of that jurisdiction is regularly violated

d. Officers shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies.

B. Public Statements, Appearances, and Endorsements

1. Officers shall not, under color of authority,

a. makes any public statement that could be reasonably interpreted as having an adverse effect upon department morale, discipline, operation of the agency, or perception of the public;

b. divulge or willfully permit to have divulged, any information gained by reason of their position, for anything other than its official, authorized purpose; or

c. unless expressly authorized, makes any statements, speeches, or appearances that could reasonably be considered to represent the views of this agency.

2. Endorsements

Officers may not, under color of authority, endorse, recommend, or facilitate the sale of commercial products or services. This includes but is not limited to the use of tow services, repair firms, attorneys, bail bondsmen, or other technical or professional services. It does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements.

C. Political Activity

Officers shall be guided by state law regarding their participation and involvement in political activities. Where state law is silent on this issue, officers shall be guided by the following examples of prohibited political activities during working hours, while in uniform, or otherwise serving as a representative of this agency:

a. Engage in any political activity;

b. Place or affix any campaign literature on city/county-owned property;

c. Solicit political funds from any member of this agency or another governmental agency of this jurisdiction;

d. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction;

e. Use official authority to interfere with any election or interfere with the political actions of other employees or the general public;

f. Favor or discriminate against any person seeking employment because of political opinions or affiliations;

g. Participate in any type of political activity while in uniform.

D. Expectations of Privacy

1. Officers shall not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers, or similar areas that are under the control and management of this law enforcement agency. While this agency recognizes the need for officers to occasionally store personal items in such areas, officers should be aware that these and similar places may be inspected or otherwise entered—to meet operational needs, internal investigatory requirements, or for other reasons—at the direction of the agency chief executive or his or her designee.

2. No member of this agency shall maintain files or duplicate copies of official agency files in either manual or electronic formats at his or her place of residence or in other locations outside the confines of this agency without express permission.

IACP National Law Enforcement Policy Center

Standards of Conduct

Concepts and Issues Paper

October, 1998

I. INTRODUCTION

A. Purpose of the Document

This document was designed to accompany the Model Policy on Standards of Conduct developed by the IACP National Law Enforcement Policy Center. This paper provides essential background material and supporting documentation to provide greater understanding of the developmental philosophy and implementation requirements for the model policy. This material will be of value to law enforcement executives in their efforts to tailor the model to the requirements and circumstances of their community and their law enforcement agency.

Unlike many of the policies developed by the National Law Enforcement Policy Center, law enforcement agencies should regard the present policy as pertinent to all members of their agency, not solely to sworn officers. While sworn personnel may be at greater risk with regard to many of the issues addressed herein, all members of police agencies should be cognizant of and may be held equally accountable for the mandates set forth in this policy.

B. Background

It has been said that policing is a morally dangerous occupation. Most officers who have been in line operations for even a limited period of time can affirm this view. The public is not totally unaware of this fact either. Indeed, most popular literature and movie depictions of police work deal extensively with the moral and ethical dilemmas that officers face on the job. Police officers confront many temptations and difficult decisions that often involve conflicting notions of what is right and wrong and what is expected from them. There are several issues in the police environment that set the stage for such moral and ethical dilemmas.

Probably the most common among these is the fact that police officers possess substantial power that can be exerted for the benefit or detriment of many individuals. The legal right to employ coercive force to gain compliance of individuals, up to and including the use of deadly force, makes law enforcement unique among occupations. Such power is attractive to some persons who wittingly or unwittingly attempt to co-opt police authority for their own advantage. From the seemingly benign offer of a free cup of coffee for an officer on the beat to a substantial financial inducement for an officer to "look the other way," law enforcement authority is a source of many temptations that can strain the limits of personal and professional integrity.

There are other, maybe not so obvious, sources of moral and ethical conflict in police work. For example, most police officers are required to deal with many persons and situations that reflect some of the more demeaning and dehumanizing aspects of life. These situations can and often do have negative long-term side effects on the attitudes, opinions, and philosophy of officers who are forced to deal with them on a day-to-day basis. The impressionable, idealistic young recruit may, over time, become disillusioned, cynical, or frustrated, feeling that his or her efforts are ineffectual and unappreciated. Such officers may be more tempted to adopt a "who cares?" attitude, to lose the ethical and moral focus that they originally brought to police work, to bend the rules and possibly become involved in questionable or illegal conduct.

Frustrations arise from a variety of other sources. For example, many officers perceive the legal system as being weighted far too heavily against law enforcement and in favor of criminal suspects. Further, police officers often see other individuals or segments of society as flouting or "stretching" the law and getting away with or even being rewarded for it, while honest cops labor years in relatively low-paying, often dangerous, and many times thankless jobs.

Finally, one cannot overlook the fact that officers are often caught in a moral dilemma by the very nature of their profession. Society asks police officers to control crime and to apprehend perpetrators while at the same time placing severe restrictions on the manner in which these can be accomplished. On the one hand, for example, officers are rewarded for their effectiveness in apprehending criminals, but, should their zeal cross the bounds established by law; these same efforts can be punished. These seemingly conflicting demands may lead some officers to feel that the courts, prosecutors, defense attorneys, and others in the criminal justice system are working at odds with them and the good of society. The need to find the proper balance between protection of society and adherence to the dictates of individual rights and liberties can be a difficult effort for many officers, one that often pits means against ends and involves them in organizational, professional, and personal dilemmas.

In this context, the police officers' standards of conduct can become unclear. Matters regarding agency policy, acceptable practices, and appropriate behavior can be interpreted by officers in differing ways. Therefore, police agencies must clearly define what is and is not acceptable conduct. It has long been acknowledged that, to do their job properly, law enforcement officers must accept and abide by a high ethical and moral standard that is consistent with the rule of law they are sworn to uphold. They must also back up those beliefs and demonstrate their adherence to those values by consistently employing propriety and discretion in their personal lives that reflects favorably on themselves as professionals and the law enforcement agency that they represent. Without this, police agencies cannot expect to gain the respect and cooperation of citizens that is essential to the success of policing.

Personal integrity, a conscious decision to do the right thing even in the face of overwhelming pressure, and recognition of personal responsibility for one's actions are all indispensable ingredients in achieving high levels of professional conduct. Developing formal values and institutionalizing ethical standards within the police agency are also essential to this end. These norms and ethical precepts should serve as guidance to officers when making decisions about the propriety of specific types of behavior or actions

absent express agency policy. But, while values, codes of conduct, and ethical standards are important guides, it is also important that agencies make clear what acceptable police conduct under specific situations is so that there are no misunderstandings. This is particularly the case in highly sensitive areas of police operations. With this in mind, the IACP National Law Enforcement Policy Center developed the Model Policy on Standards of Conduct, the components of which are discussed here.

The model policy deals with a limited number of issues from the large number of possible concerns relating to police conduct. The rules of conduct addressed in the model policy are not intended to serve as an exhaustive treatment of requirements, limitations, or prohibitions on officer conduct and activities. Rather, the issues discussed here are among those that have traditionally presented the most trouble for police agencies and officers and are among the most sensitive traditionally in terms of their impact on law enforcement agencies and the community.

The model policy's statement of purpose also notes that it is intended to specify, where possible, actions and inactions that are contrary to and that conflict with the duties and responsibilities of law enforcement officers. And, it is meant to guide officers in conducting themselves and their affairs in a manner that reflects standards of deportment and professionalism as required of law enforcement officers. Not all matters of conduct can be addressed in a single policy on conduct. Expectations with regard to conduct cut across many aspects of law enforcement operations. Therefore, officers should not overlook guidance available through specific policies, procedures, and directives as well as through the guidance and recommendations of supervisory and command officers.

II. PROCEDURES

A. Policy Rationale

A succinct justification and rationale for the development of the policy on standards of conduct is found in the model policy statement:

Actions of officers that are inconsistent, incompatible or in conflict with the values established by this agency negatively affect its reputation and that of its officers. Such actions and inactions thereby detract from the agency's overall ability to effectively and efficiently protect the public, maintain peace and order, and conduct other essential business. Therefore, it is the policy of this law enforcement agency that officers conduct themselves at all times in a manner that reflects the ethical standards consistent with the rules contained in this policy and otherwise disseminated by this agency.

As in the above statement, it is important in any policy to lay the groundwork or the premise upon which the policy and procedures are built. This baseline information is perhaps nowhere more important than in a policy that deals with personal and professional conduct of officers. Standards of conduct often involve personal liberties, including freedom of association, freedom of speech, and related matters that are among the more closely guarded of individual rights. Most persons feel strongly that these and other matters of personal conduct should be, within reason, the subject of their own choice and personal preference. Many resent an employer's attempts to dictate the terms of what is deemed appropriate and inappropriate conduct.

In virtually all working environments and areas of employment, there are limitations upon an employer's capacity to dictate the terms of employment with regard to personal conduct of employees. Of course, it is reasonable for employers to require that their personnel conduct themselves with decorum and good taste. However, when it comes to matters that are perceived to be of a more personal nature, employees are far more sensitive. In these matters, employers must be even more sure that the restrictions or limitations they wish to impose are legally grounded, reasonable, and justifiable as job related.

The courts have, in many cases, upheld the notion that law enforcement work carries certain unique features that distinguish it from other types of employment. As such, certain types of conduct and employee activities are deemed inimical to the efficient and effective operation of police agencies and can be limited, curtailed, or modified in some manner. For example, almost every police agency desires to regulate, at least to some degree, the personal appearance of its officers, to include hairstyles. Predictably, policies on these and similar issues have been and are still subjected to legal challenge. While the subject of personal appearance is not covered in the present policy on standards of conduct, case law in this regard carries some lessons that form a good backdrop to the discussion in this concepts and issues paper. Specifically, police agencies desiring to regulate hairstyles, especially hair length, have received considerable support from the courts. The landmark decision in this area is the 1976 Supreme Court case of *Kelley v. Johnson*, [1] in which officers challenged a regulation of the Suffolk County, New York, Police Department.

The regulation at issue in *Kelley* governed the style and length of officers' hair, sideburns, and mustaches, and also prohibited beards. The regulation was challenged on the grounds that it violated the officers' rights of free expression under the First Amendment and guarantees of due process and equal protection under the 14th Amendment. The department contended

that the regulations were necessary to ensure uniformity of appearance, thereby making officers readily recognizable by the public, and that it also contributed to the agency's esprit de corps.

The U.S. Supreme Court upheld the police department's regulation. The Court noted that the officers might indeed have a "liberty interest" in their hairstyles that could not be curtailed by the department absent rational justification. However, the Court held that uniformity of appearance and the maintenance of esprit de corps were sufficient rational justifications for imposing the regulations. Therefore, under *Kelley*, a hairstyle regulation will be upheld as long as the department has a "rational justification" for its enforcement. In this case, the rational justification is based on the logical connection between the policy and the promotion of legitimate agency interests (and those of the public) to protect property and persons.

Clearly from the above example, police policies generally, and particularly those that have bearing on liberty interests of personnel, must be based on rational, articulably justifiable grounds that relate to the promotion of legitimate law enforcement agency and/or public interests. In addition to meeting these tests, a policy on employee conduct as well as any other agency policy cannot be overly broad or overreaching so as to unfairly or unnecessarily impact personnel. In the same manner, the policy must be specific enough that officers can reasonably be expected to understand what is expected of them and to follow its mandates. For example, a hair regulation for officers should indicate the length and style of hair that is acceptable and state any exceptions to those rules that may be applicable, such as in the case of officers who may be working in undercover capacities. Finally, the policy must be uniformly applied. There should be no unjustified exceptions to the application of the policy to individuals within the agency, or it may be reasonably argued that the policy is arbitrary, capricious, and discriminatory. These principles should be reemphasized whenever police policies of any type are formulated and enforced and particularly in cases that deal with standards of conduct.

B. Obedience to Laws

The model policy states that officers are responsible for observance of all laws, regulations, and orders. This may appear at first glance to be a matter of such a fundamental nature as not to deserve specific mention in an agency policy. Certainly, police officers are as subject to the law as any other person. But reality dictates and history has shown that some officers, whether through misguided zeal or for other reasons, may come to view themselves and their police colleagues as exempt from the law on a general, selective, or situational basis. This element of the policy is intended to stress

the importance of the rule of law for all officers and to hold each officer accountable for any legal wrongdoing.

In particular, the mandates of procedural due process for accused persons must remain paramount in the minds of law enforcement officers as they go about the task of protecting life and property. These legal protections and individual rights cannot be placed on hold as a matter of convenience to achieve agency or officer objectives. They must be recognized as an indispensable and non-negotiable part of law enforcement in a democratic state, and a recognized cornerstone of police agency policy. The fact that officers cannot disregard their own responsibility to the law or circumvent the rights of individuals as prescribed by law in the course of performing their duties is a matter that deserves repetition and reinforcement in a policy on police conduct as well as in the agency's code of conduct and core values.

By the same token, the model policy specifically states that officers shall not violate any agency policy, rule, or procedure and that they shall obey all lawful orders. The term lawful is included to acknowledge the uncommon yet potential situation in which an order may be given that is unlawful and/or that is in violation of agency policy. An example of an unlawful order is one in which a subordinate is directed to use excessive force.

C. Conduct Unbecoming an Officer

The model policy prohibits officers from engaging in "any conduct or activities on- or off-duty that reflect discredit on the officers tend to bring the agency into disrepute, or impair its efficient and effective operation." These actions are sometimes referred to as "conduct unbecoming and officer"(CUBO). Unbecoming conduct incorporates those acts that may not be specifically identified by policy but that could reasonably be regarded as so improper or inappropriate by their nature and in their context that they are harmful to the agency's and officers' reputations.

One of the problems in defining prohibited conduct is that one cannot reasonably itemize all forms of conduct that may be considered damaging to officers or their agency. Attempts by an agency to itemize all prohibited acts become excessively tedious and invariably overlook certain types of behavior that would be considered unacceptable. Under these circumstances, it is more difficult to hold an officer accountable for improper behavior if it is not listed in the defined list of prohibited actions. Therefore, CUBO is an attempt to incorporate the array of improper acts not specifically identified in the standards of conduct policy. But, to do this effectively, CUBO must be linked effectively to an agency's code of conduct and/or values, and officers should receive training in its meaning.

Some agency administrators may hesitate to incorporate CUBO into their standards of conduct because it does not identify specific prohibited acts and presents the possibility that charges brought under this umbrella could more easily be challenged as being arbitrary. While this possibility exists, it is also true that most disciplinary measures relating to conduct violations are subject to similar challenges based on the alleged transgression's relevance to the officer's job and the efficient and effective operation of the agency. In all cases of conduct violations, the agency must be prepared to defend its position based on the connection of the behavior to negative outcomes on the agency's officers and mission. This issue of relevance should be as important to the agency in standards formulation as it is to officers charged with standards infractions.

Charges of conduct unbecoming an officer should be brought only when there is particular reason and a rational justification for enforcing the standard. Absent such criteria, charges should not be brought whether specified under CUBO or other conduct prohibitions. As in the case of the grooming standards (i.e., hair length) brought under Kelley previously noted, there is normally a presumption that the regulation is valid. The officer, to overcome this presumption, must show that "there is no rational connection between the regulation ... and the promotion of safety of persons and property."^[2]

In addition to the above, agencies should be particularly cognizant of the need to enforce CUBO on a consistent and equitable basis. The agency should recognize that it may be setting precedent in some cases when disciplining officers for conduct that is not specified in the agency's policy and procedure manual. To avoid charges of disparate treatment, the agency should make every effort to ensure that similar acts of offending conduct by officers are dealt with through similar disciplinary measures. Also, to provide officers with the information necessary to make informed decisions on such matters, the agency should provide in-service training on an initial basis upon introduction of the policy and on a periodic basis thereafter.

D. Accountability, Responsibility, and Discipline

Officers are reminded in the model policy that they are directly accountable for their actions through the chain of command to the agency's chief executive officer. Further, the model policy requires that officers "cooperate fully in any internal administrative investigation conducted by this or other authorized agency and shall provide complete and accurate information in regard to any issue under investigation" and, that they "shall be accurate, complete, and truthful in all matters."

The importance of these admonitions is lodged primarily in the recognition that police officers have traditionally been a generally closed social and professional group. Among the common characteristics of police officers in this context are silence and solidarity with respect to attacks on fellow officers. The senses of camaraderie and cohesiveness that these traits reflect clearly have positive side effects in many aspects of police work. But, they can also have a negative influence in some cases where officers face charges of wrongdoing. The model policy makes it clear that officers owe their first allegiance and responsibility to the agency that employs them and that failure to cooperate in any internal investigation in an effort to protect oneself or a fellow officer is a separate violation of policy.

Along these same lines, the model policy states that:

Officers shall accept responsibility for their actions without attempting to conceal, divert, or mitigate their true culpability nor shall they engage in efforts to thwart, influence, or interfere with an internal or criminal investigation.

This requirement is intended to expand on the requirement for truthfulness and cooperation from officers, particularly during internal investigations. But in addition to being truthful in response to questions that may be posed to them in an investigation or other matter, officers are expected to accept responsibility for inappropriate or improper conduct without attempting to cover up their mistakes or misdeeds. Attempts to withhold information necessary for the conduct of an internal investigation, or to interfere or influence such an investigation for one's own protection or to protect another, should be considered a separate violation of policy.

In fact, failure to fully cooperate in a purely administrative investigation can form the basis for disciplinary action up to and including termination of employment. In such investigations, officers must be informed of this fact prior to questioning as well as the fact that anything they say may not be used against them in a subsequent criminal proceeding. However, it should be noted that where officers are the subject of a criminal investigation, officers are under no duty to cooperate. Police officers have the same constitutional rights to remain silent and to consult with an attorney as do civilians in such situations.

Finally, with regard to issues of accountability and responsibility, the model policy recommends adoption of the requirement that officers "who are arrested, cited, or come under investigation for any criminal offense in this or another jurisdiction shall report this fact to a superior as soon as possible." Most often this issue arises when an officer is arrested or cited in

another jurisdiction where the incident would not normally be reported to the employing agency. This information—either as a single incident or in the context of repeated problems—may have bearing upon an officer's ability to serve as a law enforcement officer generally or in specific assignments within the police agency. Therefore, agencies should require that any such criminal arrests, citations, or investigations be reported to a superior in a timely manner.

E. Conduct Toward Fellow Employees

Establishment of a working environment that is constructive and supportive is one of the better means of developing esprit de corps among employees and motivating them toward maximum personal and agency achievement. Dissension, squabbling, and in-fighting among staff members creates a dysfunctional working environment that can have serious negative implications for law enforcement efforts—an occupation where teamwork is so vital. All working environments experience some degree of discord on one level or another. The workplace is not always a bastion of civility, and some degree of friction between personalities can be expected. However, an employee can reasonably expect, and indeed should require, a workplace free from harassment and discrimination. The model policy contains two provisions that address this area of concern:

- a. Officers shall conduct themselves in a manner that will foster cooperation among members of this agency, showing respect, courtesy, and professionalism in their dealings with one another.
- b. Employees shall not use language or engage in acts that demean, harass, or intimidate another person. (Members should refer to this agency's policy on "Harassment and Discrimination in the Workplace" for additional information on this subject.

The issue addressed in the model policy is intended to reinforce the need for general civility and the idea that professionalism and respect toward fellow workers are at the heart of a healthy, productive police organization. An extreme example of a breakdown in conduct between employees involves instances of harassment and discrimination in the workplace, an issue that is also addressed in the policy. Workplace harassment and discrimination not only expose the organization and offending personnel to civil liability as well as possible prosecution under state and federal law, but also have other destructive effects on the police organization. Harassment has serious debilitating effects on its victims and creates disruptions to productivity. Many good employees often quit as a result of such harassment or develop a pattern of lost or unproductive time while on the job. Workplace harassment

and discrimination are antithetical to the precepts of a professional law enforcement agency designed to uphold the law and the rights of all persons. Harassment and discrimination in the workplace are crimes as well as the basis for internal administrative discipline and, as such, run counter to the values and ethics of law enforcement.

Finally, with regard to workplace harassment and discrimination, executives must consider that an employee who harasses a fellow employee may also be carrying those same behavior patterns into the community that he or she serves. It is not hard to image the types of charges that could be leveled against an officer and his/her law enforcement agency should this prejudicial attitude be manifested within the community. The types of persons who display harassing and discriminatory types of behavior within their agencies among their colleagues are generally not suitable for law enforcement careers.

The issue of harassment and discrimination within the workplace is a highly complex and evolving field of law and one that has routinely created some of the greater concerns for police personnel management. Agencies should address these issues in a separate comprehensive policy on this matter and remain cognizant of the broader applicability of workplace harassment and discrimination law. [3]

F. Conduct Toward the Public

Interaction with the public is the police officer's central focus. A positive police-community relationship is essential for gaining the public's confidence in the police and cementing their support in crime prevention and criminal apprehension. Research has confirmed what all police officers know from experience: that the public is the primary resource for successful criminal apprehension and crime prevention. Without public support and cooperation, the job of law enforcement is substantially more difficult and far less successful.

But public support and cooperation with the police do not come naturally. They are built upon mutual respect, a relationship that is largely the product of fair treatment by the police. The police image among citizens is delicate and often fickle. It is generally the product of a single or a few brief personal encounters with the police or the product of what are perceived as reliable stories passed on by friends or acquaintances who have had such experiences. Even a single negative public encounter can have a ripple effect, particularly in areas where police presence is more conspicuous and/or prevalent, such as in high-crime areas. Unfortunately, the public retains memories of bad incidents concerning the police far longer than it

remembers favorable ones, and negative incidents can often undo or seriously damage long-standing positive police-community relationships.

All of the above indicate that good conduct of the police toward the public is not only proper from a professional and ethical standpoint but is "smart policing" as well. It is not simply a public relations tool: it is or should be a conscious attempt to nurture community good will and respect for the police so that the public's contributions to crime control can be fully realized. To this end, the model policy specifies several general rules of conduct that if followed by officers on a consistent basis when dealing with the public should assist in building and maintaining public support.

Specifically, the model policy states the following:

- a. Officers shall conduct themselves toward the public in a civil and professional manner that connotes a service orientation and that will foster public respect and cooperation.
- b. Officers shall treat violators with respect and courtesy, guard against employing an officious or overbearing attitude or language that may belittle, ridicule, or intimidate the individual, or act in a manner that unnecessarily delays the performance of their duty.
- c. While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, officers shall adhere to this agency's use-of-force policy and shall observe the civil rights and protect the well-being of those in their charge.

G. Use of Alcohol and Drugs

The model policy addresses the issues of consumption of alcoholic beverages and legal use of drugs whether over the counter or as prescribed by a physician. Use of drugs illegally as a controlled substance is an issue that is addressed in the model policy under the heading of adherence to laws and is not further discussed here.

The use of alcohol while on duty (with limited exceptions) is almost universally prohibited by police agency policy. Disciplinary measures based upon unauthorized on-duty use are almost always upheld by the courts. The model policy addresses this concern primarily in the first two statements in section IV.A.6. In particular, the policy states that "Officers shall not consume any intoxicating beverage while on duty unless authorized by a supervisor." This prohibition recognizes that officers on undercover

assignments or on certain types of surveillance, sting, or similar operations may have to consume alcoholic beverages as part of their role.

The policy also prohibits the serving or consumption of alcohol "on police premises or in vehicles owned by this jurisdiction." This is generally intended to address situations in which on-duty or off-duty officers may consume alcohol for informal celebrations or other similar events, but it also includes other circumstances in which alcohol may be served or consumed. Police premises are generally open to the public, and the potentiality of citizens witnessing police officers consuming alcohol on duty—whether or not this is in fact the case and irrespective of the circumstances or the quantity of alcohol in question—is not conducive to the image of a professional police organization. There are also liability considerations associated with officers consuming alcohol on police premises whether formally or informally sanctioned by the agency should accidents or similar incidents occur as a result.

While the consumption of alcohol by on-duty officers is almost universally disallowed, departmental regulation of off-duty alcohol consumption, and disciplinary action for such use, involves more difficult questions.

The model policy addresses the issue of off-duty alcohol consumption by stating that:

- a. an officer shall not be under the influence of alcohol in a public place, whether on or off duty,
- b. shall not "report for duty with the odor of alcoholic beverage on his or her breath," and
- c. shall not "report to work or be on duty as a law enforcement officer when his or her judgment or physical condition has been impaired by alcohol, medication or other substances.

Item (a) above is intended primarily to protect the image of the police agency against charges of inappropriate officer conduct while off duty just as the issue of on-duty consumption of alcohol is addressed elsewhere. The question could easily and legitimately be raised by members of the public about the professionalism and stability of an officer who lacks the self restraint and good judgment to appear in public in an inebriated condition. There is also the potentially serious problem of an officer in a public setting being required to take emergency police action while under the influence of alcohol. Items (b) and (c) are also intended to address this issue. The odor of alcohol on the breath of any officer who reports for work should constitute

sufficient basis alone to remove the officer from duty irrespective of how much alcohol the officer consumed.

Item (c) above is also meant to protect the agency and the public against the potential of officers reporting for work or being on duty whenever their judgment has been impaired by alcohol or other substances. Alcohol and certain forms of prescription and non-prescription medication affect individuals differently. Additionally, alcohol and certain medications taken in conjunction with one another can markedly diminish judgment, perception, and/or reactions. This may render the officer unfit to perform essential functions of the job and constitute a danger to him- or herself or others. The model policy employs this admonition as a caution to officers, prior to reporting to work, to avoid the use of any drug, including alcohol that could negatively affect their performance.

Furthermore, the policy requires that officers "report the use of any substance, prior to reporting for duty that impairs their ability to perform as a law enforcement officer." This places a burden upon officers for self-control and self-appraisal, considering that they are often in the best position to assess their performance capabilities. While many officers may avoid reporting impairment for fear of repercussions, it is useful to place officers on notice that they are personally responsible for reporting to work in a fit condition and that they will be held accountable for negative consequences stemming from their consumption of alcohol and/or medication.

A measure of the burden for ensuring that on-duty officers are not impaired by drugs or alcohol falls upon their first-line supervisors. Therefore, the policy directs that

Supervisors shall order a drug or alcohol screening test when they have reasonable suspicion that an employee is using and/or under the influence of drugs or alcohol. Such screening shall conform to [the] agency's policy on employee drug-screening and testing.

The above requirements and admonitions are considered to be reasonable restrictions upon officers to protect themselves, others, and the interests of the police agency. Some law enforcement agencies may wish to add additional or more stringent restrictions on the off-duty use of alcohol and prescription drugs. For example, some agencies place restrictions on officer consumption of alcoholic beverages within a specific time of reporting for duty—a practice that has been employed by some other types of employers to include commercial airlines for their flight crews. Still other police administrators take the position that officers reporting for duty with any amount of alcohol in their bloodstream are operating at diminished levels of

proficiency. This, they argue, coupled with the potential need for these officers to employ deadly force, creates an unacceptable risk to the agency and the public. While it is difficult to argue against more restrictive policies of this nature, the same argument could be used with regard to any substance that impairs, no matter how slight, the judgment and reaction of officers.

A near-zero tolerance approach to this issue is difficult to manage administratively, and measures designed to enforce such rules risk overstepping the legitimate interests of agencies to control their personnel. Advocacy of zero tolerance or near-zero tolerance for alcohol risks opening a much broader array of issues that can further complicate the matter. For example, a difficult question arises when an officer's ongoing off-duty use of alcohol so debilitates the officer that, although sober when reporting for work, his or her performance has been impaired by alcohol-related illnesses. By the same token, even common cold medicines, such as those containing codeine and antihistamines, can diminish many individuals' judgment and perception.

In the end, one must place the lion's share of the responsibility for controlling this matter on the shoulders of individual officers and their immediate supervisors to ensure that their performance is in keeping with acceptable agency standards. In addition, agency administrators should not lose sight of the fact that alcoholism (should that be involved) may be regarded as a handicap under federal and state law, and policies promulgated or actions taken in this context must take this into account.

H. Use of Tobacco Products

The model policy prohibits police officers from using tobacco products unless they are used in a designated smoking area and only when officers are not conducting police business. Smokeless tobacco products, such as snuff or chewing tobacco, are included as well as cigarettes, both because of the health risks involved as well as the poor public image they impart of police officers. Officers are also not permitted to use tobacco products in a vehicle owned or maintained by the law enforcement agency. This restriction is based on several factors, to include concern over the appearance of officers smoking on duty in public; concern for the health and well-being of both smoking officers and those who may be subjected to their secondhand smoke in the vehicle; and to a far lesser degree, the negative effect cigarette smoke has on vehicle cleanliness.

In the first regard, smoking by officers while on duty has always been perceived as a public relations or public image problem. In fact, the common

and time-honored policy of many departments prohibiting smoking in patrol cars or while on duty in public places may in many instances be traced to a concern over the public perception of the department rather than to health issues. This is a problem that predates the current focus on the adverse health effects of smoking by many years. It has long been a feeling among law enforcement executives that a uniformed officer with a cigarette dangling from his or her mouth presents an image to the public that is not acceptable to the department, hence the frequent incidence of prohibitions against uniformed officers smoking in public.

Now, as smoking increasingly becomes perceived by the public as something detrimental to the health of both smokers and nonsmokers, smoking by officers while on duty has become and will continue to be a matter of increased departmental attention. In this regard, the Environmental Protection Agency (EPA) has made it clear that the inhalation of secondhand smoke by non-smokers has a "serious and substantial public health impact" on nonsmokers. According to the EPA, about 3000 nonsmokers die annually in the United States due to lung cancer caused by secondary smoke. The EPA also found that secondary smoke was responsible for a significant number of cases of pneumonia, bronchitis, and other respiratory infections, as well as leading to the development or aggravation of asthma.

Of equal importance are the effects of smoke on the health and productivity of police officers themselves. Even before the EPA issued its landmark report, many health-conscious police agencies had made their own decisions on the risks and negative impact of smoking on the health of their officers and fellow employees. Many of those agencies took steps to limit smoking on duty, and many more today are prohibiting smoking both on and off duty for newly hired officers.

First among agency concerns is the fact that a law enforcement officer, in the course of his or her employment, will be required to perform certain demanding physical tasks that will require cardiovascular endurance. Cigarette smoking is a substantial inhibitor to the development and maintenance of this physical condition. Second, police agencies in general have come to recognize the significant financial and professional value of career officers. Cigarette smoking is a serious health risk that increases the possibility of officers' contracting debilitating diseases preventing them from completing their full term of career employment.

Historically, U.S. courts have been willing to grant law enforcement organizations some legal leeway in situations in which the efficient functioning of the department, and therefore, public safety is implicated. In view of the documented health reasons alone connected with the use of

tobacco products, restrictions on smoking in the law enforcement environment will most likely withstand legal challenges directed against them. [4]

I. Abuse of Law Enforcement Powers and Position

Abuse of power by law enforcement officers can take many forms to include the use of excessive force, denial of civil rights and related acts. These types of acts are dealt with separately in the model policy. The present discussion deals primarily with those acts or inactions committed by police officers for purposes of financial gain, privilege, or advantage not otherwise available to them as private citizens.

The abuse of power or position is one of the more serious of conduct violations that can be leveled against a law enforcement officer. Such violations range in severity from acceptance of nominal tokens of appreciation to the systematic exploitation of persons or organizations for gain. The history of law enforcement is replete with examples of this form of abuse of power, some of which have grown within police agencies to near-systemic corruption. The early 1970s reports of the Pennsylvania Crime Commission and the New York City Knapp Commission are examples of investigations that identified wide-scale corruption in two of this nation's larger police departments. Fortunately, such large-scale abuses are rare. But it is from the small, seemingly benign acts that take advantage of police power or position that an environment of tolerance grows within agencies, sometimes leading to more frequent and egregious transactions. From this historical perspective and with the intent of avoiding even the appearance of impropriety, the model policy assumes a position of zero tolerance for corruption.

The model policy addresses six issues relative to the abuse or potential abuse of police power and position. In particular, the model policy requires first, that

Officers report any unsolicited gifts, gratuities, or other items of value that they receive and ... provide a full report of the circumstances of their receipt if directed.

This reporting requirement is designed to ensure that all such items come to the attention of the law enforcement agency. Even though officers are prohibited from receiving gifts, gratuities, and similar items, such items may nevertheless be received by them through the mail or by other means on an unsolicited basis. The requirement that officers report these items helps to ensure that their receipt receives official notice, thus protecting the officer

from allegations of misconduct and providing the agency with the opportunity to take any action deemed appropriate. Under provisions of the model policy, officers are also prohibited from using their authority or position for financial gain, for obtaining or granting privileges or favors not otherwise available to them or others except as a private citizen, to avoid the consequences of illegal acts for themselves or for others, or to barter, solicit, or accept any goods or services (to include, gratuities, gifts, discounts, rewards, loans, or fees) whether for the officer or another.

This restriction addresses the majority of concerns of police administrators with regard to an officer's use of authority for financial gain. It prohibits situations such as accepting special access to and treatment at public events or gatherings; negotiating with officers from the same or another jurisdiction to overlook violations of the law for themselves, their friends, or members of their family; or asking for, engaging in barter for or accepting outright any goods, services, or similar gains. These are only examples of possible scenarios covered by this directive, which is designed to address a broad waterfront of situations in which officers could willfully or inadvertently benefit from their position or authority.

Some will argue that a complete ban on the acceptance of goods, services, and favors is too far reaching and fails to recognize that gestures are sometimes made by citizens as tokens of appreciation without any expectation of special treatment. Each agency must make its own decision regarding what it will tolerate in this area. But as a matter of principle, it should be made clear to officers that they are in a high-profile position within the community as a representative of local government and are given a special level of trust and authority not available to persons in any other occupation. As such, they will be faced with situations in which persons or groups may, intentionally or unintentionally, attempt to co-opt their authority and influence them for unauthorized purposes. The simple cup of coffee or a discounted meal from a friendly restaurateur may be nothing more than a courteous gesture or token of appreciation. However, it may also incorporate subtle manipulation intended to extract favors from officers, such as spending more time in and around the establishment than would normally be necessary or permitted.

Moreover, even simple gestures by business owners or individuals, provided and accepted on a routine basis, can easily lead officers down the slippery slope from appreciation to expectation. Within time, simple gestures can grow into significant gifts or rewards and becomes an anticipated part of officer compensation, or be regarded as perquisites of the job. With this subtle and gradual change of an officer's attitude comes a relatively easy transition into development of an expectation that such privileges or benefits

will be forthcoming. When they are not, they may be requested or even demanded. The acceptance of "perks" from the public can degenerate into a downward spiral that leads to, in a worst-case scenario, establishment of a culture of corruption within the law enforcement agency.

Many agencies have adopted the zero-tolerance approach to this matter in view of the above concerns and realities. In addition, they recognize that the acceptance of gratuities and the like presents a bad image of the officers and the agency to the public. Citizens who witness or learn of officers receiving special treatment or gratuities can understandably feel a degree of resentment toward not only the officers involved but the police agency as a whole. They may question the degree to which favoritism influences the decision-making process of officers in general, whether law enforcement resources are provided equitably and fairly within the community, even whether the apparently simple gesture may reflect a more pervasive degree of corruption within the police agency. The ability of law enforcement to deal with public safety effectively is greatly diminished when such actions erode the confidence of the public in their law enforcement agency.

In the above context, the model policy also prohibits officers from purchasing, "converting to their own use, or having any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence." Here again, the issue is one primarily of appearances. In situations involving the above, charges could be made that officers are engaged in a subterfuge by procuring property unnecessarily or inappropriately with personal intentions for its use or acquisition. Such appearances should not be permitted to germinate. However, this does not preclude the agency from selling at public auction or in other acceptable ways dispensing of abandoned, recovered, or related property after a reasonable amount of time and following legitimate and earnest attempts to locate owners.

Officers are also limited in the manner in which they can solicit funds as part of or on behalf of the police organization. The model policy states that

Officers shall not solicit or accept contributions for this agency or for any other agency, organization, event, or cause without the express consent of the agency chief executive or his or her designee.

Some jurisdictions have experienced problems with persons soliciting funds from the community and those who claim to be doing so on behalf of their police organization. This directive is intended to impose controls over all fund-raising activities so that legitimate activities can be sanctioned and managed by the agency.

Another issue in this realm of concern is addressed in item IV.A.8.e. of the model policy, which states that

Officers are prohibited from using information gained through their position as a law enforcement officer to advance financial or other private interests of themselves or others.

Concerns in this area can take a number of forms. For example, officers or other employees working in sensitive areas of the agency may sell criminal history records or other restricted information to commercial concerns as part of background investigations. Officers working in part-time jobs for security firms, process servers, or others may use confidential or other sensitive information developed by the agency to promote their interests and those of unauthorized outside parties. These are only a few of the many possible examples of unauthorized uses of police information that may benefit the financial interests of police employees.

Finally, the model policy takes the position that "officers who institute or reasonably expect to benefit from any civil action that arises from acts performed under color of authority shall inform their commanding officer." Officers may initiate civil lawsuits or otherwise become party to civil actions against persons with whom they have had dealings in the course of their employment and from which they could realize monetary compensation. In some cases for example, officers may bring actions for physical injuries, infliction of psychological injuries, improper subjection of the officer to legal process (e.g., malicious prosecution), actions that are injurious to the officer's professional status and reputation (as in the case of defamation suits), or similar actions. [5] While these lawsuits are not common and officers have the right to bring such actions, the model policy directs that involved officers notify their commanding officer in such cases. This will allow the agency to become aware of cases in which officers appear to be abusing this right or conspiring to use this legal avenue solely for personal gain or punishment of others.

J. Off-Duty Police Action

Actions taken under color of authority by off-duty police officers have traditionally been an arena ripe with problems both for police administrators and individual officers. The breadth of those problems hinge on a number of factors within the police agency which include but are not limited to (a) whether officers are considered peace officers under state statute or case law on a 24-hour basis within their own jurisdiction and whether that extends to other jurisdictions within their state where employed; (b) whether they are required by their agency to remain armed while off duty or

do so by agency custom or practice in the absence of specific policy; (c) whether agency policy governs when and how officers should respond to violations of the law in an off-duty capacity in their own jurisdiction and other jurisdictions of the state; and (d) the degree to which the agency maintains control of off-duty employment of its officers. To the degree that the forgoing are not regulated by statute, case law or agency policy, situations involving actions taken by off-duty officers will remain problematic.

The Model Policy on Standards of Conduct is not designed to address these widely varied issues. The National Policy Center has established a Model Policy on Off-Duty Conduct that may be of assistance to agencies in resolving some of the forgoing issues. The present policy is designed to address only one aspect of this issue involving the inappropriate use of police powers.

The model policy provides two specific directives in this regard. First, the policy prohibits officers from

Using their police powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officer shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.

While many officers are armed while off-duty, they are generally out of uniform and/or driving unmarked privately owned vehicles and thus not readily identifiable as law enforcement officers to the public or even some of their own colleagues. Additionally, most officers do not wear soft body armor while off-duty and do not have access to a police radio or other on-duty types of equipment. All these factors can place off-duty officers in awkward situations. With these factors in mind, the model policy provides some direction designed to limit the exposure of officers to danger and the agency to charges of civil liability.[6]

Beyond these personal safety considerations, the intent of this policy statement is to avoid instances that may involve conflicts of interest and that would consequently tend to negatively influence officers' judgment. Generally speaking, an officer should not invoke police powers for the purpose of resolving personal grievances or those of family or friends. An exception to this is when the officer, friends or family become victims of a

crime or when the violations of law are so serious as to require immediate action.

For example, an off-duty officer becomes engaged in a conversation with a neighbor over loud music from a party at the neighbor's home. The officer resides in the jurisdiction where he is employed and, by statute, may take police action while off-duty. The neighbor becomes abusive and uncooperative and refuses to turn down the music. At that point the officer identifies himself as a police officer and issues a noise citation to the offending party with a threat that failure to comply will result in arrest.

In these and similar scenarios, the model policy requires that the officer refer the matter to an on-duty officer rather than issue the citation or make an arrest. However, in the same situation, should the neighbor become physically assaultive to the officer, or his friends or family, the officer would be justified in taking necessary action to include the possibility of making an arrest. A supervisor should also be summoned in such cases in order to ensure third-party impartiality and the authority necessary to make judgments and resolve differences. From the viewpoint of officer and public safety, the model policy also states that

Unless operating a marked police vehicle, off-duty officers shall not arrest or issue citations or warnings to traffic violators on sight, except when the violations is of such a dangerous nature that officers would reasonably be expected to take appropriate action.

This prohibition is based on the fact that the identity of out-of-uniform officers in unmarked vehicles is not easily determined by motorists or other third parties. The chance for mistaken identity provides fertile ground for a variety of dangerous situations. These include the possibility that a motorist who an off-duty officer is attempting to stop may mistakenly assume that he or she is being accosted.

K. Prohibited Associations and Establishments

In early 1998, the superintendent of one of the nation's largest police agencies resigned his position in the wake of accusations that he had maintained a long-standing friendship with a known felon. This illustrates an old problem area for law enforcement agencies affecting officers at all levels.

Many departments seek to prevent employees from associating with "undesirable" persons, other than in official capacities—that is, those who have a notorious criminal reputation or history that could present a potential threat to the department's reputation and effectiveness or present the

potential of compromising the officer. This is generally considered a matter of legitimate departmental interest, and a policy prohibiting such associations may therefore be upheld by the courts. However, as with most issues that affect individual rights, there are limitations that must be observed and that have been built into the model policy. Where restrictions or prohibitions on such relationships exist within police organizations, questions often arise as to whether the rule serves a legitimate governmental interest, whether it impinges upon an employee's constitutional right to freedom of association, and where the balance falls between the two competing interests.

First, restrictions of this nature should not be overly broad. A policy that fails to provide specific guidance as to the types of associations that are prohibited may be held void for reason of vagueness. For example, a policy that merely prohibits association with "undesirables" would probably be considered too broad and vague. As with the other policy issues discussed in this document, the department should be prepared to give specific, articulable reasons why association with a named class of individuals will damage the department's reputation or otherwise interfere with the department's mission.

Second, the policy should provide an exception for family relationships or other associations that are similarly unavoidable. Most courts would not uphold a policy, for example, that prevents an officer from associating with his or her spouse or parents.

Finally, the policy should provide an exception for contents legitimately made in the line of duty. The nature of police work requires that officers deal with persons who, under traditional moral standards, would be considered undesirable as routine company. These include situations where officers are cultivating informants or working undercover assignments. The model policy addresses issues of prohibited associations by stating that

Officers shall not knowingly commence or maintain a relationship with any person who is under criminal investigation, indictment, arrest, or incarceration by this or another police or criminal justice agency, and/or who has an open and notorious criminal reputation in the community (for example, persons whom they know, should know, or have reason to believe are involved in felonious activity), except as necessary to the performance of official duties, or where unavoidable because of familial relationships.

This statement incorporates the three areas of concern previously discussed. The wording of the policy does not necessarily preclude officers from associating with persons solely because they have a criminal record. This is

not advisable for police officers and many agencies may wish to discourage it. But association with persons who have served their sentence and who have reentered society, and who otherwise are pursuing legitimate occupations is consistent with the letter and intent of the model policy. On the other hand, should the individual's past criminal history be so notorious and infamous as to cast doubt on that person's reputation after having reentered society, and/or there is question concerning the individual's continued connection to criminal enterprises, there would be legitimate grounds for the agency to prohibit such association unless it is work related or the individual in question is an immediate family member. In short, whenever there are questions concerning the reputation of persons with whom officers associate, officers are well advised to restrict or eliminate their associations with such individuals and/or to discuss the matter with an appropriate supervisor.

The model policy also prohibits arresting, investigating, or custodial officers from commencing "social relations with the spouse, immediate family member, or romantic companion of persons in the custody of the agency." The same may also be said for persons in the custody of other criminal justice agencies. This directive is designed to remove the appearance of impropriety involving officers involved in such cases. For example, it may reasonably be claimed that an officer's judgment and objectivity could be clouded by such associations or that the officer's credibility in general or court testimony, in particular, may be similarly tainted. Such associations may also give rise to other speculation to include the pre-arrest relationship of the officer to the person in question and the possible interplay of the relationship to the arrest.

With regard to associations involving business establishments, the model policy suggests two restrictions. The first of these states that "except in the performance of official duties, officers shall not knowingly enter any establishment in which the law of that jurisdiction is regularly violated." Again, the issue involved here is the protection of the image and reputation of officers and their agencies. Officers who, outside of the scope of their employment, enter gambling establishments, houses of prostitution, or any location that has a reputation for illegal activity risk sparking speculation about the officer's integrity, judgment, impartiality, and professionalism.

Finally, the model policy prohibits officers from "knowingly join[ing] or participating in any organization that advocates, incites, or supports criminal acts or criminal conspiracies." While uncommon, there are cases in which officers have affiliated off-duty with such organizations. The policy includes organizations that not only support criminal acts or conspiracies but also any that advocate such acts. Affiliation with so-called "hate groups" such as

white supremacists, anti-Semites, militants, and other extremists that espouse and/or support criminal acts or criminal conspiracies are among those that run counter to the core values of law enforcement. Any affiliation of officers with such groups has a significant debilitating effect on the reputation of offices and their law enforcement agency.

L. Public Statements, Appearances, and Endorsements

The model policy covers several concerns with respect to public statements made by officers. Perhaps the most controversial of these is the first directive in section IV.B.1 of the policy, which reads

Officers shall not, under color of authority, make any public statement that could be reasonably interpreted as having an adverse effect upon department morale, discipline, operation of the agency, or perception of the public.

Police personnel in recent years have become increasingly willing to make adverse public statements regarding their departments. While police agencies may wish to limit or control such statements, the essence of the problem, of course, is the constitutionally guaranteed right to free speech. The extent to which a department may regulate speech by its personnel depends upon many factors and is a complex point of law to which only limited guidance has been given by the courts. Generally speaking, however, the basis for any discussion of the subject must distinguish between speech of a "personal" versus a "public" nature. For example, if an employee makes statements detrimental to the department, the department may be able to take disciplinary action as long as the statements are of "personal interest" only. If however, the statements deal with matters of "public concern," then the department may take action against the employee only if the "public concern" is outweighed by the interest of the public employer "in promoting the efficiency of the public services it performs." [7]

Supposedly, something is a matter of public concern if it relates to "any matter of political, social, or other concern to the community." [8] Unfortunately, the deciding line between that which is of "personal interest" only and that which is a matter of "public concern" is very vague, and, as with other free-speech issues, the outcome depends largely on the political makeup of the court considering the question. In general, however, personal insults directed at superiors and complaints regarding the individual treatment of the complaining employee are often considered matters of "personal interest" for which action may be taken, [9] whereas complaints about, for example, the alleged misuse of public funds or similar acts of official misconduct by superiors are likely to be regarded as matters of

"public concern," however intemperate or outrageous they may be. In the long run, whether the matter is one of "personal interest" or "public concern" is a question of law to be decided by the judge. [10]

Another aspect of the freedom-of-speech issue is reflected in the following statement of the model policy:

Officers shall not, under color of authority, divulge or willfully permit to have divulged, any information gained by reason of their position, for anything other than its official, authorized purpose; or, unless expressly authorized, make any statements, speeches, or appearances that could reasonably be considered to represent the views of this agency.

The first part of this directive is clearly intended to protect confidential information from being released without authorization or to be used by officers for any purposes other than those for which they were intended. This may include but is not limited to the use of such information for private purposes or in conjunction with outside business endeavors, (such as private security or private investigative operations), that could benefit from information contained in criminal history and related departmental files.

The second element of this policy directive is intended to control unauthorized statements that may be interpreted by those outside the agency as representing official agency policy. Normally, all policy and position statements are provided to the media and others through the chief executive officer, the public information officer, or another designated spokesperson. Other officers who may appear in public either in uniform or as clearly designated members of the police agency must ensure that their comments with regard to their work and the agency are within the parameters of policy established by the agency for the release of information. [11] The final element of the model policy in this area of concern relates to restrictions on endorsements by officers. The policy states that

Officers may not, under color of authority, endorse, recommend, or facilitate the sale of commercial products or services. This includes but is not limited to the use of tow services, repair firms, attorneys, bail bondsmen, or other technical or professional services. It does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements.

This directive prohibits the promotion of products or services by any personnel who are clearly identified with their employing agency as a law enforcement officer. It is inappropriate for a governmental agent to do so in most capacities as it may imply governmental sanctioning of and support for

specific products and services. This is both misleading and may provide an unfair trade advantage to competing product manufacturers or service providers. It may also give the impression that the officer and/or the agency is receiving remuneration for such endorsements and/or that they vouch for and stand behind product or service quality and customer satisfaction.

In some instances, officers may be approached by product or service providers for testimonials or endorsements. However, the officer's identification with their employing jurisdiction and police agency may give the improper impression that these entities also stand behind these products. Finally, it could be argued by some that recommendation of products and services directly to individual consumers by a police officer carries a degree of coercion that is improper even if unintended.

Such endorsements and recommendations do not apply to recommendations concerning governmental services when authorized by the law enforcement agency. For example, this may include recommendations regarding the use of family counseling or crisis intervention services, health clinics, social welfare or housing assistance services, or similar municipal, county or state services.

M. Political Activity

Political activity is also generally regarded as a matter of free speech. As such, there are limitations on what law enforcement administrators can do to restrict their officers' political activity. The demarcation line in limiting such activity is based generally upon whether or not the activity in question is being performed by the officer during working hours, while in uniform or while otherwise serving as a representative of the law enforcement agency. The model policy makes this distinction and also indicates that state law, where applicable, will take precedent over model policy recommendations.

It has now been well-established that the First Amendment prohibits officials from discharging or threatening to discharge public employees solely for not supporting the political party in power, unless the party affiliation is an appropriate requirement for the position involved. [12] While such patronage has been considered appropriate for high-level policy-making personnel within agencies, it has been considered inappropriate for actions against lower-level, non-policy-making personnel. [13]

Thus, during working hours, while officers are in uniform, or otherwise serving as representatives of their law enforcement agency, the model policy prohibits them from engaging in the following political activities:

- Placing or affixing any campaign literature on city- or county-owned property.
- Soliciting political funds from any member of the law enforcement agency or another governmental agency of the employing jurisdiction.
- Soliciting contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by the jurisdiction.
- Using official authority to interfere with any election or interfere with the political actions of other employees or the general public
- Favoring or discriminating against any person seeking employment because of political opinions or affiliations

N. Expectations of Privacy

This component of the model policy addresses an issue that is not traditionally or routinely regarded as a matter of employee conduct but one that can become involved in investigations of improper conduct. The need to access officers' desks, lockers, file cabinets, storage areas, assigned vehicles, or other areas can also come into play with respect to line inspections, in searching for evidence that officers may have stored inappropriately from a crime scene, in the search for missing property, or in other regards.

Officers do not normally have any expectation of privacy in the aforementioned types of areas that are owned by or under the control of the law enforcement agency. However, absent any notice to this effect by management, officers may develop a presumption of personal privacy in such areas—particularly if there is a generally accepted or long-held tradition or custom within the agency of observing or granting such privacy—that may become binding upon the agency unless explicitly countermanded.

Agency administrators who wish to reserve the right to gain access to agency-owned or -controlled property that is or can be used to house the personal property of officers should make their intentions clear in written agency policy. The model policy recommends the following language for this purpose:

Officers shall not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers, [14] or similar areas that are under the control and management of this law enforcement agency. While this agency recognizes the need for officers to occasionally store personal items in such areas, officers should be aware that these and similar places may be inspected or otherwise entered—to meet operational

needs, internal investigatory requirements, or for other reasons—at the direction of the agency chief executive or his or her designee.

The second component of this area of the model policy involves the unauthorized storage of agency documents outside the confines of the police department. For example, it is not uncommon to find an occasion that police officers and criminal investigators in particular have accumulated and/or stored files relating to criminal cases at home. This is often in conjunction with work officers are conducting off-duty on cases that are long-standing or that in some manner need extra attention. Over time, the accumulation of records can increase and include sensitive or confidential materials as well as the original or sole copy of documents that if misplaced, lost or destroyed could cause critical problems. Once outside the confines and security of the police agency, documents may also fall into the wrong hands or, should the officer be dismissed or leave employment of the agency, the documents may be difficult to recover. With these and related problems in mind, the model policy restricts this practice in stating that

No member of this agency shall maintain files or duplicate copies of official agency files in either manual or electronic formats at his or her place of residence or in other locations outside the confines of this agency without express permission.

Endnotes

1 Kelley v. Johnson, 425 U.S. 238, 96 Sct. 1440 (1976).

2 Kelley v. Johnson, 425 U.S. 238, 96 S.Ct. 1440 (1976).

3 On March 4, 1998, the U.S. Supreme Court ruled in *Oncale v. Sundowner Offshore Services, Inc. Et. Al.* (No. 96-568) that severe and pervasive harassment between members of the same sex can be actionable under the same law (i.e., Title VII of the 1964 Civil Rights Act) that originally intended to deter male discrimination and harassment against women on the job. For additional information on the entire issue, see the Model Policy on Harassment and Discrimination in the Workplace, IACP National Law Enforcement Policy Center, IACP, 515 N. Washington St., Alexandria, VA 22314.

4 For a more detailed treatment of this subject, see for example, "Smoking in the Workplace," Policy Review, Volume 4, Number 3, IACP National Law Enforcement Policy Center, IACP, 515 N. Washington St., Alexandria, VA 22314.

5 For a complete treatment of such actions, see for example, Charles E. Friend, J.D.; *Police Rights: Civil Remedies for Law Enforcement Officers*, Callaghan and Co., Wilmette, Ill. (1987).

6 For a comprehensive treatment of policy on off-duty powers of arrest, see, for example, the *Model Policy on Off-Duty Conduct: Powers of Arrest*, IACP National Law Enforcement Policy Center, IACP, 515 N. Washington St., Alexandria, VA 22314.

7 *Pickering v. Board of Education*, 391 U.S. 563 (1968).

8 See *Connick v. Myers*, 461 U.S. 138 (1984).

9 See, for example, *Pickering v. Board of Education*, 391 U.S. 563 (1968); *Ohse v. Hughes*, 816 F.2d. 1144 (7th Cir. 1987).

10 For a more detailed discussion of this topic, see, for example, "Free Speech and Departmental Policies," IACP National Law Enforcement Policy Center, *Policy Review*, Volume 5, Number 2, June 1993, IACP, 515 N. Washington St., Alexandria, VA 22314.

11 For more information on this and guidelines on media relations by officers and others see, for example, the *Model Policy on Police-Media Relations*, IACP National Law Enforcement Policy Center, IACP, 515 N. Washington St., Alexandria, VA 22314.

12 See *Elrod v. Burns*, 427 U.S. 347 (1976); and *Branti v. Finkel*, 445 U.S. 507 (1980).

13 See *Rutan v. Republican Party of Illinois*, 110 S.Ct. 2729 (1990). Note that this does not apply to policy-making employees, nor does it apply to employees who hold "confidential" positions. See, for example, *Soderstrum v. Town of Grand Isle*. 925 F.2d 135 (5th Cir. 1991) where a new chief discharged the confidential secretary of the old chief.

14 For more explicit information on this subject, see the *Model Policy on Electronic Messaging* published by the IACP National Law Enforcement Policy Center, IACP, 515 N. Washington St., Alexandria, VA.

CODE OF ETHICS

As a firefighter and member of the International Association of Firefighters, my fundamental duty is to serve mankind; to safeguard and preserve life and property against the elements of fire and disaster; and maintain a proficiency in the art and science of fire engineering.

I will uphold the standards of my profession, continually search for new and improved methods and disseminate and share my knowledge and skills with my contemporaries and descendants.

I will never allow personal feelings, nor danger to self to deter me from my responsibilities as a firefighter.

I will, at all times, respect the property and rights of all men, the laws of my community and my country, and the chosen way of life of my fellow citizens.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the fire service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession – saving of life, fire prevention and fire suppression.

AS A MEMBER OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, I ACCEPT THIS SELF-IMPOSED AND SELF-ENFORCED OBLIGATION AS MY RESPONSIBILITY.

ARTICLE 1

Name

Section 1. This organization shall be known as the Springfield Township Professional FireFighters Association, I.A.F.F. Local No. 4268.

Section 2. References in this Constitution and By-Laws to "local" or "local union" shall refer to the Local as set forth in Section 1 above, and reference to the "International" shall refer to the International Association of FireFighters.

Section 3. This Local Union, its officers, representatives and members, shall recognize, observe and be bound by the provisions of the Constitution and By-Laws of the International and the interpretations rendered by the General President, the resolutions, decisions and directives of the Executive Board or officers of the International when made in conformity with the authority granted by the Constitution and By-Laws of the International, and the resolutions adopted and policies established by the delegates at conventions, Article 13 of the Constitution and By-Laws of the international is recognized as providing the basic rules governing this local.

Section 4. I.A.F.F. Local 4268, shall be affiliated with the International Association of FireFighters, Ohio Association of Professional FireFighters, Ohio AFL-CIO.

ARTICLE 2

Jurisdiction

The jurisdiction of the Springfield Township Professional FireFighters Association, I.A.F.F. Local 4268, shall be as follows: all full time paid employees engaged in firefighting, emergency medical or rescue service activities, or related services.

ARTICLE 3

Objectives

Section 1. Preamble. Strength through united action, guided by intelligence, is the hallmark of Trade Union organization. Believing such unity essential for the mutual protection and advancement of the interest and general welfare of professional firefighters, we have formed this Association of Professional FireFighters, the objectives of which shall be to organize professional firefighters who are members of the Springfield Township Fire Department.

Section 2. To place the members on a higher plane of skill and efficiency; to encourage the establishment of schools of instruction for imparting knowledge of modern and improved methods of fire fighting, fire prevention, rescue and paramedic life saving techniques. To secure just compensation for duties performed; to secure equitable settlement of their grievances; the establishment of a humane work day; to promote and establish just and reasonable working conditions; to encourage the formation of sick and death benefits; to maintain an efficient and substantial pension law; and efficient civil service law; the right to select men or women of our own choosing to represent us; the rights of collective bargaining for the betterment of working conditions and the right to protect the privileges and benefits established under State and Federal Law.

Section 3. To provide laws for the government of this Association, we adopt this Constitution and By-Laws which shall govern the officers and members of this Association in the exercise of their rights and discharge of their duties and obligations in accordance with the high standards of responsibility and conduct herein set forth.

ARTICLE 4

Membership

Section 1. Active - Any person of good moral character who at the time of making application is engaged in service within the jurisdiction of this Local, as given in Article 2, will be eligible for active membership.

Membership in I.A.F.F. Local 4268 begins following appointment to the Springfield Township Fire Department. Jurisdiction as given in Article 2, must be met.

Anyone eligible for membership in this local shall not be refused membership or, upon acceptance, be discriminated against because of race, color, sex, creed, national origin or by reason of being handicapped.

Section 2. *Honorary* - For meritorious service to this Local or for distinguished public service, persons may be elected honorary members by a two-thirds (2/3) vote of those members present. Honorary members shall not pay initiation fees, dues or other charges and shall have no voice or vote in the Local. Such membership may be revoked for good cause.

Section 3. *Maintenance of Good Standing* - Membership in good standing includes any person who has fulfilled the requirements for membership in this Local and who has not voluntarily withdrawn, become ineligible for continued membership, or been suspended or expelled as provided in the Constitution and By-Laws of the International Association of Fire Fighters or the Constitution of this Local.

Section 4. *Retention of Membership upon Separation from Service* - When any member in good standing becomes separated from the fire service, I.A.F.F. Local 4268 allows said member to retain his/her active membership or in lieu thereof, upon request of said member, shall issue him a withdrawal card; provided however, that a member who is duly elected as an officer of the International Association of Fire Fighters or the Ohio Association of Professional Fire Fighters or elected or appointed as a representative of or to an affiliated labor organization, shall retain his active membership in said local union; provided further however, that any active member of I.A.F.F. Local 4268 who is inducted into or activated with the armed forces of the United States of America may continue to be carried as an active member of I.A.F.F. Local 4268 with payment of his/her dues, assessments or other union charges waived until such member is relieved from active duty with the armed forces.

Any active member in good standing who is separated from employment due to a lay-off may continue to be carried as an active member while he remains on a preferred rehiring list. Payment of such member's per capita shall be waived and he/she shall enjoy all rights of active membership except the right to vote on collective bargaining agreements.

Section 5. *Delinquent Members* - Members who fail to pay their monthly dues or assessments by the fifteenth (15th) day following the month such dues are payable, shall be notified by the Local officer whose duty it is, that they are delinquent and will be automatically suspended and lose their good standing if payment is not made within sixty (60) days following such notification. Delinquent and suspended members are not entitled to voice or vote in the Local or in the affairs of the International.

Section 6. *Reinstatement* - Any member who has been dropped from the rolls under Section 5 may be reinstated with the re-payment of all back dues, assessments and fees. Member shall deduct what has been paid in fair share fees. There shall be a twenty-five (\$25.00) dollar re-instatement fee.

Section 7. Any member who at the time of his/her retirement from the active Fire Service and who is in good standing in this Local, shall be given a retirement badge from I.A.F.F. Local 4268. The following inscription shall be on his/her badge: Name, Date of appointment and Date of retirement.

Section 8. Any member who at the time of his/her death from the active Fire Service and who is in good standing in this Local, his/her estate shall be given a retirement badge from I.A.F.F. Local 4268. The following inscription shall be on his/her badge: Name, In Memoriam, Date of Appointment and Date of Severance from the department.

Section 9. The I.A.F.F. Local 4268 union initiation fee shall be equal to one (1) months' dues.

Monthly dues shall be set at one percent (1%) of top firefighters pay as defined in the current collective bargaining agreement.

Section 10. All proposed increases in initiation fees, monthly dues, reinstatement fees, or assessments shall be decided by a majority vote of members present. Whenever increases in initiation fees, monthly dues, reinstatement fees, or assessments are proposed, notice shall be given to the membership at least thirty (30) days before the date set to vote on such increases.

Section 11. All new members before being admitted to their first union meeting shall subscribe to the following affirmative:

(Candidate addresses these remarks to those assembled)

I, (name of candidate), do sincerely promise to abide by the Constitution and By-Laws of the International Association of Fire Fighters and Local No. 4268. I also promise to bear true allegiance to the International Association of Fire Fighters and for all which it stands, and never consent to subordinate its interests to those of any other Labor Organization of which I may now or hereafter be a member.

I further promise, that I will never knowingly wrong a brother/sister or see him/her wronged if in my power to prevent it and that I will endeavor to subordinate every selfish impulse to the task of elevating this material, intellectual and moral condition of the entire Department.

I further solemnly promise on my honor, that I will, whenever and wherever possible, purchase only strictly Union made goods, and I will use my best endeavor to influence others to do likewise, and never become faithless to my obligation. To all this, I pledge my honor to observe and keep as long as life remains, or until I may be absolved from this obligation by the International Association of Fire Fighters.

(President addresses these remarks to candidate)

Section 11-A. (Name of candidate), you have just assumed the obligations of a brother/sister of the International Association of Fire Fighters. I greet you now as brother/sister and welcome you to membership in Local No. 4268 of our International.

You are members of the AFL-CIO, the largest and most powerful organization of free workingmen and women in the world. This organization is strong and has achieved greatness only through the individual members of its thousands of Locals. Each of you by his actions as a vigorous member of I.A.F.F. Local 4268, has an effect on the continued strength of your own International, and hence, on the AFL-CIO.

By your membership in I.A.F.F. Local 4268, you have assumed the obligation of attending and taking part in the affairs of your Local and the further obligation of initiating and supporting programs designed to benefit the majority of the members of your Local. It should always be your aim in supporting or opposing any point up for discussion to base your support or opposition on a common sense impartial basis.

The next matter I would like to emphasize is the absolute necessity of supporting your Officers. Whatever they accomplish will be in direct proportion to the support and encouragement you give them.

In undertaking to be a good member of I.A.F.F. Local 4268, it goes without saying that being a good FireFighter will take you a long way along the road to being a good Union member. We all know that you are identified with the uniform of a FireFighter. When you wear that uniform well and reflect credit upon it, you also reflect credit on your Union.

Since you deal with the public constantly, use that contact at every opportunity to impress members of the public favorably. If you do, you will find that the undertakings of your Union will be sympathetically received and acted upon when you need public support.

Finally, think carefully of the meaning of the word "brother/sister" and apply the term, with all its connotations, in your dealings with other FireFighters. If you do, your satisfaction in being a FireFighter and a brother/sister of I.A.F.F. Local 4268 will be a most rewarding experience. Congratulations and Good Luck.

ARTICLE 5

Meetings

Section 1. Regular meetings of this Local shall be conducted on the third (3) Wednesday of each month

If the third Wednesday the month falls on a Holiday, the meeting will take place on the second Wednesday of the month.

There will be no regular meetings in the month of December with exception to contract years.

Items to be voted on must be distributed electronically five (5) days prior to the meeting date.

Section 2. Special meetings may be called by a vote of a majority of the Executive Board or by five (5) members in good standing. All members in good standing shall be notified, by a Union Notice, of such special meeting at least seven (7) days prior to the meeting. The notice shall state the business to be considered at such meeting and no other business than that stated shall be in order at such meeting.

Section 3. Quorum – The quorum for any meeting of this Local, either regular or special, shall be Two (2) members per session exclusive of elected officers.

Section 4. Rights of Members – Every member in good standing shall have the right to attend any meeting and to participate in such meeting in accordance with the recognized rules as set forth in the manual of parliamentary procedure adopted by this Local. Members shall conduct themselves in such a manner as not to interfere with the legal or contractual obligations of the International or of this Local.

Section 5. The rules contained in Atwood's Rules for Meetings shall govern the meetings of this Local in all cases not in conflict with this Constitution and By-Laws or that of the International.

Section 6. The record of business transacted at the session attended by members shall be read at the close of the session for the purpose of determining accuracy of such record.

Section 7. Two-Shift Meetings

In cases where two shift meetings are needed the following rules will apply;

- A. I.A.F.F. Local 4268 two-shift meetings are considered as constituting one meeting as far as total votes are concerned and also the final results that are to be determined.
- B. In order to establish the results of action taken in shift meetings, the total votes cast for and against the motion are added together. For example,

lets assume that meeting "A" votes for a motion and meeting "B" votes against it. Meeting "A" – 40 for, 20 against; Meeting "B" – 30 for, 40 against. The total vote is 70 for and 60 against, 130 total votes. A majority is necessary to adopt any main motion, in this case 66 votes. So the motion is adopted.

If meeting "A" adopts a motion and meeting "B" amends it and sends it back to meeting "A", and meeting "A" defeats the amendment, the total number of votes in both meetings determines weather the amendment is adopted. For example Meeting "B" – 80 for, 50 against; Meeting "A" – 50 for, 55 against. The total vote is 130 for the amendment and 105 against. The amendment is adopted.

- C. The announcement of a vote will be made only after final action by the last meeting to vote.
- D. If a motion is made at one meeting and later, in the same meeting, it is indefinitely postponed, the motion is killed and does not go to the other meeting.
- E. If an amendment is offered at Meeting "A" and this amendment is defeated at that meeting, and later the same amendment is offered at Meeting "B" and adopted, it is necessary for the motion as amended, to be returned to Meeting "A" for a final vote.
- F. If a motion is made and adopted at Meeting "A", it is not in order for Meeting "B" to table it. Meeting "B" must take some action on the motion, weather amendment, reference to committee, or something else.
- G. If Meeting "A" defeats a motion, it does not go to Meeting "B". However, Meeting "B" can originate another motion, the same as that defeated in Meeting "A". As a practical matter, this would only be done when the proponents of the motion have reason to believe that there have been changes of viewpoint towards the motion, or that the combination of votes in the two meetings in favor would be enough to adopt the motion.
- H. If Meeting "A" adopts a motion and it is considered by Meeting "B" which proposes amendments and adopts them, and then adopts the motion as amended, the motion as amended must be voted on by Meeting "A".
- I. If a motion is passed by Meeting "A" and Meeting "B" votes to refer to a committee, this has to be referred back to Meeting "A" for a final vote on referring to a committee; the combined votes of both meetings determine weather it goes to committee.
- J. Meeting "A" adopts a motion which is sent to Meeting "B". Meeting "B" votes to "indefinitely postpone." This kills the motion and it goes no further.
- K. If Meeting "A", when considering a motion that originated at that meeting, votes to table it, the motion does not go to Meeting "B". Meeting "B" however, may originate the same or a similar motion

- and, if adopted, send it to Meeting "A".
- L. If Meeting "A" votes to postpone a motion to a definite time, the motion and the postponement to a definite time will both be considered by Meeting "B". The total votes cast for the postponement will determine whether this is done.
 - M. If Meeting "A" adopts a motion and Meeting "B" votes to postpone it to a definite time, the motion for postponement is to be considered by Meeting "A".
 - N. The minutes of Meeting "A" and Meeting "B" are to be read at the next months sessions.
 - O. When the action by one meeting makes it necessary to consider a motion at a later meeting where some of the members, because of a shift change, also change their meeting attendance, written ballot will be used. Members will sign for a ballot and will not be permitted to vote twice on the same motion.

Section 8. Rules for Meetings – The following Rules are to be used to conduct meetings.

- RULE 1. The regular order of business may be suspended by a two-thirds (2/3) vote to dispose of an urgent matter.
- RULE 2. All motions made, other than procedural motions, shall be submitted to the Chair in writing on the Local 4268 motion form. Procedural motions shall be defined as any motion regularly made that allows timely execution of the Order of Business. (Examples: accepting or dispensing of the reading of the minutes, accepting or rejecting the financial report, accepting or rejecting committee reports and adjournment.)
- RULE 3. Any conversation or action, which disturbs a member who is speaking or hinders the transaction of business, is a violation of order and shall not be permitted.
- RULE 4. Sectarian discussion shall not be permitted in the meeting under any circumstances.
- RULE 5. A motion, to be accepted by the Chair, must be seconded, and the mover and seconder shall rise and be recognized by the Chair.

- RULE 6. A member can withdraw his motion only before it has been stated (repeated) by the Chair. After it has been stated, a motion can be withdrawn by a majority vote on the motion, "*I move that the member offering the pending motion be given permission to withdraw it.*" In either procedure, the seconder has nothing to say about it, but may vote on the motion to give permission to

withdraw.

- RULE 7. A motion to amend an amendment shall be in order, but no additional amendments may be offered until the pending amendment of an amendment has been voted upon.
- RULE 8. A motion cannot be debated until it has been made by a member recognized by the Chair, seconded by another member and stated by the Chair.
- RULE 9. When a member wishes to speak he shall rise and respectfully address the Chair and if recognized by the Chair, he shall proceed.
- RULE 10. If two or more members rise to speak at the same time, the Chair shall decide which is entitled to the floor and such decision is not subject to appeal.
- RULE 11. A member when speaking shall confine his remarks to the question under debate and avoid personal, indecorous or sarcastic language. A member cannot have his motives questioned during debate. Discussion shall concern the ideas before the meeting, not the individuals expressing those ideas.
- RULE 12. No member shall interrupt another who is speaking, except on a point of order, and that only if it is urgent. The Chair shall decide the point of order, without debate, at once. The same point of order cannot be twice raised at the same meeting.
- RULE 13. If a member, while speaking, is called to order, he shall take his seat until the point of order is decided. After the ruling has been made, he shall proceed with his remarks. The time taken by the point of order and the ruling thereon, shall not come from the member's time.
- RULE 14. Appeal can be had from decisions of the Chair, except those decisions based upon the Constitution and By-Laws of the International Association of Fire Fighters, the Local Constitution and By-Laws, these Rules or general parliamentary law. Decisions based upon any of the foregoing are not subject to appeal by the meeting.
- RULE 15. When an appeal is made from a decision of the Chair, it shall be put to the meeting in these words, "*Shall the decision of the Chair be sustained as the decision of this Union?*" The member has the right to state his reasons for appeal. The Chair has the right, from the chair, to give the reasons for his decision; thereupon the members shall proceed to vote on the

appeal without further debate. It shall require a majority vote to sustain the decision of the Chair.

RULE 16. No member shall speak more than once on the same subject until all the members desiring the floor have spoken; nor more than twice without unanimous consent; nor more than five (5) minutes at any one time without consent of two-thirds (2/3) vote of all members present.

RULE 17. The Chair shall not participate in debate unless he designates another to preside temporarily and takes a place on the floor. In the event that this happens, the Chair cannot resume presiding until after the motion he talks on has been voted upon.

RULE 18. When a motion is before a meeting, no motion shall be in order except the following:

- Postpone indefinitely*
- Amend*
- Amend an amendment*
- Refer to a committee*
- Postpone to a definite time*
- Limit or extend debate
- Stop debate
- Appeal
- Table
- Recess
- Adjourn

These motions have priority in the order given, reading down. Those marked with a * are debatable.

RULE 19. A motion to adjourn cannot be made until the Order of Business as provided in this manual has been completed, unless the members, by a two-thirds (2/3) vote, suspend the Order of Business for this purpose. A motion to adjourn cannot be made when a member has the floor or when members are voting.

RULE 20. If a motion has a pending amendment, the question on the amendment shall be put first; if more than one amendment has been offered, the question shall be put as follows:

1. Amendment to the amendment
2. Amendment
3. Main motion

RULE 21. Before taking a vote, the presiding officer shall ask, "*Are you ready for the question?*" If no member rises to speak, the Chair shall then put the question in this form: "*All in favor of this Motion, raise your hand*", and after these have been counted, "*Those opposed, raise your hand*". After counting these, he shall announce the result. Any member may "doubt the vote" in which case the Chair shall take the vote again by rising vote, which shall be final.

RULE 22. A motion to reconsider shall be made by a member who voted with the prevailing side. Such motion shall be in order only on the same day as the motion to which it applies was voted upon, or on the next day. The presiding officer shall ask a member who makes the motion to reconsider, "*Did you vote with the prevailing side?*" When a question has been decided, it can be reconsidered only by a two-thirds (2/3) vote of the members present.

RULE 23. A member who has been told three times by the Chair to be seated and who does not do so, shall be excluded from participating in any further business at that meeting.

RULE 24. The President of Local 4268 shall not vote on any motion, or business except to break a tie.

Section 9. Order of Business

1. Opening (including Pledge of Allegiance to the Flag)
2. Roll call of Officers
3. Reading of the minutes of previous months meetings
4. Application for membership
5. Initiation of candidates
6. Report of income and disbursements
7. Report of officers, committees and delegates
8. Unfinished business
9. New business
10. Good and welfare
11. Reading and approval of record of business transacted at the session
12. Adjournment

Section 10. Definitions –

AGENDA - The order of business; the items to be considered at a meeting.

AMEND - Change in any way by adding to, striking out, striking and inserting and substituting.

APPEAL - When a decision has been made by the Chair, any member may appeal from it. It means asking the meeting to make the final decision on the matter.

ASSESSMENT - To charge each member with a special payment to be used for a special purpose.

CHAIR - The one who presides at the meetings or is in authority.

COMMITTEE - Several members chosen to perform a specific function.

CONSTITUTION - The fundamental document containing the essentials of the organization.

DEBATE - To discuss a motion which has been moved, seconded and stated by the Chair.

EMERITUS - A prestigious title bestowed upon a member or retired member.

EX-OFFICIO - "By Right of Office", it refers to a committee membership held by an officer because of his being an officer, as when a President is "ex-officio" a member of all committees.

INDEFINITELY POSTPONE - A motion whose purpose is to kill the motion to which it applies. It's only objective is to defeat a motion, it does not postpone it.

I.A.F.F. - International Association of Fire Fighters.

TABLE - A motion to put a matter aside temporarily.

LOCAL or LOCAL UNION - I.A.F.F. Local 4268, Springfield Township Professional Fire Fighters Association.

MAJORITY - At least one more than half (1/2) of the votes cast.

MANDATE - An instruction from an electorate to it's representative expressed by a result of an election.

NOTICE - To disseminate important information to the Membership, either by the U.S. Postal Service, courier, interdepartmental mail or electronic mail, which will be posted in each Fire Station and Bureau.

NOMINATION - The proposal of one member for office by another member.

NOMINEE - A qualified member whose name has been placed before a meeting either on a ballot or from the floor orally, with the object of obtaining votes for a specific office.

O.A.P.F.F. - The Ohio Association of Professional Fire Fighters.

- ORDER OF BUSINESS** - The agenda for a meeting; the items to be considered in an order.
- PARLIAMENTARY** - The method of proceeding in meetings as established by the House of Representatives and the usage of parliamentarians.
- PLURALITY** - The obtaining of more votes than another, but not a majority.
- POINT OF ORDER** - The term used when a member notices a violation of the rules and brings this to the attention of the meeting, addressing the presiding officer.
- PREVIOUS QUESTION** – A motion to stop all debate, calls for a vote.
- PRIVILEGED MOTIONS** – A motion which has priority over other motions.
- QUESTION** – Another name for a motion as *“Are you ready for the question?”*
- QUORUM** – The number of members who must be present in order to have a legal meeting.
- RECONSIDER** – To bring a matter before a meeting after it has been once adopted.
- REFER** – To give a motion or resolution to a committee for study or action and report.
- SECOND** – To endorse, to agree. When a motion is seconded it means that another member agrees with it.
- SPECIAL COMMITTEE** – A committee appointed to do a certain thing, such as study something or take on something. When the final report is submitted, the committee goes out of existence.
- STANDING COMMITTEE** – A committee appointed for a term, usually two (2) years such as the Labor-Management Training Committee.
- TABLE** – To postpone discussion of a resolution, motion or business, until a future time or for an indefinite period.
- TAKE FROM THE TABLE** – To again consider a matter which was temporarily put aside.
- UNFINISHED BUSINESS** – A motion which has been stated and discussion started at a previous meeting, but on which no final action was taken; also, business postponed to this meeting, but not made a special order.

ARTICLE 6

Officers and Elections

Section 1. *Elected Officers* – The officers of this Local shall consist of a President, a Vice President, a Secretary a Treasure, three (3) Board of Trustees and Sergeant at Arms. For the elections in the year 2004 the Vice President and Treasurer and sergeant of arms will serve a two year term and the President and Secretary will serve a three year term. This allows the alternating of terms so that the executive board will not be entirely replaced during a contract year. After the 2004 year election all officers shall hold office for a term of three (3) years, unless removed for good cause, or until their successors are elected and installed. The Executive Board shall be composed of all elected officers.

Section 2. *Eligibility for Offices* – Any active member in good standing for a period of one (1) year, prior to the nomination of officers, shall be eligible for office.

Section 3. *Method of Nomination and Elections* – All members in good standing shall be given at least fifteen (15) days advanced notice, in writing, and the date, time and place at which nominations shall be made, and the date, time and place at which elections shall be held. Nominations for Local Offices will be at the April Union Meeting in the election year. Elections for Local Offices will be at the May regular Union Meeting in election year. Election shall be by secret ballot. Write-in voting shall not be permitted. If there is only one candidate for a given office, such candidate shall be declared elected. Voting by proxy in the election of Local officers will only be allowed if said member is on approved time off or on duty at an out-lying station and unable to attend the meeting. The candidate receiving a majority of the ballots cast shall be declared elected. If no candidate receives a majority of the ballots cast, there shall be a run-off election between the two candidates who received the most votes.

Section 4. *Rights of Candidates* – Every candidate for office shall have the right to request distribution of campaign literature, by mail or otherwise, to all members in good standing, at the candidates' own personal expense. A "candidate for office" includes a candidate for any Local Union Office. There shall be no discrimination in favor of or against any candidate with regard to the use of membership lists.

Section 5. *Use of funds prohibited in elections* – No funds received by this Local through initiation fees, dues, assessments or otherwise, shall be contributed or applied to promote the candidacy of any person running for election for Local union offices.

This section does not prevent the expenditure from Local funds for notices, factual statements of issues and other necessary expenses to conduct elections so long as they do not involve promotion of any candidate.

Section 6. Election Committee – The President shall appoint an Elections Committee which shall be responsible for distributing and tabulating the ballots. Each candidate for office shall be entitled to appoint one (1) observer who shall be permitted to witness the manner of distribution, casting, and tabulation of ballots.

Section 7. Ballot Preservation – The ballots and all other records of an election shall be preserved by the Secretary-Treasurer for two (2) years.

Section 8. Nomination Selection – A member can be nominated for more than one office, but he/she must choose the office which he/she desires and decline all other nominations in writing. Any and all nominations shall be declined in writing and must be in the Secretary-Treasurer's hands within fourteen days following nominations.

Section 9. Vacation of Office due to absence – Should any Officer absent himself from three (3) consecutive meetings, without a reasonable and lawful excuse, his/her office shall be declared vacant and it shall be the duty of the Executive Board to appoint an interested member to act in the interim. A notice shall be posted and members shall have fifteen (15) days to notify the Secretary-Treasurer in writing of his/her interest in the vacated office.

Section 10. Vacation of Office due to Death, Resignation or Removal for Good Cause – Upon the death, resignation or removal for good cause, of any Officer, it shall be the duty of the President at the next regular meeting to call for an election to fill such vacancy.

Section 11. Vacation of Office of President – If at any time the President of the Local is involved in any way with Sections 9 or 10, his office shall be filled by the Vice President.

ARTICLE 7

Duties of Elected Officers

Section 1. President – It shall be the duty of the President to preside at all meetings of the Local and at meetings of the Executive Board. He shall be the executive head of the Local. He shall be a member ex-officio of all committees. He shall appoint such committees as may be provided for in this Constitution and By-Laws, committees provided for in the Collective Bargaining Agreement and such special committees as may be authorized by the Local. He shall enforce strict observance of the Constitution and By-Laws of the International as this document relates to the Local, and the Constitution and By-Laws of the Local.

He shall have general supervision of the activities of the other officers and chairmen of committees.

The President shall discharge on behalf of the Local such duties as may be imposed upon him/her by applicable law including the execution and filing of any reports to Federal or State authorities, and he/she shall cause to be maintained by the Local such records as the law requires to be kept in support of reports filed by it.

The President, by virtue of his/her election, shall be a delegate of this Local to the convention of the International and State Association.

The President of this Local shall not vote on any motion, election or business except to break a tie.

The President, upon leaving office, shall turn over all papers, equipment and records of this Local, in his/her possession to his/her successor.

Section 2. Vice President – The Vice President shall assist the President in such a manner as the President may determine. In the absence of the President, he/she shall preside at meetings of the Local and of the Executive Board. If the office of President becomes vacant, the Vice President shall become President by succession.

The Vice President, upon leaving office, shall turn over all papers, equipment and records of this Local, in his/her possession to his/her successor.

Section 3. Treasure – The Treasure shall take charge of the financial records of the Local. He/she shall keep correct, and up to date, all accounts of the Local. He/she shall refer to Article 4, Section 5, in reference to delinquent members. He/she shall collect all dues, assessments, donations and all other monies received other than cash. He/she shall announce receipts and usual disbursements and itemized unusual receipts and disbursements at each regular meeting. He/she shall turn over his books to the Trustees when called upon to do so. He/she shall deposit all monies in a bank or savings institution and pay all valid bills ordered by this Local by check. All checks shall be drawn and signed by the Secretary-Treasure or President. He/she shall discharge on behalf of the Local such duties as may be imposed upon him/her by applicable law including execution and filing of any reports to Federal and State authorities. According to International rules and State Law, he/she shall forward an annual audit of the local to the I.A.F.F. General Secretary-Treasure over the seal of the Local and signed by the Locals' Trustees.

Section 4. Secretary- He/she shall take care of all books, papers and effects of this Local. He/she shall keep a current record of all proceedings of meetings and a record of any subsequent amendments to the Constitution in books especially provided for this purpose. He/she shall conduct all correspondence pertaining to his/her office, and perform such other duties, as the Local may from time to time designate. He/she shall cause to be maintained by the Local such records, as the law requires to be kept in support of reports filled by it. He/she shall upon

leaving office turn over all money, property, papers, equipment and records of the Local in his/her possession to his/her successor.

Section 5. Board of Trustees – The Board of Trustees of this local shall consist of three (3) elected members. The Board of trustees shall have a Chairman. The Trustee receiving the highest number of votes shall be the Chairman of the Board of Trustees.

The Board of Trustees primary duties shall be to check and report on the accuracy of the accounts and books of this Local by semi-annual audit. The audits shall be completed by March 1st and September 1st each year and shall encompass all receipts and disbursements of the Local for the previous six month period (July thru December) and (January thru June). The Chairman of the Board of Trustees, or in his absence another Trustee, shall report to the membership the findings of the audit at the regular monthly membership meetings in March and September. Written reports shall be forwarded to all Fire Stations of the Fire Division. The Board of Trustees shall prepare the annual audit report for the International.

The Chairman of the Board of Trustees shall immediately report to the Local President any discrepancies or errors found in the audit. The President shall call a meeting of the Executive Board and attempt to resolve the errors or discrepancies presented. If the Executive Board cannot make a decision and/or recommendation within two (2) weeks a special meeting of the membership will be called to resolve the issue.

The Board of Trustees shall also be responsible to designate where the funds of the Local shall be on deposit.

Trustees may also be assigned other duties from time to time by the Local President.

Section 6. Sergeant at Arms – The Sergeant at Arms will assist the President in maintaining order at membership meetings. He/she shall introduce all new members and visitors. He/she shall assist in distribution of information at membership meetings.

Sergeant at Arms may also be assigned other duties from time to time by the Local President.

Section 7. Executive Board – The Executive Board shall consist of all elected officers of this Local.

It shall be the duty of the Executive Board to exercise general supervision and control of the invested funds and property of the Local. It shall have the authority to act in the name of the Local during intervals between meetings, such acts being subject to confirmation by the membership at the next regular meeting of the Local. The Executive Board shall meet at the call of the President or on call signed by a majority of its members. A majority shall constitute a quorum.

Section 8. Delegates

The President of this Local, by virtue of his/her office shall be the first delegate of this Local to all conventions of the I.A.F.F., O.A.P.F.F. and Ohio AFL-CIO.

The Vice President of this Local, by virtue of his/her office shall be the second delegate of this Local to all conventions of the I.A.F.F., O.A.P.F.F. and Ohio AFL-CIO.

The Secretary of this Local, by virtue of his/her office shall be the first Alternate Delegate of this Local to all conventions of the I.A.F.F., O.A.P.F.F. and Ohio AFL-CIO.

The Treasure of this Local, by virtue of his/her office shall be the second Alternate Delegate of this Local to all conventions of the I.A.F.F., O.A.P.F.F. and Ohio AFL-CIO.

All delegates that represent this Local at any convention shall upon his/her return submit a written, or oral, report to the body at a regular or special meeting.

ARTICLE 8

Oath of Officers

Section 1. General – The newly elected officers will take their places in front of the Presidents chair; the President-elect on the right, and the Vice President, Secretary-Treasure, Trustees and Sergeant-at-Arms elect in the order here stated. All members will rise and remain standing while the presiding officer administers to the officers collectively the following obligation:

Section 2. Installing Obligation – I pledge my honor to perform the duties of my office in compliance with the Constitution and By-Laws of the International Association of Fire Fighters and this Local Union.

All properties and records of this Union will be turned over to my successor in office at the close of my official term.

I will dutifully abide by and promote the positions taken by the majority.

I will dedicate my talents and energies to represent the mandates and directives of this Union, I will use my good office to promote unity and harmony, all of which I solemnly promise and swear to keep to the best of my ability.

Section 3. Installing Officer – Installing Officer reads; "Congratulations on your election to office in I.A.F.F. Local 4268. To perform your respective functions requires ability, honesty and versatility as you face the challenges and opportunities of leadership.

Your fellow members have shown their confidence in your ability by electing you to office. Perform your duties faithfully and well."

(Address these remarks to those assembled)

"Your officers have been installed and charged with the responsibilities of their respective offices. While it is easy to charge these men/women with their duties to you, your own responsibilities to them are of equal importance. Your regular attendance at meetings; your constructive criticism and your considered judgement expressed in debate are essential to the success of the organization. When a decision is reached by the majority, support it and present a united front. Only in this manner will this Local be effective."

ARTICLE 9

Management, Investment and Disbursements of Union Funds and Property

Section 1. General – The money and property of this Local Union shall be used solely for the benefit of the union and its members and not for the personal gain or profit of any officer or member. Local union officers, agents, representatives and employees who handle the Locals' funds or property shall be held to this standard of conduct and accountable for any breach thereof under this Constitution and By-Laws and as provided by law. Such officers as are given the responsibility under our local union's constitution and by-laws shall manage, invest and expend its funds and property only in accordance with applicable provisions of the local's governing laws or this Constitution and By-Laws and any resolutions properly adopted thereunder. Otherwise, funds and property may not be invested, used or disbursed except upon approval of the membership at regular or special local union meetings.

Section 2. Budget – at the January meeting, an I.A.F.F. Local 4268 line item budget will be on the agenda. This budget will govern the spending of funds for the fiscal year in which it is adopted. The budget will be posted at each Fire Station and Bureau fourteen (14) days prior to the January meeting dates.

Executive Officers of IAFF Local 4268 may spend up to Five hundred (\$500.00) dollars for The Executive Board of IAFF Local 4268, with a three fourths (¾) majority vote may spend up to Five hundred (\$500.00) dollars from the line item arbitration and litigation. Spending of funds in excess of Five hundred (\$500.00) dollars from the line item arbitration and litigation shall require a two thirds (2/3) majority vote of the members present at a regular or special meeting.

Section 3. Petty Cash – There will be an amount of Fifty (\$50.00) dollars kept in petty cash by the treasurer for the purpose of office supplies and general purchases.

Section 4. Mileage – A mileage allowance is to be paid to members of the Local for the miles placed on their personal vehicles when they are on official business for the Union. Compensation is the standard rate that Springfield Township pays its employee's when they fill out a travel voucher for official business.

Examples of eligible mileage claims would be travel to conventions, seminars and any union business that is not of a local nature.

Section 5. Meal per diem – A meal per diem is to be paid to members of the Local who are on official business for the Local attending conventions and seminars. The per diem amount is to be based on the IRS publication listing per diem expenses for the major cities in the United States and Canada.

In the event expenses exceed the per diem allowances, a member on official business may submit proof of exceeded expenses to the Treasure in the form of receipts to recover allowable expenses.

ARTICLE 10

Misconduct, Trials and Appeals

Section 1. Charges and Trials – Any member charged with misconduct, as defined in Article 15 of the I.A.F.F. Constitution and By-Laws, shall be served with written specific charges, as required in Article 16 of the I.A.F.F. Constitution, and be given a reasonable length of time to prepare his defense and afford a hearing, as provided in Article 17 of the I.A.F.F. Constitution.

Section 2. Appeals – Appeals may be made in accordance with Article 18 of the I.A.F.F. Constitution and By-Laws. The appeals must be filed with the President of the I.A.F.F. within thirty (30) days of the action to be appealed.

ARTICLE 11

Amendments

This Constitution may be amended by a two-thirds (2/3) affirmative vote of members present at a regular or special meeting. Written notification of the amendment must be sent to members electronically fifteen (15) days prior to the meeting.

ARTICLE 12

President Emeritus

The position of President emeritus is hereby established, such position to be occupied by party to be named in the future shall become effective immediately upon and concurrently with the effective date of his/her retirement from the Springfield Township Fire Department.

This position shall carry with it Lifetime Membership in this Local, the O.A.P.F.F. and the I.A.F.F. at Local 4268's expense. President Emeritus shall also retain voting rights on all Local Union Business.

This position shall also carry with it the duty on the part of the President Emeritus to advise and consult with the Local 4268 President and/or Executive Board upon request when such service is desired in the best interests of this Local.

Appendix F
Ethical Terms

Ethical Terms

Strong Relationship	Average Relationship	Low Relationship
Absolutism	Autonomy	Bias
Accountable	Beneficence	Conflict of interest
Authenticity	Confidentiality	Duty
Discrimination	Ethics	Good
Evaluation	Explanation	Liabe
Fabrication	Impartiality	Moral
Falsification	Moral integrity	Nonmalfeasance
Fraud	Morality	Obligation
Negligence	Pluralism	Privacy
Prejudice	Professional responsibility	Rights
Utilitarianism	Responsibility	Risk
Veracity	Security	Safety
Violation	Standard	Truth
Virtues	Trustworthiness	Values

Appendix G
Listing of U.S. States with Codes of Conduct

U.S. States with Codes of Conduct

1. Alabama
2. Arkansas
3. California
4. Connecticut
5. Delaware
6. Florida
7. Georgia
8. Idaho
8. Kentucky
9. Michigan
10. New Hampshire
11. North Carolina
12. Ohio
13. Oregon
14. Pennsylvania
15. South Carolina
16. South Dakota
17. State of New York
18. Texas
19. Vermont
20. Washington State
21. West Virginia

Appendix H

1514 Revocation, Limitations or Suspensions of Licenses

1514 Revocation, -Limitation, or Suspension of Licenses

1.0 Content

This regulation shall apply to the revocation, limitation, or suspension of an Initial License, Continuing License or Advanced License issued pursuant to 14 Del.C. Ch. 12; or a Limited Standard, Standard or Professional Status Certificate issued prior to August 31, 2003 for educators, pursuant to 14 Del.C. §1218.

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

"Advanced License" means a license issued as part of the three-tiered licensure system set forth in 14 Del.C. §1213 and §1214.

"Continuing License" means a license issued as part of the three-tiered license system set forth in 14 Del.C. §1211 and §1212.

"Department" means the Delaware Department of Education.

"Educator" means a person licensed and certified by the State under 14 Del.C., Chapter 12, to engage in the practice of instruction, administration or other related professional support services in Delaware public schools, including charter schools, pursuant to rules and regulations promulgated by the Standards Board and approved by the State Board. For purposes of 14 Del.C. Chapter 12, the term 'educator' does not include substitute teachers.

"Immorality" means conduct which is inconsistent with the rules and principles of morality expected of an educator and may reasonably be found to impair an educator's effectiveness by reason of his or her unfitness or otherwise.

"Initial License" means a license issued as part of the three-tiered licensure system set forth in 14 Del.C. §1210.

"License Holder" or **"Licensee"** means any individual who holds an Initial License, Continuing License or Advanced License, and until a Continuing License is issued, a Limited Standard, Standard, or Professional Status Certificate.

"Nolo Contendere" means a plea by the defendant in a criminal prosecution that without admitting guilt subjects him to conviction but does not preclude him from denying the truth of the charges in a collateral proceeding.

"Nollo Prosequi" means an entry on the record of a legal action denoting that the prosecutor or plaintiff will proceed no further in his action or suit either as a whole or as to some count or as to one or more of several defendants.

"Secretary" means the Secretary of the Delaware Department of Education.

"Standards Board" means the Professional Standards Board established pursuant to 14 Del.C. §1205.

"State" means the State of Delaware.

3.0 Revocation of License

3.1 Discretionary Revocations

The Secretary may revoke an Initial, Continuing or Advanced License that has been issued, for the following causes if the license holder:

3.1.1 Obtained or attempted to obtain or renew a license or certificate by fraudulent means or through misrepresentation of material facts; or

3.1.2 Falsified official school records, documents, statistics or reports; or

3.1.3 Knowingly violated any of the provisions of the Student Testing Program set forth in 14 Del.C. § 172; or

3.1.4 Plead guilty or nolo contendere with respect to, or is convicted of, any crime against a child constituting a misdemeanor, except for Unlawful Sexual Conduct in the Third Degree; or

3.1.5 Plead guilty or nolo contendere with respect to, or is convicted of, possession of a controlled substance or a counterfeit controlled substance classified as such in 16 Del.C. Chapter 47, Schedule I, II, III, IV, or V; or

3.1.6 Was terminated or dismissed for immorality, incompetence, misconduct in office, willful neglect of duty, disloyalty or misconduct involving any cause for suspension or revocation of a license; or

3.1.7 Resigned or retired pending dismissal for immorality, provided that clear and convincing evidence establishes the underlying misconduct occurred; or

3.1.8 Had a license or certificate revoked or voluntarily surrendered in another jurisdiction for cause which would be grounds for revocation; or

3.1.9 Failed to comply with any of the mandatory notice provisions of this regulation.

3.1.10 Failed to comply with any of the statutory or regulatory requirements for maintaining a license.

3.2 Mandatory Revocations

The Secretary shall revoke a license if the license holder:

3.2.1 Pleads guilty or nolo contendere with respect to, or is convicted of:

3.2.1.1 Any crime constituting the manufacture, delivery, possession with intent to manufacture or deliver a controlled substance or a counterfeit controlled substance classified as such in of 16 Del.C. Chapter 47, Schedule I, II, III, IV or V; or

3.2.1.2 Any crime constituting a violent felony as defined in 11 Del.C. §4201(c); or

3.2.1.3 Any crime against a child constituting a felony, or Unlawful Sexual Contact in the Third Degree; or

3.2.1.4 Any crime constituting a felony sexual offense; or

3.2.1.5 Any crime constituting a felony offense against public administration involving bribery, improper influence or abuse of office; or

3.2.2 Is terminated or dismissed for a sexual offense against a child; or

3.2.3 Resigns or retires after official notice of allegations of a sexual offense against a child, provided that clear and convincing evidence establishes the underlying misconduct occurred.

4.0 Limitation of Licenses

The Secretary may limit an Initial, Continuing or Advanced License that has been issued, for any of the grounds for revocation.

4.1 If any of the causes listed in Sections 3, 4, 5, or 6 are determined, the Secretary or the Standards Board after a hearing, may put limitations on a license that may include but are not limited to:

4.1.1 Restrictions on the ages of students with whom the license holder may work; or

4.1.2 Additional supervision requirements; or

4.1.3 Education, counseling or psychiatric examination requirements.

5.0 Suspension of Licenses

5.1 The Secretary may suspend an Initial, Continuing or Advanced License that has been issued, for any of the grounds for revocation.

5.2 A license may be suspended for a period of time not to exceed five (5) years.

5.2.2 The license may be reinstated by the Secretary, upon written request, with verification that all requirements for license renewal have been satisfied.

5.2.3 If the license expired during the period of suspension, the holder of the former license may reapply for the same tier license that was suspended but shall meet the license requirements that are in effect at the time of the application for the license.

6.0 Automatic Suspension after Arrest or Indictment

The Secretary may automatically suspend any license without a prior hearing if the license holder is arrested or indicted by a Grand Jury for a violent felony as defined in 11 Del.C. §4201(c). A suspension under this subsection is effective on the date of the arrest or Grand Jury indictment.

6.1 Temporary Order

6.1.1 For a suspension under this subsection, the Secretary shall issue a written temporary order of suspension to the license holder at his or her last known address.

6.1.1.1 The chief school officer or head of school, on behalf of the local board of education or charter school board of directors, shall report to the Secretary the name and last known address of any license holder

employed by the district or charter school who it knows to have been arrested or indicted by a Grand Jury for a violent felony as defined in 11 Del.C. §4201(c).

6.1.1.2 An order of suspension under this Section shall remain in effect until the final order of the Secretary or the Standards Board becomes effective.

6.2 Expedited Hearing

6.2.1 A license holder whose license has been suspended pursuant to this Section may request an expedited hearing before the Standards Board within 20 calendar days from the date the notice of the Secretary's decision to temporarily suspend the license holder's license was mailed. The request shall be sent to the Standards Board's Executive Director.

6.2.2 In the event that the license holder requests an expedited hearing, the Standards Board shall convene a hearing within 90 calendar days of the receipt of such a request.

6.2.3 The order of suspension is temporary pending resolution of the criminal charges. Therefore, an expedited hearing under this subsection shall be limited to whether the license holder had been arrested or indicted for a violent felony.

6.3 Revocation after Conviction

6.3.1 If the license holder pleads guilty or nolo contendere with respect to, or is convicted of, a violent felony as defined in 11 Del.C. §4201(c), the Secretary shall proceed with revocation.

6.4 Resolution of Charges without Conviction

6.4.1 If the license holder is found not guilty of the underlying criminal charges, a nollo prosequi is entered on the record by the State, or the charges are otherwise dismissed by the Court, the license holder may file a written request for license reinstatement, including documentation of the final status of the judicial proceeding, and their license shall be reinstated if still valid.

6.4.2 If the license expired during the period of suspension, the holder of the former license may reapply for the same tier license that was suspended, but shall meet the license requirements that are in effect at the time of the application for license.

6.4.3 The Secretary may however, continue to pursue revocation under any alternative ground including but not limited to termination of employment for immorality, incompetence, misconduct in office, willful neglect of duty, disloyalty, or misconduct; or resignation or retirement pending dismissal for immorality under the standards provided herein.

7.0 Substantially Comparable Conduct

The Secretary may take any action under this regulation on the basis of substantially comparable conduct occurring in a jurisdiction outside this State or occurring before a person applies for or receives any license.

8.0 Mandatory Notification Requirements

8.1 License Holder

8.1.1 Any license holder who has pled guilty or nolo contendere to, or has been convicted of, a crime in a court of law which would constitute grounds for revocation, limitation or suspension of license under this regulation or has been arrested or indicted by a Grand Jury for a violent felony as defined in 11 Del.C. §4201(c), shall notify the Secretary of such action in writing within twenty (20) calendar days of such conviction, arrest or indictment, whether or not a sentence has been imposed. Failure to do so shall be grounds on which the Secretary may revoke, limit or suspend the holder's license.

8.1.2 Any license holder who has surrendered an educator license or any professional license or certificate or who has had such a license or certificate revoked, limited or suspended in any jurisdiction or by any agency shall notify the Secretary of such action in writing within thirty (30) calendar days of such action. Failure to do so shall be grounds on which the Secretary may revoke, limit or suspend the holder's license.

8.2 Chief School Officer, Head of School, Local Board or Charter School Board of Directors Responsibilities

8.2.1 The chief school officer or head of school, on behalf of the local board of education or charter school board of directors, shall report to the Secretary the name and last known address of any license holder who is dismissed, resigns, retires or is otherwise separated from employment with that district or charter school after having received notice of misconduct that constitutes grounds for revocation or suspension this regulation.

8.2.1.1 Such report shall be made within fifteen (15) calendar days of the dismissal, resignation, retirement or other separation from employment and is required notwithstanding any termination agreement to the contrary that the local board of education or charter school board of directors may enter into with the license holder.

8.2.1.2 The reasons for the license holder's dismissal, resignation, retirement or other separation from employment with the district or charter school shall also be provided along with all evidence that was reviewed by or is in the possession of the district or charter school relating to the dismissal, resignation, retirement or other separation from employment.

8.2.1.3 The Department shall give written notice to any license holder of any notification received under this subsection to the license holder's last known address. Such notification shall be made with fifteen (15) calendar days of receipt of the district or charter school's report to the Department of misconduct under this Section.

8.2.1.4 The obligation to report also applies when a chief school officer or head of school acquires relevant information after a license holder's dismissal, resignation, retirement or other separation from employment.

8.2.2 The chief school officer or head of school, on behalf of the local board of education or charter school board of directors, shall report to the Secretary the name and last known address of any license holder employed by

the district or charter school who it knows to have been arrested or indicted by a Grand Jury for a violent felony as defined in 11 Del.C. §4201(c).

8.2.3 All information obtained from the chief school officer or head of school shall be confidential and shall not be considered public records under Delaware's Freedom of Information Act.

8.2.4. Failure to make the mandatory reports shall be grounds on which the Secretary may limit, suspend or revoke the chief school officer's or head of school's license.

8.3 Notice of Action

The Secretary shall not take action against a person under Sections 3, 4 or 5 without providing the person with written notice of the charges and with an opportunity for a full and fair hearing before the Standards Board.

8.3.1 Notice shall be sent to the person's last known address.

8.3.2 The license holder shall have thirty (30) calendar days from the date the notice of the charges was mailed to make a written request for a hearing.

8.3.3 If no written request for a hearing is received by the Standards Board within thirty (30) calendar days of receipt of notification, the license holder's license shall be deemed to be revoked, limited or suspended and the holder shall be so notified.

8.3.4 Notice of the revocation, limitation, suspension or reinstatement of a license shall be made by the Secretary, or his or her designee, to all chief state school officers of the other states and territories of the United States.

8.4 All communications between a license holder and the Department or Standards Board provided for in this Section shall be by certified mail, with a return receipt requested.

9.0 Investigations

9.1 The Secretary may investigate any information received about a person that reasonably appears to be the basis for action under this regulation.

9.1.1 The Secretary shall not investigate anonymous complaints.

9.1.2 The Department shall give written notice within a reasonable period of time to a license holder of any investigation initiated hereunder to the license holder's last known address.

9.1.3 All information obtained during an investigation is confidential and shall not be considered public records under Delaware's Freedom of Information Act.

9.1.4 The Secretary shall review the results of each investigation conducted pursuant to this regulation and shall determine whether the results warrant initiating action under this regulation.

10.0 License Reinstatement

10.1 Subject to the limitation contained herein, an individual whose license has been revoked under Section 3.1 Discretionary Revocation of this regulation may petition the Secretary for reinstatement of the license no sooner than five (5) years from the date of revocation. The individual shall submit to the Secretary a written petition showing credible evidence, by affidavit or otherwise, of the factors set forth in subsection 10.1.1.

10.1.1 The Secretary shall consider all of the following criteria in evaluating a petition for reinstatement and shall only grant such a petition if it is in the best interest of the public schools of the State of Delaware:

10.1.1.1 The nature and circumstances of the individual's original misconduct;

10.1.1.2 The individual's subsequent conduct and rehabilitation;

10.1.1.3 The individual's present character; and

10.1.1.4 The individual's present qualifications and competence to engage in the practice of instruction, administration or other related professional support services.

10.1.2 A former license holder is entitled to a full and fair hearing before the Standards Board to challenge a denial of reinstatement pursuant to this subsection.

10.2 A license revoked under Section 3.2 Mandatory Revocations or suspended under Section 6.0 of this regulation may not be reinstated under this subsection.

10.2.1 A license suspended under Section 6.0 may only be reinstated pursuant to that section.

10.2.2 A license revoked under Section 3.2 Mandatory Revocation may only be reinstated under Section 10.3.

10.3 If a decision of license revocation, limitation or suspension is solely based on the conviction of a crime enumerated within this regulation, and if the plea or conviction is overturned and there is no subsequent proceeding leading to a plea or conviction, the individual whose license is revoked, limited or suspended may file a written request for reinstatement, including documentation of the final status of the judicial proceeding, and the license shall be reinstated.

10.3.1 The Secretary may continue to pursue revocation under an alternative basis.

11.0 Standards Board Hearings and Procedures

11.1 In any hearing before the Standards Board to challenge action taken under this regulation, the Standards Board shall have the power to administer oaths, order the taking of depositions, issue subpoenas and compel attendance of witnesses and the production of books, accounts, papers, records, documents and testimony.

11.2 Unless otherwise provided for in this Section, the burden of proof in a license disciplinary action shall be on the agency taking official action to establish by preponderance of the evidence that the license holder has engaged in misconduct as defined by Sections 3, 4 and 5 or otherwise has failed to comply with the applicable laws and regulations relating to the retention of the license.

11.3 Whenever the basis for an action described within this regulation is a guilty plea, a plea of nolo contendere with respect to, or a conviction of a crime, a copy of the record of the plea, nolo contendere or conviction certified by the Clerk of the Court entering the plea, nolo contendere or conviction shall be conclusive evidence thereof.

11.4 After a hearing, the Standards Board may take any action and impose any limitation or suspension that could have been taken by the Secretary.

11.5 Hearings shall be conducted in accordance with the Standard Board's Hearing Procedures and Rules.

12.0 Resolution by Consent Agreement

The Secretary may enter into a written consent agreement with a person against whom action is being taken under this regulation.

13.0 Certification

All Standard Certificates issued to the license holder shall also be revoked upon the revocation of the license.

Appendix I
NY, DE, PA, and CT Codes of Ethics

CODE OF ETHICS

NEW YORK STATE CODE OF ETHICS FOR EDUCATORS

Statement of Purpose

The Code of Ethics is a public statement by educators that sets clear expectations and principles to guide practice and inspire professional excellence. Educators believe a commonly held set of principles can assist in the individual exercise of professional judgment. This Code speaks to the core values of the profession. "Educator" as used throughout means all educators serving New York schools in positions requiring a certificate, including classroom teachers, school leaders and pupil personnel service providers.

Principle 1

Educators nurture the intellectual, physical, emotional, social, and civic potential of each student. Educators promote growth in all students through the integration of intellectual, physical, emotional, social and civic learning. They respect the inherent dignity and worth of each individual. Educators help students to value their own identity, learn more about their cultural heritage, and practice social and civic responsibilities. They help students to reflect on their own learning and connect it to their life experience. They engage students in activities that encourage diverse approaches and solutions to issues, while providing a range of ways for students to demonstrate their abilities and learning. They foster the development of students who can analyze, synthesize, evaluate and communicate information effectively.

Principle 2

Educators create, support, and maintain challenging learning environments for all. Educators apply their professional knowledge to promote student learning. They know the curriculum and utilize a range of strategies and assessments to address differences. Educators develop and implement programs based upon a strong understanding of human development and learning theory. They support a challenging learning environment. They advocate for necessary resources to teach to higher levels of learning. They establish and maintain clear standards of behavior and civility. Educators are role models, displaying the habits of mind and work necessary to develop and apply knowledge while simultaneously displaying a curiosity and enthusiasm for learning. They invite students to become active, inquisitive, and discerning individuals who reflect upon and monitor their own learning.

Principle 3

Educators commit to their own learning in order to develop their practice. Educators recognize that professional knowledge and development are the foundations of their practice. They know their subject matter, and they understand how students learn. Educators respect the reciprocal nature of learning between educators and students. They engage in a variety of individual and collaborative learning experiences essential to develop professionally and to promote student learning. They draw on and contribute to various forms of educational research to improve their own practice.

Principle 4

Educators collaborate with colleagues and other professionals in the interest of student learning. Educators encourage and support their colleagues to build and maintain high standards. They participate in decisions regarding curriculum, instruction and assessment designs, and they share responsibility for the governance of schools. They cooperate with community agencies in using resources and building comprehensive services in support of students. Educators respect fellow professionals and believe that all have the right to teach and learn in a professional and supportive environment. They participate in the preparation and induction of new educators and in professional development for all staff.

Principle 5

Educators collaborate with parents and community, building trust and respecting confidentiality. Educators partner with parents and other members of the community to enhance school programs and to promote student learning. They also recognize how cultural and linguistic heritage, gender, family and community shape experience and learning. Educators respect the private nature of the special knowledge they have about students and their families and use that knowledge only in the students' best interests. They advocate for fair opportunity for all children.

Principle 6

Educators advance the intellectual and ethical foundation of the learning community. Educators recognize the obligations of the trust placed in them. They share the responsibility for understanding what is known, pursuing further knowledge, contributing to the generation of knowledge, and translating knowledge into comprehensible forms. They help students understand that knowledge is often complex and sometimes paradoxical. Educators are confidantes, mentors and advocates for their students' growth and development. As models for youth and the public, they embody intellectual honesty, diplomacy, tact and fairness.

This Code shall not be used as a basis for discipline by any employer and shall not be used by the State Education Department as a basis for a proceeding under Part 83 of Commissioner's Regulations, nor shall it serve as a basis for decisions pertaining to certification or employment in New York State. Conversely, this Code shall not be interpreted or used to diminish the authority of any public school employer to evaluate or discipline any employee under provisions of law, regulation, or collective bargaining agreement.



The Professional Standards Board's Ethical Guideline for Delaware Educators

Preamble

The Professional Standards Board is committed to providing leadership for improving the quality of education in the State of Delaware by establishing high standards for educator licensure, certification, professional development and conduct.

Purpose Statement

The purpose of **The Professional Standards Board's Ethical Guideline for Delaware Educators** is to inform and clarify expectations and commitments of educators to the student, the profession and the educational community. This applies to current Delaware educators, those educators new to Delaware and recent college graduates. This guideline is not intended to be a definitive list of acceptable and unacceptable behaviors, but is intended to be an edifying document that will facilitate conversations and reflections of current and future practice.

Forward

Delaware educators recognize the trust and responsibility the public has vested in the profession for educating the children of Delaware. Educators acknowledge the worth and dignity of all people and must exemplify a commitment first to the student, to teaching and student learning, the profession and to their educational community. Delaware educators are entrusted to pursue personal professional growth, to promote democratic citizenship and diversity, and to serve as appropriate role models.

Commitments

To the Student ~

- ❖ **Standard:** *The educator's primary commitment is to students: the students' pursuit of knowledge, the development of the students' potential and the students' cognitive, physical and psychological safety.*
 - The educator shall treat every student with dignity and respect by valuing students' personal boundaries and maintaining professional relationships with students both inside and outside of the classroom or school. Educators shall engage all students in the acquisition of knowledge and understanding in an environment free from harassment, intimidation or physical danger. The educator shall accord just and equitable treatment to every student, regardless of race, color, creed, sex, sexual preference, age, socioeconomic status, handicapping condition, national origin or ethnic background. The educator promotes the worth and dignity of each student and has an obligation to support each student in the quest of reaching his/her full potential and of becoming a contributing member in our democratic society.

To the Profession ~

- ❖ **Standard:** *The educator, in maintaining the dignity of the profession, shall demonstrate personal integrity, exemplify honesty and compassion, maintain high levels of competence, engage in or lead appropriate continuing professional development to move their students and the profession forward, and respect and follow the law.*
 - The educator shall encourage, support and respect fellow educators by providing the best of educational services. The educator shall respect the confidential expectations of the profession with students, colleagues and in records, and shall refrain from the exploitation of relationships for personal gain. The educator has an obligation to raise educational standards; to keep abreast of current research and technology; to commit to their own learning; and to create, support and maintain challenging learning environments for all. Educators collaborate with colleagues in the interest of student learning. The educator serves as a positive role model and shall refrain from the use of alcohol, tobacco and/or drugs on any school grounds or at any school activity. The educator is aware of the fine line between his/her personal and professional life relative to the purposeful or inadvertent sharing of digital media and burgeoning internet applications, and therefore exercises due diligence in this Information Age. Educators shall demonstrate a high standard of personal character and conduct, and promote the principles of democracy.

To the Educational Community ~

- ❖ **Standard:** *The educator collaborates with parents and the educational community to enhance and promote student learning by building trust and respecting diversity.*
 - The educator encourages the educational community to be active participants in the formulation of educational policy and to be advocates for students. The educator shall communicate appropriate information with parents and endeavor to understand their community's cultures and diverse home environments. It is expected that the educator will distinguish between personal views and those of the employing educational agency and will model and encourage students to pursue the principles of our democratic heritage. The educator is responsible to the educational community for practicing the profession to the highest ethical principles.

Delaware State Board of Education Endorsement

On August 20, 2009, the State Board of Education reviewed The Professional Standards Board's Ethical Guideline for Delaware Educators. After consideration, the State Board of Education joins the Professional Standards Board in their commitment to providing leadership for improving the quality of education in Delaware through high standards and endorsed The Professional Standards Board's Ethical Guideline for Delaware Educators as a guideline for educators.

**PENNSYLVANIA'S CODE OF
PROFESSIONAL PRACTICE
AND CONDUCT FOR
EDUCATORS**

Section 1. Mission

The Professional Standards and Practices Commission is committed to providing leadership for improving the quality of education in this Commonwealth by establishing high standards for preparation, certification, practice and ethical conduct in the teaching profession.

Section 2. Introduction

(a) Professional conduct defines interactions between the individual educator and students, the employing agencies and other professionals. Generally, the responsibility for individual professional conduct rests with the individual professional educator. However, in this Commonwealth, a Code of Professional Practice and Conduct (Code) for certificated educators is required by statute and violation of specified sections of the Code may constitute a basis for public or private reprimand. Violations of the Code may also be used as supporting evidence, though may not constitute an independent basis, for the suspension or revocation of a certificate. The Professional Standards and Practices Commission (PSPC) was charged by the act of December 12, 1973 (P. L. 397, No.

141) (24 P. S. § 12-1251—12-1268), known as the Teacher Certification Law, with adopting a Code by July 1, 1991. See 24 P. S. § 12-1255(a)(10).
(b) This chapter makes explicit the values of the education profession. When individuals become educators in this Commonwealth, they make a moral commitment to uphold these values.

Section 3. Purpose

(a) Professional educators in this Commonwealth believe that the quality of their services directly influences the Nation and its citizens. Professional educators recognize their obligation to provide services and to conduct themselves in a manner which places the highest esteem on human rights and dignity. Professional educators seek to ensure that every student receives the highest quality of service and that every professional maintains a high level of competence from entry through ongoing professional development. Professional educators are responsible for the development of sound educational policy and obligated to implement that policy and its programs to the public.

(b) Professional educators recognize their primary responsibility to the student and Central to that development is the professional educator's valuing the worth and dignity of every person, student and colleague alike; the pursuit of truth; devotion to excellence; acquisition of knowledge; and democratic principles. To

those ends, the educator engages in continuing professional development and keeps current with research and technology. Educators encourage and support the use of resources that best serve the interests and needs of students. Within the context of professional excellence, the educator and student together explore the challenge and the dignity of the human experience.

Section 4. Practices

(a) Professional practices are behaviors and attitudes that are based on a set of values that the professional education community believes and accepts. These values are evidenced by the professional educator's conduct toward students and colleagues, and the educator's employer and community. When teacher candidates become professional educators in this Commonwealth, they are expected to abide by this section.

(b) Professional educators are expected to abide by the following:

(1) Professional educators shall abide by the Public School Code of 1949 (24 P. S. § 1-101—27-2702), other school laws of the Commonwealth, sections 1201(a)(1), (2) and (4) and (b)(1), (2) and (4) of the Public Employe Relations Act (43 P. S. § 1101, 1201(a)(1), (2) and (4) and (b)(1), (2) and (4)) and this chapter.

(2) Professional educators shall be prepared, and legally certified, in their areas of assignment. Educators may not be assigned or willingly accept assignments they are not certified to fulfill.

Educators may be assigned to or accept assignments outside their certification area on a temporary, short-term, emergency basis. Examples: a teacher certified in English filling in a class period for a physical education teacher who has that day become ill; a substitute teacher certified in elementary education employed as a librarian for several days until the district can locate and certify a permanent substitute teacher certified in library science.

(3) Professional educators shall maintain high levels of competence throughout their careers.

(4) Professional educators shall exhibit consistent and equitable treatment of students, fellow educators and parents. They shall respect the civil rights of all and not discriminate on the basis of race, national or ethnic origin, culture, religion, sex or sexual orientation, marital status, age, political beliefs, socioeconomic status, disabling condition or vocational interest. This list of bases or

(5) Professional educators shall accept the value of diversity in educational practice. Diversity requires educators to have a range of methodologies and to request the necessary tools for effective teaching and learning.

(6) Professional educators shall impart to their students principles of good citizenship and societal responsibility.

(7) Professional educators shall exhibit acceptable and professional language and communication skills. Their verbal and

written communications with parents, students and staff shall reflect sensitivity to the fundamental human rights of dignity, privacy and respect.

(8) Professional educators shall be open-minded, knowledgeable and use appropriate judgment and communication skills when responding to an issue within the educational environment.

(9) Professional educators shall keep in confidence information obtained in confidence in the course of professional service unless required to be disclosed by law or by clear and compelling professional necessity as determined by the professional educator.

(10) Professional educators shall exert reasonable effort to protect the student from conditions which interfere with learning or are harmful to the student's health and safety.

Section 5. Conduct

Individual professional conduct reflects upon the practices, values, integrity and reputation of the profession. Violation of § 235.6—235.11 may constitute an independent basis for private or public reprimand, and may be used as supporting evidence in cases of certification suspension and revocation.

Section 6. Legal obligations

(a) The professional educator may not engage in conduct prohibited by the act of December 12, 1973 (P. L. 397, No. 141) (24 P. S. § 12-1251—12-

1268), known as the Teacher Certification Law.

(b) The professional educator may not engage in conduct prohibited by:

(1) The Public School Code of 1949 (24 P. S. § 1-101—27-2702) and other laws relating to the schools or the education of children.

(2) The applicable laws of the Commonwealth establishing ethics of public officials and public employes, including the act of October 4, 1978 (P. L. 883, No. 170) (65 P. S. § 401—413), known as the Public Official and Employee Ethics Law.

(c) Violation of subsection (b) shall have been found to exist by an agency of proper jurisdiction to be considered an independent basis for discipline.

Section 7. Certification

The professional educator may not:

(1) Accept employment, when not properly certificated, in a position for which certification is required.

(2) Assist entry into or continuance in the education profession of an unqualified person.

(3) Employ, or recommend for employment, a person who is not certificated appropriately for the position.

Section 8. Civil Rights

The professional educator may not:

(1) Discriminate on the basis of race, National or ethnic origin, culture, religion, sex or sexual orientation, marital status, age, political beliefs, socioeconomic

status; disabling condition or vocational interest against a student or fellow professional. This list of bases of discrimination is not all-inclusive. This discrimination shall be found to exist by an agency of proper jurisdiction to be considered an independent basis for discipline.

(2) Interfere with a student's or colleague's exercise of political and civil rights and responsibilities.

Section 9. Improper personal or financial gain

The professional educator may not:

(1) Accept gratuities, gifts or favors that might impair or appear to impair professional judgment.

(2) Exploit a professional relationship for personal gain or advantage.

Section 10. Relationships with students

The professional educator may not:

(1) Knowingly and intentionally distort or misrepresent evaluations of students.

(2) Knowingly and intentionally misrepresent subject matter or curriculum.

(3) Sexually harass or engage in sexual relationships with students.

(4) Knowingly and intentionally withhold evidence from the proper authorities about violations of the legal obligations as defined within this section.

Section 11. Professional relationships

The professional educator may not:

(1) Knowingly and intentionally deny or impede a colleague in the exercise or enjoyment of a professional right or privilege in being an educator.

(2) Knowingly and intentionally distort evaluations of colleagues.

(3) Sexually harass a fellow employe.

(4) Use coercive means or promise special treatment to influence professional decisions of colleagues.

(5) Threaten, coerce or discriminate against a colleague who in good faith reports or discloses to a governing agency actual or suspected violations of law, agency regulations or standards.

The Code of Professional Practice and Conduct for Educators can be found at 22 Pa. Code §§235.1 - 235.11.

All questions should be directed to the Professional Standards and Practices Commission at (717) 787-6576.

Applicability of the Code of Professional Responsibility for Teachers to Candidates in a Connecticut Educator Preparation Program

Effective July 1, 2003, Section 10-145d-11 of the Regulations of Connecticut State Agencies, Standards and Procedures for the Approval of Connecticut Educator Preparation Programs, requires that institutions and schools of education ensure that prospective teacher candidates meet the following competencies when admitting, preparing and recommending for certification:

- Demonstrate knowledge of the Code of Professional Responsibility for Teachers;
- Demonstrate current Connecticut licensure competencies as defined in Sections 10-145d-400 through 10-145d-619, inclusive, of the Regulations of Connecticut State Agencies, the Common Core of Teaching, and the Connecticut Content Specific Standards for Teachers; and
- Have the qualities of character and personal fitness for teaching.

Standards and Procedures for the Approval of Connecticut Educator Preparation Programs stipulate requirements for candidates in addition to those noted above. Furthermore, in order to gain Connecticut State Board of Education Approval for their preparation programs, institutions and schools of education must present evidence of how their programs and candidates meet standards established by the National Council for Accreditation of Teacher Education (NCATE).

For more information about Connecticut and NCATE standards, please refer to the following web sites:

- Standards and Procedures for the Approval of Connecticut Educator Preparation Programs
www.ct.gov/sde/cert
Scroll down and click on "Program Approval" under teacher preparation. Click on "Visiting Team Handbook."
- Connecticut Common Core of Teaching
www.ct.gov/sde
Click on "Teachers & Administrators" at the top of the left column. Scroll down and click on "Educator Standards."
- NCATE
www.ncate.org

Connecticut State Department of Education



Mark K. McQuillan
Commissioner

Bureau of Educator Standards and Certification

Nancy L. Pugliese, Chief

FOR MORE INFORMATION:

Web: <http://www.ct.gov/sde/cert>
E-mail: teacher.cert@ct.gov
Phone: (860) 713-6969
(Noon-4 p.m., Monday, Tuesday, Thursday and Friday)
Mail: Bureau of Educator Standards and Certification
P.O. Box 150471, Room 243
Hartford, CT 06115-0471

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Connecticut Code of Professional Responsibility

For Teachers

Regulations of Connecticut State Agencies
Section 10-145d-11(a)



PREAMBLE

Subsection (a)

The Code of Professional Responsibility for Teachers is a set of principles which the teaching profession expects its members to honor and follow. These principles set forth, on behalf of the teaching profession and the public it serves, standards to guide conduct and the judicious appraisal of conduct in situations that have professional and ethical implications. The Code adheres to the fundamental belief that the student is the foremost reason for the existence of the profession.

The teaching profession is vested by the public with a trust and responsibility requiring the highest ideals of professionalism. Therefore, the teacher accepts both the public trust and the responsibilities to practice the profession according to the highest possible degree of ethical conduct and standards. Such responsibilities include the commitment to the students, the teaching profession, and the community.

Consistent with applicable law, the Code of Professional Responsibility for Teachers shall serve as a basis for decisions on issues pertaining to licensure and employment. It shall apply to all teachers licensed by or individuals seeking licensure from the State of Connecticut. For the purposes of this section, "teacher" means a person who is applying for, who holds or who is employed under a teaching certificate, or other equivalent certificate, issued by the state board of education.

Connecticut Code of Professional Responsibility for Teachers

Regulations of Connecticut State Agencies Section 10-145d-400a

(b) RESPONSIBILITY TO THE STUDENT

(1) The professional teacher, in full recognition of his or her obligation to the student, shall:

- (A) Recognize, respect, and uphold the dignity and worth of students as individual human beings, and, therefore, deal justly and considerately with students;
- (B) Engage students in the pursuit of truth, knowledge and wisdom and provide access to all points of view without deliberate distortion of subject matter;
- (C) Nurture in students lifelong respect and compassion for themselves and other human beings regardless of race, ethnic origin, gender, social class, disability, religion, or sexual orientation;
- (D) Foster in students the full understanding, application and preservation of democratic principles and processes;
- (E) Guide students to acquire the requisite skills and understanding for participatory citizenship and to realize their obligation to be worthy and contributing members of society;
- (F) Assist students in the formulation of value systems and worthy, positive goals;
- (G) Promote the right and freedom of students to learn, explore ideas, develop learning skills and acquire the necessary knowledge to achieve their full potential;
- (H) Strive to develop within students fundamental critical thinking skills and problem-solving techniques;
- (I) Remain steadfast to guaranteeing equal opportunity for quality education for all children, and not unlawfully discriminate; and
- (J) Maintain the confidentiality of all information concerning students obtained in the proper course of the educational process, and dispense such information only when prescribed or directed by federal or state law or professional practice.

(2) The professional teacher, in full recognition of his or her obligation to the student, shall not:

- (A) Abuse his or her position as a professional with students for private advantage;
- (B) Sexually or physically harass or abuse students;
- (C) Emotionally abuse students; or
- (D) Engage in any misconduct which would put students at risk.

(c) RESPONSIBILITY TO THE PROFESSION

(1) The professional teacher, in full recognition of his or her obligation to the profession of teaching, shall:

- (A) Conduct himself or herself as a professional realizing that his or her action reflects directly upon the status and substance of the profession;
- (B) Uphold the professional teacher's right to teach effectively;
- (C) Uphold the principle of academic freedom;
- (D) Strive to exercise the highest level of professional judgment;
- (E) Assume responsibility for his or her professional development;
- (F) Encourage the participation of teachers in the process of educational decision-making;
- (G) Promote the employment of only qualified and fully licensed teachers;
- (H) Encourage promising, qualified and competent individuals to enter the profession;
- (I) Decline any gratuity, gift or favor that would impair or influence professional decisions or actions; and
- (J) Maintain the confidentiality of all information concerning colleagues obtained in the proper course of the educational process, and dispense such information only when prescribed or directed by federal or state law or professional practice.

(2) The professional teacher, in full recognition of his or her obligation to the profession of teaching, shall not:

- (A) Obtain licensure or employment by misrepresentation or fraud;
- (B) Misrepresent his, her, or another's professional qualifications or competencies; or
- (C) Engage in any misconduct which would impair his or her ability to teach.

(d) RESPONSIBILITY TO THE COMMUNITY

(1) The professional teacher, in full recognition of the public trust vested in the teaching profession, shall:

- (A) Be cognizant of the influence of teachers upon the community-at-large, and, therefore, shall not knowingly misrepresent facts or make false statements;
- (B) Encourage the community to exercise its responsibility to be involved in the formulation of educational policy;
- (C) Promote the principles and ideals of democratic citizenship; and
- (D) Endeavor to secure equal educational opportunities for all children.

(2) The professional teacher, in full recognition of the public trust vested in the teaching profession, shall not:

- (A) Exploit the educational institution for personal gain; or
- (B) Be convicted in a court of law of a crime involving moral turpitude or of any crime of such nature that violates such public trust.

Appendix J
Collective Bargaining Statutes

State and Local Provisions Governing Collective Bargaining

The National Labor Relations Act (NLRA) governs labor relations in private schools, subject to some limitations. A teachers' union of a private school should determine whether the NLRA applies to its school. State labor statutes generally govern labor relations between public school districts and teachers' unions. These provisions are summarized below. Collective bargaining statutes differ considerably from state to state, with some states providing much more guidance and specific rules than others.

ALABAMA: Teachers have a general right to join or refuse to join a labor organization.

ALASKA: Certified employees and school boards must follow specific procedures set forth in the statute. Under the state's Public Employment Relations Act, student representatives must be permitted to attend meetings and have access to documents in negotiations between a postsecondary education institution and a bargaining representative. The statute also permits a strike, with some limitations, by public school employees after mediation if a majority of employees vote by secret ballot to do so.

ARIZONA: Arizona has not enacted a collective bargaining statute governing public schools. Teachers in this state should consult relevant case law to determine when collective bargaining is permitted.

ARKANSAS: Teachers have a general right to organize and bargain collectively.

CALIFORNIA: An extensive statutory scheme is provided for governing collective bargaining between public schools and bargaining representatives, under the Public School Employee Relations Act. The statute limits the scope of representation to matters related to wages, employment hours, and other terms and conditions of employment. Employer and employee representatives are required to "meet and negotiate." If impasse is declared, mediation and, if necessary, fact-finding are required. Arbitration is permitted, but it is not required by statute.

COLORADO: Collective bargaining is permitted by statute. Teachers have a limited right to strike.

CONNECTICUT: A statute permits collective bargaining by members of the teaching profession. However, the state prohibits professional employees from striking and allows courts to enforce this prohibition.

DELAWARE: Public school employees are permitted to bargain collectively. Majority vote is required for union representation from all eligible members of the bargaining unit. The state prohibits strikes by teachers.

FLORIDA: The state constitution guarantees the right to collective bargaining but prohibits strikes by public employees. State statute defines "good faith bargaining," requiring parties to meet at reasonable times and places with the intent to reach a common accord.

HAWAII: Statute permits bargaining by all public employees. Statute defines certain bargaining units, including some supervisory employees. Mediation, fact-finding, and arbitration are provided in the statute. Strikes are permitted, but only in certain narrow circumstances.

IDAHO: Statute prescribes procedures for bargaining between a school board and certificated school employees.

ILLINOIS: Educational employees at all levels permitted to bargain under the Illinois Educational Labor Relations Act. However, several types of employees, including supervisors, managers, confidential employees, short-term employees, and students, are excluded from bargaining by statute. Impasse procedures include mediation and fact-finding. Arbitration is permitted. Strikes are permitted after several conditions set forth in the statute are met.

INDIANA: Certificated educational employees permitted to bargain by statute. Statute prescribes certain subjects that may be bargained and certain subjects that may be discussed. Strikes are prohibited.

IOWA: All public employees permitted to bargain collectively. Mediation and fact-finding required for impasse resolution. The state labor board at the request of the school board or union may order binding arbitration. Strikes are prohibited.

KANSAS: Statute permits bargaining by all public employees. Employer retains a number of rights, including right to direct work of employees. Strikes are prohibited.

LOUISIANA: No collective bargaining statute governs public schools. Teachers in this state should consult relevant case law to determine when collective bargaining is permitted.

MAINE: Statute permits collective bargaining by all public employees. Strikes by all state employees are prohibited.

MARYLAND: Statute permits bargaining by all certified and noncertified public school employees.

MASSACHUSETTS: Statute permits bargaining by all public employees. Strikes by public employees are prohibited.

MICHIGAN: Statute permits bargaining by public employees. Negotiations by teachers limited under some circumstances. Strikes by public employees are prohibited.

MINNESOTA: Statute permits bargaining by all public employees. State permits strikes only under certain circumstances, including completion of impasse resolution.

MISSISSIPPI: Strikes by teaches are illegal by statute.

MISSOURI: Teachers at public schools have the right to bargain collectively. Statute does not grant a right to strike.

MONTANA: Statute permits bargaining by all public employees. Courts have construed state statute to permit the right to strike.

NEBRASKA: Statute permits bargaining by all public employees. State restricts supervisors from joining a bargaining unit but permits some administrators, subject to restrictions, to join such a bargaining unit with teachers. Strikes by teachers are prohibited.

NEVADA: Statute permits bargaining by all public employees. Strikes by public employees are illegal by statute.

NEW HAMPSHIRE: Statute permits bargaining by all public employees. Impasse resolution procedures must be implemented within the time period specified by the statute. Strikes by public employees are illegal by statute.

NEW JERSEY: Statute permits bargaining by all public employees but excludes standards of criteria for employee performance from the scope of negotiation.

NEW YORK: Statute permits bargaining by all public employees. The statute limits the scope of negotiations to matters related to wages, employment hours, and other terms and conditions of employment. Arbitration is required by statute when an impasse is declared. Strikes by public employees are prohibited.

NORTH CAROLINA: Statute prohibits collective bargaining by all public employees. Statute also prohibits strikes by public employees.

NORTH DAKOTA: Statute permits bargaining by certificated school employees. Strikes by school employees are prohibited.

OHIO: Statute permits bargaining by public employees. Strikes by public employees are prohibited.

OKLAHOMA: Statute permits bargaining by all public school employees. Strikes by teachers are prohibited.

OREGON: Statute permits bargaining by all public employees. Impasse resolution procedures include mediation and fact-finding. Strikes are permitted after impasse resolution procedures have been implemented.

PENNSYLVANIA: Statute permits bargaining by all public employees under the Public Employee Relations Act. Statute limits which employees may be included in a single bargaining unit. Public school districts are not required to bargain over the "inherent management policy" of the district. Strikes by public employees are permitted after conditions set forth in the statute are met.

RHODE ISLAND: Statute permits bargaining by all certified public school employees. Strikes by public school employees are prohibited.

SOUTH DAKOTA: Statute permits bargaining by all public employees. Strikes by public employees are prohibited.

TENNESSEE: Negotiations by professional educators governed by the Education Professional Negotiations Act. Strikes by education professionals are prohibited.

TEXAS: Statute prohibits public employees from entering into a collective bargaining agreement. Statute also prohibits strikes by public employees.

UTAH: Statute permits union membership by public employees.

VERMONT: Statute permits bargaining by public school teachers, with representation election administered by the American Arbitration Association. Strikes by state employees are prohibited by statute.

VIRGINIA: Strikes by public employees are prohibited by statute.

WASHINGTON: Statute permits bargaining by public employees, including certified educational employees. Strikes by public employees are prohibited by statute.

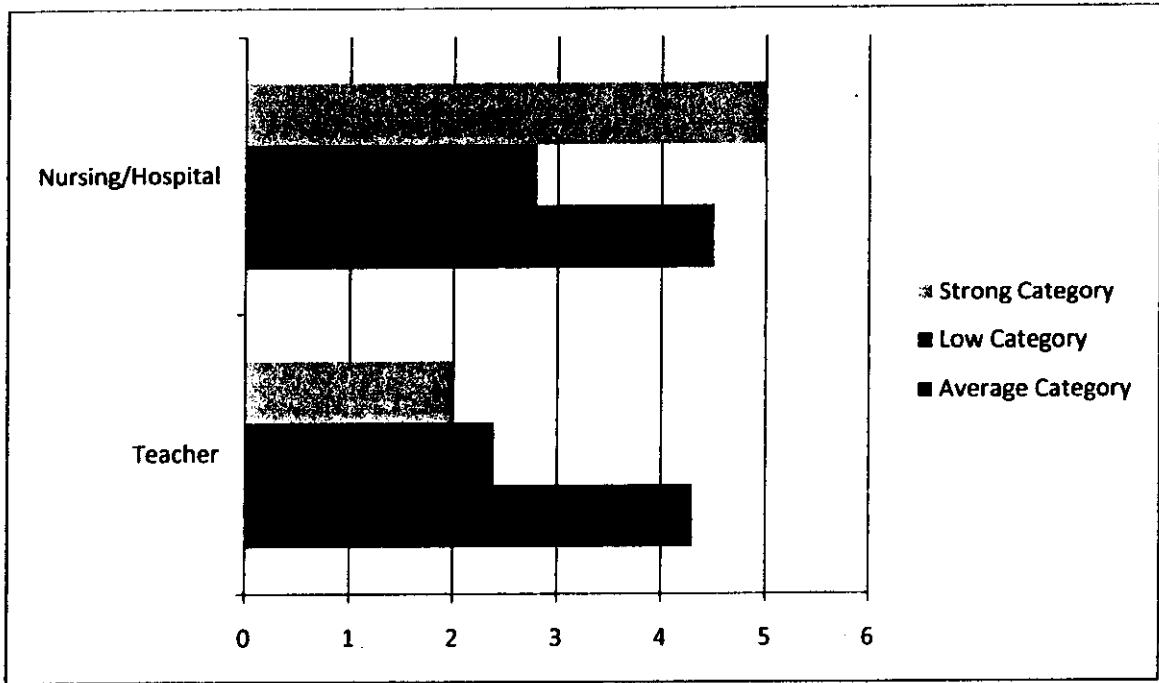
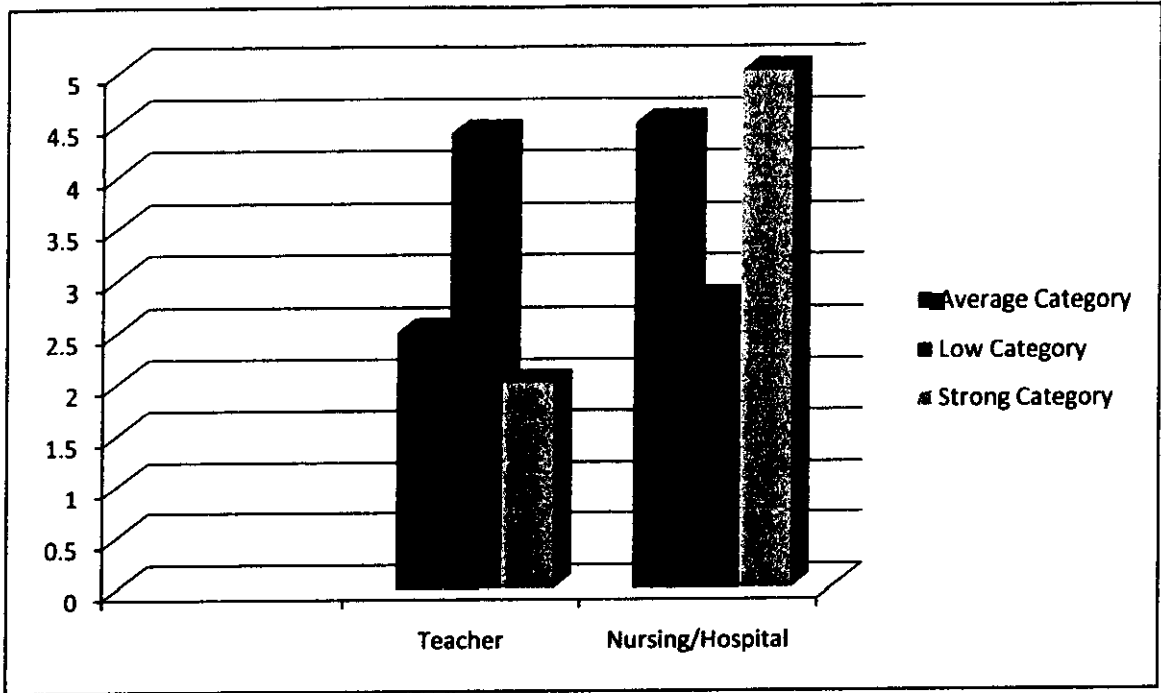
WEST VIRGINIA: No collective bargaining statute governs public schools. Teachers in this state should consult relevant case law to determine when collective bargaining is permitted.

WISCONSIN: Statute permits bargaining by municipal employees. Impasse resolution procedures include mediation and arbitration. Strikes are permitted after impasse resolution procedures have been exhausted.

WYOMING: Statute permits right to bargain as a matter of public policy (NLRA, 2008, ¶).

Appendix K

Comparison of Teacher and Nursing/Hospital Severity



Appendix L

Discipline-Code of Service

**AGREEMENT BETWEEN THE BRIDGEWATER-RARITAN REGIONAL BOARD OF
EDUCATION AND THE BRIDGEWATER-RARITAN EDUCATION
ASSOCIATION, INC.**

July 1, 2005 June 30, 2008

S. Discipline-Code for Service Personnel

1. RULES AND REGULATIONS

a. Overview

Effective personnel practices indicate that certain rules and regulations are necessary for the safety, security and productivity of employees and the school district management. The best working conditions prevail where supervisors and employees demonstrate consideration for themselves, their fellow employees, their employer and students. To make clear the conduct which our district expects to see practiced, a series of rules and regulations have been set forth with which all employees and supervisors are expected to comply.

It will be the responsibility of all supervisors and administrators to make their employees aware of these rules and to insist that these rules and regulations are properly observed in order to assure the well-being of all.

The rules are categorized into two major groups. Group I Rules are concerned with major items of personal conduct. Group II Rules, although somewhat less serious when violated, warrant prompt attention and correction. Both categories describe the nature of improper action and cannot be considered to be all inclusive. Disciplinary measures will always be governed by a strong sense of fairness and equity as determined by the seriousness of the violation.

b. Group I Rules

A violation of any one of these rules may be considered cause for suspension and/or dismissal. Provoking or starting fights involving physical contact.

- Stealing records or property of the school district or property of another employee or student.
- Making any false statements on employee records, time sheets or reimbursement requests
- Working while under the influence of intoxicants, narcotics or other so called controlled dangerous substances, or possessing, using or selling such materials or related paraphernalia anywhere on school district property.
- Performing malicious acts resulting in destruction to school district or personal property.

- Carrying a concealed weapon, or bringing, possessing or using firearms or weapons of any type on school district property.
- Committing any act which would be considered to be an indictable offense as defined by the laws of the State of New Jersey.
- Working without designated protective safety equipment where the potential consequences may do serious harm to self, students, other employees or significant damage to property/equipment.

c. Group II Rules

Employees who violate any of these rules will be subject to a reprimand by their supervisor. Continued violations may be cause for dismissal.

- Failing to observe working hours by tardiness or by unexcused or excessive absenteeism.
- Using abusive language.
- Leaving the work area prior to the expiration of regularly scheduled hours.
- Failing to adhere to rules or regulations as defined by the supervisor either orally or in writing.
- Continuing low work productivity after proper instruction.
- Continuing defective workmanship after proper instruction and proper warning.
- Wasting materials unnecessarily.
- Working without designated protective safety equipment such as safety shoes, safety glasses, face shields, etc., when the supervisor has deemed them necessary in performing the assigned job, or disregarding safety instruction.
- Smoking in district buildings or on school grounds.

2. DISCIPLINE

a. Overview

It is the intent of the **Bridgewater-Raritan Regional School District** to ensure that discipline, when required, is carried out in a fair and consistent manner. While all employees are expected to conduct themselves according to generally accepted rules of conduct and performance, this policy addresses itself to the relative few who do not and thereby, cause disciplinary problems. The disciplinary procedure set forth is designed to improve the work pattern of problem employees and to provide a record of corrective action taken to modify behavior or change performance.

b. Steps in the Disciplinary Procedure

The following sequence of actions will normally be taken in carrying out discipline for rules violations. Based on the severity of the offense, some steps in the procedure may be bypassed.

(1.) Verbal Warning

The first step in the disciplinary procedure consists of a verbal warning followed by a counseling session which points out, in a constructive fashion, the area of deficiency and offers the employee assistance in attempting to correct same. The counseling session may consist of getting at the cause of the problem by further explanation of the rules, regulations or requirements of the job. It should be mentioned that a recurrence of the violation may result in a written warning.

(2.) Written Warning

A written warning is documentation that corrective action has not been taken as a result of the previously issued verbal warning, or that another rule has been violated. In the case of a written warning, the language of the reprimand should be clear, specifically identifying the nature and circumstances of the offense. The last statement in the written warning should state, "Subsequent disregard of the school district rules and regulations will result in further disciplinary action, up to and including discharge."

(3.) Suspension

The third step in the disciplinary procedure should be given serious consideration by both the supervisor and the employee, as the next step would normally be discharge. Suspension without pay for a period of three days is recommended, although circumstances may dictate a longer or shorter period of time.

(4.) Discharge

The final step in the disciplinary procedure is termination of employment with the school district.

(5.) Grievance Procedure

Disciplinary actions are grievable.

c. Application of Disciplinary Actions

Disciplinary measures will always be governed by a strong sense of fairness and equity as determined by the seriousness of the rules which are violated (see Regulations overview). Group I Rules are concerned with major areas of personal conduct, are areas of serious consequence and violations should never be condoned. Prompt and effective action is required of all supervisors and administrators.

Group I Rules Violation

1st offense: Suspension or discharge

2nd offense: Discharge

Violations of Group II Rules, though somewhat less serious, warrant prompt attention and correction by all supervisors and administrators.

Group II Rules Violation

1st offense: Verbal warning

2nd offense: Written warning

3rd offense: Suspension

4th offense: Dismissal

The disciplinary actions described above represent the maximum penalty for the offense listed. A margin of reason and discretion will always be left to the individual supervisor/administrator. Each case should be judged individually, with such factors as length of service, performance record, attendance, attitude, etc. being taken into consideration when evaluating the employee's total record.

Responsibility

Supervisors and administrators will be responsible for initiating remedial actions necessary to correct, improve and promote proper employee behavior. Consultation and guidance for uniform application of this policy is to be obtained from the Superintendent or his designee prior to issuing written warnings.

Documentation Procedure

Supervisors and administrators must notify the Superintendent or his designee of all verbal warnings. In the case of a written warning or suspension notification, the Superintendent or his designee will review and approve the documentation prior to the distribution to the employee. One copy is to be retained by the supervisor/administrator, one copy given to the employee, and one copy forwarded to the Personnel office for inclusion in the employee's Personnel file. Any written document should contain the employee's signature. If the employee refuses to sign the document, a notation "employee refused to sign" must be made. Any employee who feels he or she has been treated unfairly in the discipline process may seek redress via the appropriate channels.

3. SEPARATION

a. Overview

Continuity of employment has always been a major objective of the school district. Employees are recognized as valuable assets, and it is hoped that employees view their Jobs as something of personal value. For these reasons, it is the policy of the Bridgewater-Raritan Regional School

District to make every practical effort to select and place individuals in jobs suited to their skills and abilities, in order to avoid voluntary or involuntary separation. The school district recognizes, however, that separation will occur as a result of resignation, discharges, health, reduction-in-force or retirement. All employees will be treated equitably when terminating employment with the **Bridgewater-Raritan School District**.

Appendix M
New Jersey State Ethics Code

**PLAIN LANGUAGE GUIDE TO
NEW JERSEY'S EXECUTIVE BRANCH
ETHICS STANDARDS
April 2009**

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INTRODUCTION

This is a Guide for State officers and employees and special State officers and employees in the Executive Branch of New Jersey State Government. If you are one of these persons, you should read this Guide carefully. It explains the ethics rules and laws found in the New Jersey Conflicts of Interest Law (N.J.S.A. 52:13D-12 et seq.) and in the rules of the State Ethics Commission (N.J.A.C. 19:61-1.1 et seq.). In addition to those laws and rules, you are also bound by the Uniform Ethics Code and any ethics code adopted by the agency for which you work. You are responsible for knowing the laws and rules described in this guide, as well as the specific policies and procedures of your particular agency.

As we in State government do our work, it is important that the public have the highest degree of confidence in our conduct. Our fellow employees depend on us to make lawful, ethical decisions. This Guide provides general information on the minimum ethical standards and does not have the force and effect of law. It does not replace any actual laws or rules, and it does not address every ethical restriction contained in the laws and rules it summarizes. It does not cover the requirements contained in your agency's ethics code, to which you are also subject. Ethical issues may also be addressed in procurement, personnel, and travel rules, as well as in open meetings, open records, and criminal laws. The statutes creating your agency may also contain ethical prohibitions. In addition, members of particular professions (such as lawyers and accountants) are subject to their own codes of professional responsibility. Information in this Guide derives from detailed statutes, regulations, and executive orders. There are, however, simple principles that will guide you through the details.

PRINCIPLES OF ETHICAL CONDUCT

• **Exploitation of Official Position.** You may not use your position to secure a job, contract, governmental approval or special benefit for yourself, a friend or family member.

• **Compensation for Official Duties.** Your paycheck is your only permitted compensation. You may not accept any other compensation for performing your job. You may not "moonlight" without the approval of your agency.

• **Gifts and Favors.** You may not accept any gift of more than nominal value (e.g., a tee-shirt or a pen) related in any way to your official duties.

• **Attendance at Events: Honoraria, Activities, and Expenses.** You may not be "wined and dined" by people with whom your agency conducts business. You may not accept honoraria. Official travel reimbursements require prior approval from your agency or the Ethics Commission. If a donor conducts business with your agency, it is unlikely that you may accept such payments.

• **Outside Employment, Business Interests and Political Activity.** You must disclose to your agency any outside employment, business interests and political activities and secure approval.

• **Conflicts of Interest.** You may not act in any matter in which you, your family, or your close friends have a direct or indirect personal or financial interest that might tend to conflict with the proper discharge of your official duties. Rather, you should recuse yourself and ask someone else to perform the State task.

• **Prior Business Relationships.** You may not have any involvement on official matters that involve any private sector individual or entity that employed you or did business with you during the one year prior to the commencement of your State employment.

Prohibition on Use of Confidential Information. You may not accept employment or engage in any activity that may require or induce you to disclose confidential information acquired through your position.

•
Nepotism. You may not hire, promote, or supervise a relative.

•
Post-Employment Lifetime Restrictions. After you leave public employment, you may not represent or assist a person concerning a particular matter if you were substantially and directly involved in that particular matter while in State employ. Further, you may not use or disclose any information not generally available to members of the public, gained during the course of your employment.

•
When in Doubt, Ask! If you think you have a conflict of interest or are unsure of any of these rules, ask your Ethics Liaison Officer ("ELO") or the Commission. If you suspect any wrongdoing, report your suspicion. Complaints may be made anonymously to the Commission and are kept confidential. If you have questions (and most of us do, from time to time), you should contact your supervisor, Department Head or ELO. Most of the reporting requirements discussed in this Guide refer you to your agency's ELO. A list of ELOs is available at www.nj.gov/ethics/agency. You may also address questions directly to the State Ethics Commission (which we refer to in this Guide as the "Commission"). We urge you to ask before you do something, rather than need to try to explain what you did. To obtain more information or to check for revisions to these rules, call the Commission at (609)292-1892 or 1-888-223-1355. You may also visit our web site at www.nj.gov/ethics.

GENERAL STANDARDS OF CONDUCT

These rules promote the principle that public office is a public trust. Where government is based upon the consent of its citizens, the public is entitled to have complete confidence in the integrity of government. The business of New Jersey is conducted in a manner intended to assure the citizens of our State that the character and conduct of its officials and employees are above reproach. To achieve this result, the State has ethics rules that are general in nature, as well as rules that deal with very specific situations. Under the general rules, you must not:

•
have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of your duties in the public interest;

•
use or attempt to use your official position to secure privileges or advantages for yourself or others;

•
act in your official capacity in any matter in which you have a direct or indirect personal financial interest that might reasonably be expected to impair your objectivity or independence of judgment; or

•
knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of your acts that you may be engaged in conduct violative of your trust as an officer or employee of the State.

These rules apply if you are a State officer or employee (holding office or employment in a State agency or a full-time New Jersey member of an interstate agency) or a special State officer or employee (holding office or employment in a State agency for which you receive no compensation, except possibly reimbursement of expenses, a part-time employee or a New Jersey member of an interstate agency if your duties are not full-time).

GIFTS, FAVORS, SERVICES AND OTHER THINGS OF VALUE

Upon the recommendation of the Special Counsel for Ethics Review and Compliance, the Commission has adopted a zero tolerance policy for acceptance of gifts offered to you, your spouse, immediate family member, partner or associate. Unless you are permitted to receive the gift or thing of value in accordance with the Commission's rules on attendance at events, you, your spouse, immediate family member, partner or associate shall not accept, either directly or indirectly, any gift, favor, service or other thing of value related in any way to your official public duties. Some things of value are obvious, such as money, stock, debt forgiveness, real estate, or automobiles. But less obvious things also have value, including offers of employment, loans, labor, rebates, price discounts, entertainment, and meals.

Reporting Requirement. You are required to disclose and remit to your ELO any offer or receipt of a thing of value from any person or entity.

Unsolicited Gifts of Nominal Value. Unsolicited gifts or benefits of trivial or nominal value, such as complimentary articles offered to the public in general, and gifts received as a result of mass advertising mailings to the general business public may be retained by the recipient or the recipient's department for general use if such use does not create an impression of a conflict of interest or a violation of the public trust. The receipt of such complimentary articles is not required to be reported to the ELO.

Caution Against Inappropriate Uses. An item that is otherwise permissible to accept might be impermissible if it is used or displayed in an inappropriate manner. For instance, an official in a regulatory agency should not use a pocket calendar conspicuously marked with the name of a company that is regulated by the agency, as this might create the impression of favoritism. A State agency should not display in any of its offices a wall calendar from a vendor, as this might create the impression of an endorsement.

Gifts in the Workplace. A State employee is permitted to give or receive a gift from a co-worker, a supervisor or a subordinate. The gift should not be excessive or inappropriate for a business environment. Such gift shall not be reported to the ELO.

Other Resources. For a more complete discussion of this subject, see *Guidelines Governing Receipt of Gifts and Favors by State Officers and Employees*, www.nj.gov/ethics/statutes/guide/giftcode.html, and N.J.A.C. 19:61-6.9, www.nj.gov/ethics/statutes/rules/. You should also see *Advisory Opinions*, below, for information on advisory opinions that the Commission has issued on this topic and how to request an advisory opinion concerning your particular circumstances.

COMPENSATION FOR OFFICIAL DUTIES

Your State Paycheck is Your Only Permitted Compensation. The only compensation or other thing of value that you are allowed to solicit or accept for doing your State duties is your State paycheck. Payment or reimbursement of your expenses for attending events is not compensation, and is addressed below under the heading "*Attendance at Events: Honoraria, Activities, and Expenses.*"

Other Resources. For a more complete discussion of this subject, see the Commission's guidelines on various topics, at www.nj.gov/ethics/statutes/guide/. You should also see *Advisory Opinions*, below, for information on advisory opinions that the Commission has issued on this topic and how to request an advisory opinion concerning your particular circumstances.

ATTENDANCE AT EVENTS: HONORARIA, ACTIVITIES, AND EXPENSES

An *event* is any meeting, conference, seminar, speaking engagement, symposium, training course, ground-breaking, ribbon-cutting, meal, open house, cocktail party, fundraiser, holiday party, social function, or similar event that takes place away from your work location, is sponsored or cosponsored by a supplier or a non-State government source and the invitation for which is extended to you because of your official position.

Meetings that you attend at other State agencies in the course of your official duties are not *events*.

- You must obtain prior approval from your ELO to attend any event.

- You are not allowed to accept an honorarium or fee for a speech or presentation at an event.

- You are not allowed to use your official title for the purpose of fundraising for a private organization (whether at an event or elsewhere).

- Regardless of the sponsor or the purpose of the event, you are permitted to accept nominal refreshments such as nonalcoholic beverages and snacks (doughnuts, pastries and cookies).

If the Event is Not Sponsored by an Interested Party (See definition below)

The State may pay your reasonable expenses associated with attending the event or it may permit you to accept (but not from an interested party) travel, meals, accommodation, waiver of conference or event fees or any other costs associated with attending the event, or reimbursement for such costs.

You are prohibited from accepting entertainment that is collateral to the event, such as a golf outing, or meals taken other than in a group setting with all attendees, or reimbursement for such items.

Examples: An employee of the Commerce, Economic Growth and Tourism Commission has been invited, by the Mexican Tourist Bureau, an agency of the Mexican government, to attend a series of meetings on promoting tourism in both countries. The employee will be giving a speech at a dinner on the final day of the meetings and has been offered a \$500 honorarium. The employee may attend the meetings, but is not permitted to accept an honorarium in connection with his speech. He may accept, directly or by reimbursement, actual expenditures for travel and reasonable subsistence for which no payment or reimbursement is made by the State, not to exceed the statutory limit of \$500.

A local non-profit organization would like to hold a dinner/fundraiser honoring a Technical Assistant from the Department of Banking and Insurance who has been a long-time supporter of the organization. The organization plans to use the Technical Assistant's picture, name, and official title on the promotional literature. The Technical Assistant may attend the event, but is prohibited from allowing the use of his official title for fundraising purposes.

If the Event is Sponsored by an Interested Party

An interested party is:

- *a person or entity that is or may reasonably be anticipated to be subject to the regulatory, licensing, or supervisory authority of your agency, or any employee, representative or agent of that person or entity;*

- *a supplier to your agency (meaning any private sector person or entity that is providing or is seeking to provide or may reasonably be expected to provide goods and/or services to your agency) or any employee, representative, or agent of a supplier;*

an organization that advocates or represents the positions of its members to your agency; or

an organization a majority of whose members are interested parties.

In general, an interested party is any person or entity that you or your agency deal with, contact, or regulate in the course of official business.

The State must pay your reasonable expenses associated with attending the event, and neither you nor the State can receive travel, meals, accommodation, waiver of conference or event fees or any other costs associated with attending the event, or reimbursement for such costs, from any source. There may be an exception to this rule if you take an active role in the event (see below).

If You Take an Active Role in the Event. If an event is designed to provide training, dissemination of information, or the exchange of ideas, and you will be making a speech, participating in a panel at the event, or acting as an accompanying resource person for the speaker and/or participant, you must seek approval from your ELO. If he or she determines that doing so will not create a conflict or the appearance of one, your ELO can permit you to attend the event and permit the interested party sponsor to reimburse or pay for the following expenses associated with attending the event, if those expenses are not paid for by the State:

Allowable Entertainment Expenses - the costs for a guest speaker, incidental music, and other ancillary entertainment at any meal at an event, provided they are moderate and not elaborate or excessive; but not the costs of personal recreation, such as being a spectator at or engaging in a sporting or athletic activity which may occur as part of that event.

Actual and Reasonable Expenditures for Travel or Subsistence - include commercial travel rates directly to and from the event and food and lodging expenses which are moderate and neither elaborate nor excessive. For an event outside New Jersey, this amount must not exceed \$500 per trip, for expenditures for travel or subsistence and entertainment expenses that are not paid for by the State of New Jersey. The \$500 per trip limitation does not apply if the reimbursement or payment is made by:

- a nonprofit organization and you are an active member of the organization because the State pays a membership fee or charge;
- a nonprofit organization that does not contract with any State agency to provide goods, materials, equipment, or services;
- any agency of the federal government or a private sector entity with a contract with a federal agency to provide meeting, conference, travel, etc. services;
- any agency of another state or of two or more states; or
- any political subdivision of another state.

Examples: An employee of the Department of Environmental Protection has been invited to attend a conference of the Association of Environmental Authorities and has been asked to present a short program to explain a new series of forms being proposed by the Department. The Association has offered to waive the \$200 conference fee; the conference program includes morning and afternoon refreshments and lunch. If the ELO approves the employee's attendance and participation in the conference, the employee may accept the waiver of the fee and the refreshments and meal included in the program. A copy of the ELO's approval must be forwarded to the Commission.

The Division of Motor Vehicles is considering the purchase of new pollution-testing equipment. One of the companies that plans to submit a bid invites several Division employees to a demonstration of the

equipment to be held at a hotel conference center. A seafood buffet will be served after the demonstration. With proper approval, the employees may attend the demonstration, but because the company plans to submit a bid to provide this equipment, and is therefore an interested party with respect to the Division, the employees may not partake of the seafood buffet at the expense of the vendor. The employees may, however, pay the cost of the buffet personally. Three employees from different units of the Department of Transportation are responsible for weekly monitoring of a construction project. Each Friday morning, they meet with the contractor's representative at the site field office to review the week's progress and to assess projected schedules. The meetings generally last one to two hours; coffee is available, but no other refreshments or meals are served or offered. Because no direct or indirect benefits are offered or provided, and because the meetings are part of the employees' job responsibilities, the meetings are not considered "events" for the purposes of this Guide.

Considerations in Granting Approval. Your ELO must determine whether a legitimate State purpose will be served by your attendance at an event, and must consider applicable laws, regulations, the Uniform Ethics Code, agency ethics code, guidelines, departmental administrative policies, and any other relevant considerations. These might include the identity of the sponsor and the other participants, the purpose of the event, whether the event will assist you in carrying out your official duties and support your agency's mission, and the value and character of the costs, benefits, and/or honoraria provided by the sponsor (including whether they are comparable to those offered to or purchased by other attendees). In some instances, the ELO is required to forward the approval to the Commission for review.

Special Rules Applicable to Designated State Officers. The Governor, the Attorney General, Commissioners of State agencies, heads of the other Executive Branch departments, specified members of the Governor's staff, and certain other persons are identified in N.J.S.A. 52:13D-24(d) as *designated*

State officers. These persons are subject to stricter rules concerning compensation, honoraria, and other forms of income from any source other than their State paycheck. Designated State officers are required, in certain instances, and are urged in all others, to seek prior review and approval from the Commission before soliciting or accepting payment or reimbursement of their expenses in connection with an event from any outside source.

Other Resources. For a more complete discussion of this subject, see N.J.A.C. 19:61-6.1 to -6.8, at www.nj.gov/ethics/statutes/rules/. You should also see *Advisory Opinions*, below, for information on advisory opinions that the Commission has issued on this topic and on how to request an advisory opinion concerning your particular circumstances.

POLITICAL ACTIVITY

You are permitted to be involved in partisan political activities, provided there is no provision in your departmental code of ethics prohibiting those activities. The Ethics Codes of the Election Law Enforcement Commission, the State Ethics Commission, and several other agencies have specific provisions prohibiting such activities. Under no circumstances may you use State time or State resources in pursuit of political activities. You should notify your ELO prior to engaging in partisan political activities so that your situation can be reviewed to determine what, if any, restrictions apply. The restrictions on your soliciting or accepting things of value do not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office. However, you cannot accept a campaign contribution if you know it is being given in lieu of a payment that you would otherwise be prohibited from accepting.

Federal Hatch Act. The Hatch Act restricts the political activity of an individual principally employed by a state or local executive agency in connection with a program financed in whole or in part by federal loans or grants. There is a misperception that the Hatch Act only applies if one's salary is federally funded. The Act may apply more broadly than that.

Covered State and Local Employees May:

- run for public office in nonpartisan elections;
- actively campaign for candidates for public office in partisan and nonpartisan elections; and
- contribute money to political organizations and attend political fundraising functions.

Covered State and Local Employees May Not:

- be a candidate for public office in a partisan election (this does not eliminate being a candidate for school board, a nonpartisan office in New Jersey);
 - use official authority or influence to interfere with or affect the results of an election or nomination; or
 - directly or indirectly coerce contributions from subordinates in support of a political party or candidate.
- The Hatch Act is a federal statute, not under the jurisdiction of the Commission. Any interested party may request advisory opinions from the Office of Special Counsel, Hatch Act Unit, 1730 M Street, N.W., Suite 300, Washington, D.C. 20036-4505. Telephone: 800-85-HATCH (800-854-2824) or 202-653-7143. You may also visit the website of the United States Office of Special Counsel, at www.osc.gov.

Other Resources. For a more complete discussion of this subject, see "State Employees' participation in Political Activities," [www.nj.gov/ethics/statues/guide/political_activities.html](http://www.nj.gov/ethics/statutes/guide/political_activities.html). See *Advisory Opinions*, below, for information on advisory opinions that the Commission has issued on this topic and on how to request an advisory opinion concerning your particular circumstances.

OUTSIDE EMPLOYMENT/ACTIVITIES

You may have a second job, outside volunteer activity, or personal business interest only if it is compatible with your agency rules and your State responsibilities. You must not:

- undertake any employment or service which might reasonably be expected to impair your objectivity and independence of judgment in the exercise of your official duties;
- engage in any business, profession, trade, or occupation that is subject to licensing or regulation by a specific agency of State Government, without promptly filing notice of that activity with the Commission;
- engage in any business, transaction, or professional activity that is in substantial conflict with the proper discharge of your duties in the public interest; or
- use state time, personnel, or other resources for the other job or activity.

Neither you nor your immediate family members can hold employment with, hold an interest in, or represent, appear for, or negotiate on behalf of a holder of or applicant for a casino license unless the Commission grants a waiver. To ask for a waiver, contact the Commission.

Prior to engaging in any outside employment or other activity, you must obtain approval from your agency. Ask your ELO.

If you are not certain whether you are permitted to take on a job or other outside activity according to these rules, you should ask the Commission for an advisory opinion. These cases are frequently very fact-sensitive, and the Commission decides each individually.

Other Resources. For a more complete discussion of this subject, see *Guidelines Governing Outside Activities*, at www.nj.gov/ethics/statues/guide/outsideact_guide.html. See also, *Outside Activity Questionnaire*, at www.nj.gov/ethics/statues/guide/outsideact.html. See *Advisory Opinions*, below, for information on how to find advisory opinions that the Commission has issued on this topic and on how to request an advisory opinion concerning your particular circumstances.

CONFLICTS OF INTEREST

As a State officer or employee or special State officer or employee, you are prohibited from acting in your official capacity in any matter in which you have a direct or indirect personal financial interest that might be expected to impair your objectivity or independence of judgment. As a practical matter, this means that you should not participate in any decision, even informally, on a matter in which you have a financial interest.

You could have a financial interest through such things as:

- A purchase, sale, lease, contract, option, or other transaction;
- Property or services; and
- Employment or negotiations for prospective employment.

The Conflicts Law contains an exception that permits you to represent yourself in negotiations or proceedings concerning your own interest in real property.

Prohibitions on Contracts with a State Agency

Special State Officers and Employees. You may not knowingly undertake or execute any contract, agreement, sale or purchase valued at \$25 or more with the State agency with which you are affiliated if you have any duties or responsibilities in connection with the purchase or acquisition of property or services. This prohibition also applies to your partners and to any corporation that you control, or in which you own or control more than 1% of the stock. The prohibition does not extend to other State agencies.

State Officers and Employees. You, along with your partners or any corporation you control or in which you own or control more than 1% of the stock, may not knowingly undertake or execute any contract, agreement, sale or purchase valued at \$25 or more with any State agency, *whether or not* it is the agency for which you work.

Limited Exceptions to these Prohibitions. Three categories of contracts are exempt from the general prohibition on contracting with the State. However, before entering into a contract falling within any of these categories, approval must first be obtained from the Commission. The three categories are:

- Those purchases, contracts, agreements, or sales that are made after public notice and competitive bidding. The Commission typically approves such contracts unless the contract in question is with the State employee's own agency. In these situations, the Commission has determined that such contracts raise the issue of an appearance of impropriety under section 23(e)(7) of the Conflicts Law.

- Those contracts that may be awarded without public advertising and competitive bidding pursuant to N.J.S.A. 52:34-10.

- Any contract of insurance entered into by the Director of the Division of Purchase and Property, Department of Treasury, pursuant to N.J.S.A. 52: 27B-62.

In addition, there are two statutory exemptions that do not require advance approval by the Commission:

Contracts for the development of scientific or technological discoveries or innovations: Section 19.1 of the Conflicts Law excepts contracts for the development of scientific or technological discoveries or innovations in which the State agency has a property right, if the State agency has a procedure in its code of ethics authorizing these contracts that minimizes actual conflicts of interest, and the contract complies with the code procedure.

- Certain rental agreements with State agencies: Section 19.2 of the Conflicts Law excepts rental agreements with a State agency that operates a facility which rents space or provides services to assist small businesses employing fifty people or less, pursuant to the same terms and conditions as those offered to members of the public generally.

Prohibitions on Representing Parties other than the State. There are severe restrictions on your ability (and that of any partnership, corporation, or firm in which you have an interest) to represent, appear for, or negotiate on behalf of a person other than the State in connection with any cause, proceeding, application, or other matter, including a negotiation concerning the acquisition or sale of property of any sort, pending before any State agency. See N.J.S.A. 52:13D-15 and -16.

Representation does not only involve personally appearing before a State agency on behalf of an individual or entity. Under Commission precedent, representational activities also include:

- correspondence to a State agency on behalf of a third party;

- telephone calls to a State agency on behalf of a third party; and

- a State employee's signature on an application or other document submitted to a State agency on behalf of a third party (e.g., an engineering report).

You should carefully review these restrictions or consult with your ELO if you are considering taking any action on behalf of another person or entity that might be considered representing, appearing for, or negotiating on behalf of that person or entity in opposition to the State or before a State agency.

For special State officers or employees, the restriction on representing parties other than the State is limited to their own agencies.

Advisory Opinions. If you think that you may have a conflict of interest, you should ask your ELO or the Commission for an opinion. These cases are frequently very fact-sensitive, and the Commission decides each individually. See *Advisory Opinions*, below, for information on how to find advisory opinions that the Commission has issued on this topic and on how to request an advisory opinion concerning your particular circumstances.

RULES REGARDING PUBLISHED WORKS

The Commission staff frequently receives inquiries concerning State employees' activities in connection with authoring and publishing research papers, articles, and books. Based on applicable rules and Commission precedent, you may accept compensation for published works only if you meet all of these conditions:

- There is no prohibition governing that activity in the Uniform Ethics Code or your department's enabling legislation or code of ethics;

- You obtain prior approval from your ELO;

The published work does not use or disclose information that is not generally available to the public;

You do not use State time or resources in connection with the published work;

You do not use your official title in connection with publication or promotion of the published work;

You do not promote, advertise, or solicit sales of the published work to co-workers or individuals or entities with whom you have official dealings;

You do not contract to sell the published work to the State, except in compliance with section 19 of the Conflicts Law; and

The published work is not prepared as part of your official duties.

Note that the term *published work* includes not only research papers, articles, and books, but also any tangible mediums of expression, such as literary, pictorial, graphic and sculptural matter, sound recordings, and software.

Examples: As part of his official duties, a Department of Transportation employee evaluates surveying equipment and trains Department employees on its use. The employee recently completed an in-depth evaluation of ten different types of surveying instruments and made a recommendation to the purchasing unit. The employee would like to publish the entire report in Transportation Magazine. He has been offered \$500 for the article. The Department must make a policy decision as to whether the article may be published. The employee is prohibited from accepting compensation for the article, even if the Department grants permission for the publication, since it was created as part of his official duties prepared on State time and utilizing State resources.

An Environmental Technician at the Department of Environmental Protection has been asked to write an article for an environmental journal on how New Jersey's automobile emission standards differ from those of Pennsylvania. He has been offered \$500 for the article. The Environmental Technician is permitted to publish the article and receive compensation since it is on a subject matter related to, but not part of, his official duties, so long as he prepares the article at home, on his own time, without using any State resources.

Other Resources. For a more complete discussion of this subject, see *Guidelines Governing Outside Activities*, at www.nj.gov/ethics/statues/guide/outsideact_guide.html, *Guidelines Governing Published Works*, at www.nj.gov/ethics/statues/guide/published_works.html, and N.J.A.C. 19:61-6.7, at www.nj.gov/ethics/statues/rules/recusal.html. See *Advisory Opinions*, below, for information on advisory opinions that the Commission has issued on this topic and on how to request an advisory opinion concerning your particular circumstances.

CONFIDENTIAL INFORMATION

You may not divulge any information that you obtain in the course of your official duties that is not generally available to members of the public. You may not use any such confidential information for your own benefit, whether direct or indirect. These restrictions continue even after you are no longer a State employee.

USE OF OFFICIAL STATIONERY

Agency stationery can only be used for agency purposes. Use of official stationery for personal purposes will result in disciplinary action by the agency or administrative action by the Commission.

See *Guidelines Governing the Use of Official Stationery*, at www.nj.gov/ethics/statutes/guide/stationery.html.

SEEKING FUTURE EMPLOYMENT/POST-EMPLOYMENT RESTRICTIONS

Seeking Future Employment. If you have direct and substantial contact with any interested parties, you must refrain from circulating resumes or in any manner seeking employment with those individuals or entities while you are still in State service. If you are solicited for potential employment by an entity with which you have direct and substantial contact, that solicitation must be disclosed immediately to your management and to your ELO to avoid a situation where you may appear to be using your official position to gain an unwarranted advantage. If you do not have direct and substantial contact with interested parties, you may circulate your resume and enter into discussions concerning potential employment with those individuals or entities, so long as you avoid any situation that may give rise to an unwarranted advantage. Your discussions, interviews, and negotiations should not take place on State time.

Dealing with the State after your Departure. As a former employee, you will be prohibited from representing or assisting a person concerning a particular matter if you were substantially and directly involved in that particular matter while in State employment. This prohibition does not extend to “determinations of general applicability or to the preparation or review of legislation that is no longer pending before the Legislature or the Governor.” The statute, rules, and precedent governing these prohibitions are complex. Questions about the nature of matters with which you had involvement during the course of your official duties should be directed to the Commission, for determination on a case-by-case basis.

Certain State Officials – One-Year Ban – Former Agency. A one-year post-employment ban applies to any head, deputy head or assistant head of any principal department, board, commission or authority, the Superintendent of State Police, the Governor’s Chief of Staff, Chief of Management and Operations, Chief of Policy and Communications, Chief Counsel, Director of Communications, Policy Counselor, and any deputy or principal administrative assistant to any of the aforementioned members of the staff of the Office of the Governor. If you hold one of the enumerated positions, you are not permitted to represent, appear for, or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of any person or party other than the State with or before any officer or employee of the State agency in which you served.

Special Rules for the Casino Industry and for Lawyers. Additional, and more stringent, rules will apply to your post-employment activities if you file a Financial Disclosure Statement pursuant to law or executive order, or have responsibility for matters affecting casino activity, or are engaged in the practice of law. Questions concerning post-employment casino-related activities should be directed to the Commission. Lawyers may request advice on the application of the Rules of Professional Conduct from the Supreme Court Advisory Committee on Professional Ethics.

Contracting with your Former Agency. Nothing in the Ethics Laws prevents an agency from contracting directly with a former employee. ***Other Resources.*** For a more complete discussion of this subject, see *Post-Employment Restrictions for State Employees*. See *Advisory Opinions*, below, for information on advisory opinions that the Commission has issued on this topic and on how to request an advisory opinion concerning your particular circumstances.

NEPOTISM

The Commission staff frequently receives inquiries concerning the propriety of State officials interacting in the course of their official duties with family members. The majority of inquiries concern relatives employed by the same State agency, or interactions with family members employed in the private sector. Prior to 2006, the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq., did not contain a nepotism provision. However, the statute was amended, effective March 16, 2006, to prohibit certain relatives of certain State officials from holding particular government positions and also to prohibit State officials from supervising, or exercising authority with regard to personnel actions over, a relative of the State official.

If a relative (defined as an individual's spouse or the individual's or spouse's parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half brother or half sister, whether the relative is related to the individuals or the individual's spouse by blood, marriage or adoption.) is employed by or is an applicant for an unclassified position with the agency where you are employed, please contact your ELO to determine if you or your relative are affected by the statutory restrictions.

Family Members Working for the Same Agency. In the case of relatives who work for the same agency, supervisor/subordinate relationships are not permitted.

Hiring Family Members. With respect to the hiring of family members, the Commission looks at the totality of circumstances surrounding the hire to determine whether any unwarranted privilege has been afforded the family member. Note that the Conflicts Law prohibits hiring in some circumstances. See N.J.S.A. 52:13D-21.2.

Interacting with Family Members in the Private Sector. With respect to interactions with family members or their private sector employers, the Commission generally recommends recusal from matters involving the relative and/or the relative's employer, in order to eliminate any appearance of impropriety.

Dating and Other Relationships. The Commission's policy concerning spouses who work in the same agency is also applicable to non-related individuals who share the same household with the same financial interdependence that the Commission views as creating a conflict in spousal situations. In the case of individuals involved in a dating relationship, the Commission has found violations of the unwarranted privilege and appearance sections of the statute in situations where the State employee had official involvement in a matter affecting the individual with whom he/she had a dating relationship.

Casino-Related Conflict Issues. Only the casino-related provisions of the Conflicts Law contain prohibitions that specifically apply to a State official's immediate family members (defined as the person's spouse, child, parent, or sibling residing in the same household). Waivers of these prohibitions may be requested by contacting the Commission. Waivers will be granted if, in the Commission's judgment, the employment will not interfere with the responsibilities of the State officer or employee and will not create a conflict of interest or reasonable risk of the public perception of a conflict of interest.

Other Resources. For a more complete discussion of this subject, see *Official Interactions with Family Members/Cohabitants and Dating Relationships*, at www.nj.gov/ethics/statues/guide/famcode.html. See *Advisory Opinions*, below, for information on advisory opinions that the Commission has issued on this topic and on how to request an advisory opinion concerning your particular circumstances.

RECUSAL

Prior Business Relationships. You are required to recuse yourself, for one year after commencing State service, on an official matter that involves any private sector individual, association, corporation or other entity that employed or did business with you during the year prior to your commencement of State service.

Prior Involvement in Matter. You are required to recuse yourself on an official matter if you had any involvement in that matter, other than on behalf of the State, prior to commencement of your State service.

Personal or Financial Interest. Sometimes, conflicts situations occur because of your personal relationships or financial circumstances. For example, you may be involved in reviewing vendor qualifications for a contract your agency is preparing to issue, and discover that your sibling's company has submitted a proposal. To avoid that inherent conflict of interest, you must formally recuse yourself from the review by assigning another individual to handle the matter (or advising your supervisor of the need to do so), and by ensuring that you are screened from any communications about the review. See the Commission's rule on recusal, at www.nj.gov/ethics/statutes/rules/recusal.html, for more information about when and how to recuse yourself.

THE COMMISSION

The Commission is responsible for providing advice and investigating matters pertaining to ethics and related rules governing the official conduct of State officers and employees and special State officers and employees. You are encouraged to seek guidance from the Commission or your ELO whenever you have questions about what you should do.

COMPLAINTS AND INVESTIGATIONS

Allegations come to the Commission from various sources and can be made orally or in writing. The complainant may remain anonymous. If the complainant does identify him/herself, that information remains confidential.

Allegations may also be filed with the State agency employing the State officer or employee, in accordance with the procedures established by the agency. Upon receipt of an allegation, the State agency is required to file a copy with the Commission. It is within the discretion of the Commission to direct the State agency to transfer the matter to it.

Investigations of violations alleged to have occurred during State service must be commenced within 2 years of the individual's termination of State service.

When the Commission receives an allegation, the staff first reviews it for an initial determination as to whether the alleged conduct falls within the jurisdiction of the Commission. Once it has been determined that the Commission has jurisdiction, the staff initiates a preliminary investigation which may include interviews of the complainant, the State officer or employee involved, and any other individuals who possess knowledge of the circumstances surrounding the alleged conduct. Interviews are conducted under oath and are tape-recorded. An attorney or a union representative may accompany the interviewee, if he/she so desires, but such representation is not required. It is not appropriate for an interviewee to be accompanied by the agency's ELO. A copy of the taped interview will be provided to the interviewee upon his/her request, after the Commission has reviewed the matter. Interviews are occasionally conducted via telephone. Investigations also frequently involve the review of documents.

If the Commission determines that the testimony of any person is required, and that person refuses to appear, a subpoena may be issued.

During the course of a preliminary investigation, no information concerning an allegation is made public. Upon the conclusion of the preliminary investigation, a written report is presented to the entire

Commission. The Commission's meeting is not a formal hearing. No witnesses appear. A full due process hearing is held at the Office of Administrative Law ("OAL"), if and when the Commission determines that indications of a violation exist. The Commission meeting dates are posted on the Commission's website, at www.nj.gov/ethics. Its meetings are open to the public. Reports of the Commission's preliminary investigations are privileged communications between the staff and Commission members, and are considered in closed session.

If the Commission finds that there has been no violation of the Conflicts Law or the relevant department's code of ethics, as alleged, it will dismiss the allegation. This occurs in an open public session. If the Commission determines that there are indications of a violation warranting further proceedings, a complaint is issued for a hearing at the OAL, pursuant to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. Although the Commission is also authorized hold hearings that is not normally done, due to time constraints. Prior to an OAL hearing, witnesses may be interviewed by the investigative staff. After the OAL hearing is concluded, a decision is issued in accordance with the time frame set forth in the Administrative Procedure Act.

In the past, the Commission has permitted individuals to enter into consent agreements with the Commission, either prior to or after the issuance of a complaint. Consent orders are included in the individual's personnel file. Consent orders and complaints are public records.

Other Resources. For a more complete discussion of this subject, see *Investigative Process*, at www.nj.gov/ethics/procedures/investigative/. See *Advisory Opinions*, below, for information on advisory opinions that the Commission has issued on this topic and on how to request an advisory opinion concerning your particular circumstances.

PENALTIES

When a person is found to have violated the Conflicts Law, the Uniform Ethics Code or a particular agency's code of ethics, the Commission can levy fines ranging from \$500 to \$10,000 and may order restitution, demotion, censure or reprimand. The Commission is also authorized to order that the violator be suspended or dismissed from office or employment. If the person willfully and continuously disregarded the provisions of the Conflicts Law, the Uniform Ethics Code or an agency's code of ethics, the Commission may order that the person be barred from holding any public office or employment in this State, in any capacity whatsoever, for a period of up to five years.

ADVISORY OPINIONS

Most of us working for the public will, at some point, find ourselves facing an ethics dilemma. It might concern whether we can accept a favor or gift from an agency contractor or vendor. Perhaps it will arise in connection with a second job or volunteer work. Maybe a spouse's business will want to do business with your agency.

One of the primary functions of the Commission is to respond to questions from State employees and others concerning how a particular situation might be analyzed under State ethics rules and to offer advice.

This can happen in a number of ways, ranging from very informal advice, to official written opinions. In many cases, questions can be answered with a telephone call or a visit with Commission staff. In other cases, employees might want to get a written opinion from the staff that is "unofficial," but documents the advice sought and received.

An "official" advisory opinion is one that is presented to the full Commission at a public meeting. Such an opinion is given in situations that are less clear, or for which there is little precedent. If you receive formal advice and guidance from the Commission, you will be immune from charges of violations of the provisions of the Conflict Law. You cannot gain immunity from the provisions of the Code of Criminal Justice, governing crimes such as bribery.

If You Want to Request an Advisory Opinion Concerning Your Situation. To obtain an official advisory opinion from the Commission, you should write to the Executive Director of the Commission. You should provide as much information as possible concerning the request, and include any relevant documentation. In the event that additional information is required, a Commission investigator will contact the appropriate individuals or organizations. Requests for advisory opinions and replies to requests for advisory opinions may be made available to the public, after consideration by the Commission at a public meeting. For further information, see *Requests for Advice*, at www.nj.gov/ethics/procedures/requests/. If you are unsure which level of response is most appropriate in your situation, give the Commission a call at (609) 292-1892. The most important thing is that you seek advice, before engaging in a potentially questionable activity.

If You Want to Review Existing Advisory Opinions. To review official advisory opinions issued in the past by the Commission, contact the Commission's staff at (609) 292-1892 or 1-888-223-1355, or visit the Commission offices between 9:00 a.m. and 4:00 p.m. on business days. While a review of prior opinions may be useful, bear in mind that every situation is unique, and that responses to one person may not necessarily apply to another, due to subtle factual differences between situations or to subsequent changes in the applicable laws or rules. Also, bear in mind that advisory opinions are only binding with respect to the facts and circumstances reviewed and considered in the specific request. Summaries of many of the Commission's opinions are available in the Commission's newsletters, at www.nj.gov/ethics/publications/newsletters.

FINANCIAL DISCLOSURE

Some State officers and employees and special State officers and employees are required by statute, executive order, or other law to file annual financial disclosure statements with the Commission. Information about financial disclosure requirements, forms, and instructions are available on the Commission's webpage, at www.nj.gov/ethics. The Commission is empowered to impose a civil penalty of \$50 per day for failure to file a required disclosure. State officers and employees who must file financial disclosures, and their immediate family members and new employers, are subject to a two-year casino-related post-employment restriction. See N.J.S.A. 52:13D-17.2(c). This restriction does not apply to most of the special State officers and employees who file financial disclosures.

INFORMATION ON RELATED OFFICES

Legislative Ethics Local Government Ethics

Joint Legislative Committee on Ethical Standards Local Finance Board

Office of Legislative Services Department of Community Affairs

P.O. Box 068 P.O. Box 803

Trenton, NJ 08625-0068 Trenton, NJ 08625-0803

Phone: (609) 292-4840 Phone: (609) 292-6613

Toll Free: (800) 792-8630 Fax: (609) 292-9073

TDD: (609) 777-2744

Toll Free: (800) 257-7490 ***Lobbyist Registration and***

Fax: (609) 777-2440 Disclosure

School Ethics Election Law Enforcement Commission

School Ethics Commission P.O. Box 185

P.O. Box 500 Trenton, NJ 08625-0185

Trenton, NJ 08625-0500 Phone: (609) 292-8700

Phone: (609) 984-6941 Fax: (609) 633-9854

State of New Jersey

Codes of Ethics

Pursuant to section 23(a) (1) of the Conflicts Law, each State agency is required to promulgate a code of ethics to govern and guide the conduct of State employees and special State officers and employees in the agency. Each code must conform to the general standards set forth in section 23 of the Conflicts Law, but may be formulated with respect to the particular needs and problems of the agency to which the code is to apply and, when applicable, shall be a supplement to the uniform ethics code to be promulgated pursuant to section 23(a)(2) of the Conflicts Law. An agency Code of Ethics is not effective until it has first been reviewed by the Attorney General's office and is found to be in compliance with the provisions of the Conflicts Law and any other applicable laws and is subsequently approved by the Commission.

Pursuant to section 23(a)(2) of the Conflicts Law, the Commission promulgated a uniform ethics code to govern and guide the conduct of State officers and employees and special State officers and employees in State agencies in the Executive Branch, effective September 11, 2006. This code conforms to the general standards set forth in section 23, and is the primary code of ethics for State agencies. An agency code promulgated pursuant to section 23(a)(1) shall be a supplement to this primary code.

County Tax Boards, County Superintendents of Elections and County Board of Elections are State agencies for the purposes of the Conflicts Law. Pursuant to Section V.3 of Executive Order No. 1 (Corzine, 2006), every State department, board, commission, authority, agency and instrumentality shall appoint an individual to serve as an ethics liaison officer. The Commission staff holds quarterly meetings with all ethics liaison officers to ensure that the requirements of the Conflicts Law, Commission rules and guidelines, and Executive Orders are being understood and followed.

<http://www.state.nj.us/ethics/>

Appendix N
Hippocratic Oath

voluntary act of mischief and corruption; and, further, from the seduction of females or males, of freemen and slaves.

WHATEVER, IN CONNECTION with my professional practice or not, in connection with it I see or hear, in the life of men, which ought not to be spoken of abroad, I will not divulge, as reckoning that all such should be kept secret.

WHILE I CONTINUE to keep this Oath unviolated, may it be granted to me to enjoy life and the practice of the art, respected by all men, in all times! But should I trespass and violate this Oath, may the reverse be my lot!

whatever patient setting I enter, I will go for the benefit of the sick and will abstain from every voluntary act of mischief or corruption and further from the seduction of any patient.

WHATEVER IN CONNECTION with my professional practice or not in connection with it I may see or hear in the lives of my patients which ought not to be spoken abroad, I will not divulge, reckoning that all such should be kept secret.

WHILE I CONTINUE to keep this Oath unviolated may it be granted to me to enjoy life and the practice of the art and science of medicine with the blessing of the Almighty and respected by my peers and society, but should I trespass and violate this Oath, may the reverse be my lot.

externals cooperate.

THE LAW OF HIPPOCRATES

1. Medicine is of all the arts the most noble; but, owing to the ignorance of those who practice it, and of those who, inconsiderately, form a judgment of them, it is at present far behind all the other arts. Their mistake appears to me to arise principally from this, that in the cities there is no punishment connected with the practice of medicine (and with it alone) except disgrace, and that does not hurt those who are familiar with it. Such persons are the figures which are introduced in tragedies, for as they have the shape, and dress, and personal appearance of an actor, but are not actors, so also physicians are many in title but very few in reality.

2. Whoever is to acquire a competent knowledge of medicine, ought to be possessed of the following advantages: a natural disposition; instruction; a favorable position for the study; early tuition; love of labour; leisure. First of all, a natural talent is required; for, when Nature leads the way to what is most excellent, instruction in the art takes place, which the student must try to appropriate to himself by reflection, becoming an early pupil in a place well adapted for instruction. He must also bring to the task a love of labour and perseverance, so that the instruction taking root may bring forth proper and abundant fruits.

3. Instruction in medicine is like the culture of the productions of the earth. For our natural disposition, is, as it were, the soil; the tenets of our teacher are, as it were, the seed; instruction in youth is like the planting of the seed in the ground at the proper season; the place where the instruction is communicated is like the food imparted to vegetables by the atmosphere; diligent study is like the cultivation of the fields; and it is time which imparts

strength to all things and brings them to maturity.

4. Having brought all these requisites to the study of medicine, and having acquired a true knowledge of it, we shall thus, in travelling through the cities, be esteemed physicians not only in name but in reality. But inexperience is a bad treasure, and a bad fund to those who possess it, whether in opinion or reality, being devoid of self-reliance and contentedness, and the nurse both of timidity and audacity. For timidity betrays a want of powers, and audacity a lack of skill. They are, indeed, two things, knowledge and opinion, of which the one makes its possessor really to know, the other to be ignorant.

5. Those things which are sacred, are to be imparted only to sacred persons; and it is not lawful to impart them to the profane until they have been initiated into the mysteries of the science.

Appendix O
Oath of Allegiance

NON-CITIZEN OATH OF ALLEGIANCE

IMPORANT: This form is to be completed by only those individuals who are NOT U.S. citizens.

A. Please print your name as it appears on any documentation that you are required to submit.

Last Name		First Name		Middle Name/Initial	
Street Address					
City			State		Zip
Social Security Number		Date Of Birth	Month	Day	Year
E-mail Address		Phone Number	Area Code		
Endorsement Information. Please enter the code and print the name of the endorsement for which you or applying.					
Endorsement Code		Endorsement Name			

B. Oath of Allegiance

Oath to support the institutions of the United States (to be subscribed to by non-citizens pursuant to N.J.S.A. 18A: 26-9).

I, _____ do solemnly swear, (or affirm) that, during the period of my employment, I will support the Constitution of the United States and the Constitution of the State of New Jersey.

C. Verification of Accuracy

I certify that all statements and information provided herein are true and accurate.

Applicant's Signature (in ink)	Date
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Sworn and subscribed to before me this _____ day of _____, 20_____

Notary Seal	Notary Signature
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Once completed, mail the form to:

New Jersey State Department of Education
 Office of Licensure and Credentials
 P.O. Box 500
 Trenton, New Jersey 08625-0500
 Attention: Non-Citizen Oath of Allegiance