

An Educators Guide for Understanding the Code of Ethics and Code of Conduct for New Hampshire Educators



*Based Upon and Adapted from Connecticut Department of Education Resources

Table of Contents

Table of Contents	2
Introduction.....	3
Organization and Format of the Ethical Scenarios	3
Using the Scenarios (Sample Process).....	4
Sample Facilitated Conversation Process:	4
Scenarios for Review and Discussion	5
Principle I: Responsibility and Commitment to the Education Profession and Colleagues	6
Key Points from the <i>Code of Ethics for New Hampshire Educators</i> :	6
Scenario: DUI Convictions	6
Scenario: Teacher Documentation	8
Principle II: Responsibility and Commitment to the Student	10
Key Points from the <i>Code of Ethics for New Hampshire Educators</i> :	10
Scenario: Transporting Students	10
Scenario: Emotional Bullying.....	12
Scenario: Physical Bullying	14
Principle III: Responsibility and Commitment to the School Community	16
Key Points from the <i>Code of Ethics for New Hampshire Educators</i> :	16
Scenario: Teacher Public Behavior	16
Scenario: Student Confidentiality	19
Scenario: Teacher Using Position for Personal Gain	21
Principle IV: Responsible and Ethical Use of Technology.....	23
Key Points from the <i>Code of Ethics for New Hampshire Educators</i> :	23
Scenario: Electronic Communications with Students	23
Scenario: Cyberbullying	26
Scenario: Use of Social Network	28
Connecting the New Hampshire Code of Ethics with the New Hampshire Code of Conduct	30
The Kearsarge Regional School District Reporting Procedure for Potential Violations of the <i>Code of Conduct for New Hampshire Educators</i>	31

Introduction

Understanding the Code of Ethics and Code of Conduct is of paramount importance to all educators within the Kearsarge Regional School District. The New Hampshire Code of Ethics and Code of Conduct for New Hampshire Educators, working in conjunction with District Policy GBEA: Professional Ethics create a set of guiding principles and legal frameworks which articulate the responsibilities common to Kearsarge Regional School District educators, both inside and outside of the classroom.

Kearsarge educators are entrusted by the district and the public with a responsibility to teach children the skills and model the values that will nurture and inspire each child to be an inspired learner, committed to their community, and who positively contribute to a dynamic world. As such, Kearsarge educators accept the responsibility to work within the educational profession according to the highest ethical standards and aspire to continuously and consistently make decisions which are, first and foremost, within the best interests of students.

This guide is an aide in sponsoring dialogue between educational professionals in the Kearsarge Regional School District. Its purpose and intention is to open a door to dialogue and understanding, helping to provide training for all educators in the District.

Organization and Format of the Ethical Scenarios

Educators rarely have the opportunity to openly discuss many of the issues raised in the following scenarios. Consequently, educators may observe various levels of discomfort ranging from a heightened concern about having any student interaction that could be misinterpreted to personal disagreements about whether or not the examples provided truly represent ethical dilemmas.

All reactions are legitimate. It is the fundamental nature of conversations like these to not only produce some discomfort, but also to offer opportunities for discussion, self-reflection and learning.

Facilitated conversations between educators and administration are meant to all participants' level of awareness about responsible, professional behavior. Bringing beginning educators together to share perspectives will enhance the conversations and likely result in richer dialogue. When considering the scenarios, participants should establish an understanding that the purpose of these discussions is to recognize that there are professional boundaries. The discussions are **not** meant to suggest that educators should refrain from building and maintaining meaningful relationships with their students, colleagues and community to promote school success.

The following scenarios are provided as a way for educators to carefully examine and discuss possible strategies for dealing with ethical dilemmas. Many have been taken from the media from across the nation and are not unique to New Hampshire. These scenarios present an opportunity for educators to outline specific issues raised in the scenarios, recognize possible consequences, and generate alternative considerations that would result in a more positive outcomes for all involved.

The scenarios are organized by the following categories:

I. Principle I: Responsibility and Commitment to the Education Profession and Colleagues

II. Principle II: Responsibility and Commitment to the Student

III. Principle III: Responsibility and Commitment to the School Community

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

The scenarios are based on the structure of the *Code of Ethics and Code of Conduct for New Hampshire Educators* which should help guide the discussion and analysis of each scenario.

Using the Scenarios (Sample Process)

There are numerous ways for educators to use these scenarios. Some may find using **Facilitated Conversations** the best means of interacting with this information. Below is one process that *may* be used to facilitate the conversations within a two hour timeframe. Each scenario discussion should take approximately 20 – 30 minutes. One might also use the guide in faculty meeting discussions by reviewing one scenario at a time.

Sample Facilitated Conversation Process:

1. Prior to conducting the facilitated conversations, instruct participants to review the *Code of Ethics and Code of Conduct for New Hampshire Educators*. Be sure participants have a printed copy of the Code or access to a digital copy here: [Code of Ethics and Code of Conduct for New Hampshire Educators](#)
2. Plan in advance which scenarios you will discuss. Select one to three scenarios which are most relevant to your district.
3. Review the first selected scenario using the guiding questions. Instruct participants to respond to the questions in the order listed, as the discussion will build from one question to the next. Participants may work in small groups to develop responses and then share several of their responses with the entire group. Be sure to consider the following before the conversation:
 - What possible issues/concerns might this scenario raise?
 - How could this situation become a violation of the law as determined in the *Code of Conduct* or other school/district policies such as Policy GBEA?
 - In this situation, what are some potential negative consequences for the teacher, for students and the school community?
 - What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?

4. Review the applicable *Code of Ethics and Code of Conduct* principles and sections which relate to the specific scenario to develop a deeper understanding of the educators' responsibility to students, community and the profession.
5. Close the discussion by summarizing the key points and strategies to effectively handle a similar situation.
6. Repeat the process with the remaining scenarios.

***Please note: The discussion points provided in this guide are by no means exhaustive and it is not mandatory that all points are discussed.**

Scenarios for Review and Discussion

The following are scenarios available for use in the facilitated discussions:

I. **Principle I**: Responsibility and Commitment to the Education Profession and Colleagues

- DUI Convictions
- Teacher Documentation

II. **Principle II**: Responsibility and Commitment to the Student

- Transporting Students
- Contact with Students
- Emotional Bullying
- Physical Bullying

III. **Principle III**: Responsibility and Commitment to the School Community

- Teacher Public Behavior
- Student Confidentiality
- Teacher Using Position for Personal Gain

IV. **Principle IV**: Responsible and ethical use of technology as it relates to students, schools, and other educational professionals

- Electronic Communications with students
- Cyberbullying
- Use of Social Network

Principle I: Responsibility and Commitment to the Education Profession and Colleagues

Key Points from the *Code of Ethics for New Hampshire Educators*:

In fulfillment of this principle, the educator:

- Values honesty and established commitments;
- Respects intellectual property and ownership rights when using or sharing materials such as lesson plans, research and assessment, curricula, syllabi, or gradebooks;
- Recognizes the possible impact and ramifications upon a colleague's professional reputation when speaking about a colleague in public and private communications;
- Communicates with colleagues in a clear, respectful, and culturally sensitive manner;
- Considers the ramifications of accepting or offering any gratuity, gift or favor which would influence or appear to influence ones' professional decisions; and
- Considers the ramifications of using institutional or professional privileges for personal or partisan advantage

Scenario: DUI Convictions

The Scenario:

Ms. B is an educator with 20 years of service in the New Hampshire public schools and seven years of service within Kearsarge. Recently, Ms. B, along with several other colleagues from her school, attended a wedding reception for another staff member. During the evening, she consumed several alcoholic beverages and, on her way home, was arrested and charged with driving under the influence (DUI). On two prior occasions within the past three years, Ms. B had been convicted of DUI offenses. This most recent event was reported by the local news.

Discussion Questions:

a) What possible issues/concerns might this scenario raise?

- Ms. B's current arrest combined with two prior convictions, demonstrates a pattern of inappropriate conduct. She may face serious criminal consequences and loss of employment.
- Relationships with students and families may be compromised.
- Colleagues, students and families may develop a lack of trust in the teacher who they perceived to be a role model. Judgment may be questioned regarding personal and professional decision making.

- If other issues have occurred with the DUI (other vehicles involved, injuries or moving violations) then, it might impact district decision making regarding future employment.
- Ms. B may have problem with alcohol which may impact her ability to be an effective teacher.

b) How could this situation become a violation of the law, the Code of Conduct or other school district policies?

- In the realm of misconduct as outlined in NH RSA, the teacher may be found to be impaired in his or her ability to serve effectively in the profession.
- Should the teacher be convicted, further employment in her current or any other public school district may be in jeopardy.

c) In this situation, what are some potential negative consequences for the teacher, for the students and the school community?

- Legal issues leading to incarceration.
- Legal issues that could lead to frequent absenteeism due to attendance at court proceedings and/or rehabilitation creating consistent instructional interruptions.
- District consequences including possible suspension or loss of employment.
- Possible revocation of teaching certificate.
- Reduced confidence in Ms. B's ability to teach effectively by colleagues, students and school community.

d) What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?

- Ms. B's two previous DUI offenses may have triggered the district to offer an Employee Assistance Program (EAP) at an earlier date. Ideally, if Ms. B received the support and treatment necessary prior to this incident, this third arrest may have been avoided.
- Additional counseling treatment and evaluation may be recommended, if Ms. B has been suspended, with conditions attached prior to her return to work.

Legal Connections:

Consider the following sections of *Code of Conduct for New Hampshire Educators and local policy when considering this scenario:*

- Ed 510.01 – Principle 1, B (2)*
- Ed 510.01 – Principle 1, B (5)*
- Ed 510.01 – Principle 1, B (6)*
- Ed 510.05 (A,B,C)*
- KRSD Policies GBEA and GBCD*

Scenario: Teacher Documentation

Mr. S was given the opportunity to coach the boys' track team, provided he receives a coaching credentialing (CPR/First Aid etc.) prior to the first day of the season. A former track star himself, Mr. S assumed that he was fully qualified but failed to apply for the permit in a timely manner. Two weeks prior to the start of the season, after being questioned by the school's athletic director, Mr. S submitted his application for a coaching permit. During the application process he noticed that his CPR card had expired, so he immediately registered for the next available workshop. However, in order to "expedite" the application process, he changed the dates on his old card to make it appear valid, figuring that he would eventually meet this requirement.

Discussion Questions:

a) What possible issues/concerns might this scenario raise?

- Mr. S misrepresented his qualifications when he changed the expiration date on his CPR card to indicate that his card was valid in an attempt to obtain a coaching permit.
- Mr. S attempted to obtain a permit using a false credential and if detected, this could result in the denial of his application for a coaching position or credentialing.

b) How could this situation become a violation of the law, the "Code" or other school/district policies?

- It is a violation of the Code of Conduct to obtain a certificate, authorization or permit issued by the State Board of Education using false credentials. (Ed 510.01, (b)(3))
- It is the expectation of the community that an educator or coach will conduct himself or herself in a professional manner and use the highest level of professional judgment. Falsifying information to obtain a coaching permit breaches the public's trust and displays a lack of professional judgment.
- An educator or coach has an obligation to create a physically safe and healthy environment for students. Employment as a coach without CPR certification creates an unsafe environment for students.

c) In this situation, what are some potential negative consequences for the teacher, for students and the school community?

- Submission of an application for a certificate, authorization, or coaching permit, requires that an applicant sign an attestation confirming that the information contained in the application and accompanying documentation does not contain any misrepresentations, falsifications or

omissions. Misrepresentation of information may result in the denial or revocation of a certificate, permit or authorization and possibly result in criminal charges.

- If Mr. S obtained a coaching permit under false pretenses and without the required medical certification and a student he was coaching had a serious injury, Mr. S. and the school district may assume legal liability for the accident.

d) What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?

- Mr. S could have contacted the school district to inform them of the oversight and they may have worked with him to resolve the problem.
- If needed, Mr. S could have withdrawn his application for a coaching position rather than falsify a document to obtain a permit.
- Mr. S should have researched the requirements for a coaching permit to ensure he was eligible for the permit and submitted his application in a timely manner.
- Mr. S should have obtained a coaching permit prior to applying for coaching position.

Legal Connections:

Consider the following sections of *Code of Conduct for New Hampshire Educators and local policy when considering this scenario:*

- a. Ed 510.01 – Principle 1, B (3)*
- b. KRSD Policy GBEA*
- c. KRSD Coaches Handbook*

Principle II: Responsibility and Commitment to the Student

Key Points from the *Code of Ethics for New Hampshire Educators*:

In fulfillment of this principle, the educator:

- Interacts with students within appropriate settings;
- Communicates with students in a clear, respectful, and culturally sensitive manner;
- Considers the potential implications and possible perception of accepting a gift from a student and considers the potential implications and possible perception of giving a gift to a student;
- Considers the ramifications and possible perceptions of entering into an adult relationship of any kind with a former student, including but not limited to, any potential harm to the former student, public perception, and the possible impact on the professional educator's career;
- Recognizes and respects confidential information acquired in the course of employment regarding individual student safety, education, health, and personal information of students and their families.

Scenario: Transporting Students

Ms. Z is a veteran teacher and a popular coach for several sports. She is well known for her concern for the welfare of her students. Since the high school has limited resources to accommodate practices and games for some of its teams, students are responsible for their own transportation to other sports venues. Consequently, it is not uncommon for Ms. Z to provide personal transportation for one or more students to athletic events and back home after events.

Discussion Questions:

a) What possible issues/concerns might this scenario raise?

- Has Ms. Z consulted board policy and procedures in place for the district? If Ms. Z is not otherwise employed by the district as a teacher, administrator etc., how does the district inform her of district policies and procedures?
- Other students/families that are providing their own transportation could view the coach's actions as a demonstration of favoritism.
- An accident or break down of the coach's vehicle could jeopardize the safety of the student(s) and the driver which would limit possible care and supervision of the students.

b) How could this situation become a violation of the law, *Code of Conduct for New Hampshire Educators* or other school/district policies?

- Since the coach's decision to transport students violates district policy, the coach's actions could result in a reprimand. Most district policies do not allow students to travel in a teacher's personal

vehicle. Districts need to clearly communicate policies to all staff, generally through staff handbooks and review of policies.

- Educators and coaches have a responsibility to provide a safe environment for all students. What may start out as a well-intended gesture, transporting students without adhering to district policies, without parental permission or in an unsafe vehicle could lead to potential physical and emotional harm for the student as well as potential liability to the educator.

c) In this situation, what are some potential negative consequences for the teacher, for students and the school community?

- In the event of a false claim by the student and/or public perception about misconduct, the coach's professional reputation could be at stake.
- An accident could result in injuries to the passengers in the vehicle creating physical and/or emotional trauma for all involved. If the coach did not follow district policies, the coach may be personally liable for insurance claims. Claims against the district may also be filed.
- Students may feel obligated to ride in the coach's/teacher's vehicle despite a level of discomfort, feeling that agreement is necessary for continued participation in the sport.
- Beyond harm to the driver and passengers in a vehicle, violating district policies in the unfortunate event of an accident could result in suspension of a driver's license, loss of employment and/or legal claims.

Legal Connections:

Consider the following sections of *Code of Conduct for New Hampshire Educators and local policy when considering this scenario:*

- a. Ed 510.02 – Principle 2, B (1,2)*
- b. KRSD Policy GBEA*
- c. KRSD Policy IJOA*
- d. KRSD Coaching / Staff Handbooks*

Scenario: Emotional Bullying

Ms. H teaches ninth grade English. She gives the class directions for a writing assignment that is to be completed by the end of the period. Josh isn't paying attention and missed the directions. He frequently bothers his classmates by humming, tapping his pen, reminding them of the rules or speaking out of turn. He asks for the directions to be repeated. The other students in the class begin to make fun of Josh and ridicule him for not paying attention once again. Ms. H, feeling frustrated because she is asked to repeat the instructions once again, continues passing out materials and ignores Josh and the other students.

Discussion Questions

a) What possible issues/concerns might this scenario raise?

- Ms. H has the responsibility to maintain a classroom culture and climate that is respectful and tolerant of all people.
- Ms. H's allowance of the ridicule may imply approval.
- Behavioral expectations may not be clearly communicated.
- Ms. H's own frustration may be causing her to ignore the needs of her students.
- Ms. H may be neglecting accommodations for Josh.
- If Josh is repeatedly being "made fun of" during this class period, Ms. H may be contributing to an environment of bullying.

b) How could this situation become a violation of the law, *Code of Conduct for New Hampshire Educators* or other school/district policies?

- If Ms. H consistently allows other students to be disrespectful in this manner, she can be cited to be in violation of the NH bullying legislation and KRSD Policy JICK.
- The Code of Conduct clearly describes the professional educator's obligation to students. Specifically, teachers must "make reasonable efforts to protect students from conditions which are harmful to their health and safety." Teachers are obligated to deal justly and considerately with all students.
- School districts develop policies (Policy JICK) to comply with legislation and *Code of Conduct for New Hampshire Educators*. Teachers who are found to be out of compliance can be subject to written reprimand or dismissal.

c) In this situation, what are some potential negative consequences for the teacher, for students and the school community?

- Tacit approval by the teacher could encourage continued cruelty toward the student outside of the classroom where there is greater opportunity for escalation.
- The student may feel physically and emotionally unsafe in the classroom or school building which may negatively impact academic performance.

- Some students may be mistrustful of the teacher, thinking that they could be a future target of ridicule and cruelty if the teacher refuses to address the behavior.
- Parents and families may lose confidence in the effectiveness of Ms. H. as their children's teacher. Josh's family could choose to pursue legal action against the school district which may jeopardize the teacher's continued employment.

d) What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?

- If Ms. H is experiencing continued frustration with one or more students' behavior, it is the responsibility of the teacher to request support from a colleague, school counselor, social worker and/or building administrator.
- Should a building administrator observe tacit approval of unacceptable behavior by a teacher, the administrator would be obligated to provide immediate assistance to the victimized student, counseling for the students engaging in the ridiculing and further direction for the teacher.
- Ms. H might want to contact Josh's family and the families of the offending students to maintain an open line of communication.
- Develop/adopt district training for all teachers around creating a positive classroom climate that encourages respectful and tolerant behavior. Current legislation requires districts to engage teachers in these conversations to be in compliance.

e) What are some classroom management strategies a teacher could employ to address a situation such as this?

- a) Facilitate discussions to learn what students are thinking, feeling and doing about teasing and bullying. Involve students in developing a code of conduct for acceptable behavior in and out of the classroom.
- b) Ms. H should determine why Josh is having difficulty following directions in her class. She could discuss his current behavior with previous teachers, as well as other subject area teachers, to gather additional information that might initiate some change in management strategies.
- c) Ms. H, together with support colleagues, might discuss, model, and role play conflict resolution strategies to allow all students to experience the role of bully, victim and witness.
- d) Establish a trusting relationship with students to encourage the sharing of experiences within the bullying arena. Use a concerned and supportive approach and carefully document the conversation.

Legal Connections:

Consider the following sections of *Code of Conduct for New Hampshire Educators and local policy when considering this scenario:*

- a. Ed 510.01 – Principle 1, (a)
- b. Ed 510.02 – Principle 2, (a)
- c. KRSD Policies JICK, GBEA

Scenario: Physical Bullying

Mr. L would frequently catch his students high-fiving each other as they made up names to describe a female student in their class who they thought was unattractive. He would give students a disapproving look, but their behavior didn't stop. On more than one occasion, he witnessed them kick her in the back of the knees or trip her. When the female student complained to Mr. L, he explained to the student that this type of behavior will stop if she simply ignores it.

Discussion Questions

a) What possible issues/concerns might this scenario raise?

- Mr. L's lack of attention to the students' taunts could be perceived as supportive of the behavior.
- Since the female student has complained to Mr. L. about the students' behavior, Mr. L may be held responsible should she be harmed in any way.
- Mr. L may not be following district policy regarding the reporting and documentation of cruelty witnessed toward students.
- Are there clear procedures in place for students to report incidents of cruelty toward and from their peers?

b) How could this situation become a violation of the law, *Code of Conduct for New Hampshire Educators* or other school/district policies?

- Current legislation states that any type of bullying that creates a hostile environment, infringes on the rights of students and substantially disrupts the educational process is against the law.
- The Code of Conduct addresses bullying in several sections specific to the professional educator's responsibility to students and Professional Responsibility, particularly referencing safety of the learning environment.
- The District policy JICK addresses faculty responsibility to report Bullying. Failure to follow policy may lead to disciplinary action.
- In a severe case, should the female student report physical harm, assault charges could be brought against the boys and possibly a report to supervisors, law officers and/or DCYF about the teacher's neglect to intervene.

c) In this situation, what are some potential negative consequences for the teacher, for students, and the school community?

- Legal action could be taken against the boys, their families and school personnel for failing to document and report.

- Mr. L's failure to take the female student's complaint seriously may send the message that a reported concern from a female student does not warrant a reaction. Other female students could begin to view this as discriminatory.
- Should this female student be continuously victimized, she runs the risk of experiencing long term effects which may include but not be limited to low self-esteem, depression, poor academic performance, exclusion from social circles, fearfulness and self-injurious behavior.

d) What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?

- Mr. L needs to share his concerns with the school climate specialist, school administrator, social worker, guidance counselor and/or other school personnel. He must seek assistance to deal with the situation immediately.
- Mr. L and all staff need to engage in district provided training around creating a positive classroom climate that encourages respectful and tolerant behavior. Current legislation requires districts to engage teachers in these conversations through the development of a safe school environment plan that outlines the policies and procedures for dealing with bullying situations.
- Following JICK, create a bullying intervention plan that implements immediate disciplinary consequences for intimidation and aggressive behavior. The plan should include training for students, families and school personnel to learn how to prevent, detect and react to bullying. The plan should be created by staff, students and families.

e) What are some classroom management strategies a teacher could employ to address a situation such as this?

- Involve students in establishing classroom rules of behavior. Students are more likely to promote and follow the rules they helped to create.
- Hold regular classroom meetings so that students can clarify or change rules as necessary.
- Develop and/or use a curriculum (e.g. Caring School Communities) that promotes positive assertiveness, communication, respect for others, camaraderie and friendship within the classroom.
- Talk regularly with parents to inform them of how their child is behaving as well as their performance in school. Inform parents of any bullying occurring to or from their child, and discuss how actions taken to help their child are or are not working.

Legal Connections:

Consider the following sections of *Code of Conduct for New Hampshire Educators and local policy when considering this scenario:*

- Ed 510.01 – Principle 1, (a)*
- Ed 510.02 – Principle 2, (a)*
- KRSD Policies JICK, JICK-R*

Principle III: Responsibility and Commitment to the School Community

Key Points from the *Code of Ethics for New Hampshire Educators*:

In fulfillment of this principle, the educator:

- Communicates with parents and guardians in a respectful manner which represents students' best interests;
- Has an awareness and respect of the confidential nature of material received and communicated from a variety of audiences;
- Commits to equality, equity, and inclusion of colleagues, staff, students, parents or guardians and other members of the school community;
- Respects diversity amongst colleagues, staff, students, parents or guardians, and other members of the school community;
- Considers and recognizes the potential ramifications of having a personal relationship with colleagues, staff, students, parents, or guardians and other members of the school community in consideration of the role and the perception of the educator within the classroom and the community;
- Recognizes that the professional educator often serves multiple roles within the school, as such must consider that the varied relationships have the potential to impair ones' objectivity

Scenario: Teacher Public Behavior

Mr. R, a single male teacher, plays baseball on a local sports team. One Saturday evening, he was with team-mates socializing and having a few drinks at a post-game barbecue at a local park. Later in the evening, several male and female students from his 12th grade science class arrived at the barbecue by car. They had all been drinking and continued to drink at the barbecue. As the evening progressed, a very friendly rapport developed between the teacher and the students.

Discussion Questions

a) **What possible issues/concerns might this scenario raise?**

- Should Mr. R be drinking in a public venue or in the district where he is employed?
- Are there adults directly responsible for the students also attending the barbecue?
- Did Mr. R or his teammates provide any alcoholic beverages to the students?
- The boundaries between teacher and student may be blurred in a social, adult situation outside of the school day and/or calendar.
- Mr. R may be placing himself in a position where students/parents/community might misinterpret, even well intended, actions. The potential for charges of inappropriate conduct are significantly increased.
- Does Mr. R have a duty to report student underage drinking in New Hampshire?
- Mr. R is in violation of District Policy JLF

b) How could this situation become a violation of the law, *Code of Conduct for New Hampshire Educators* or other school/district policies?

- Is there a town ordinance prohibiting drinking in public parks that the teacher may be violating? The teacher must be cognizant of the influence of educators upon the community at large, obey local, state and national laws.
- The students are under the legal age to be drinking alcoholic beverages. The teacher, as well as any other responsible adult, should attempt to prevent the students from drinking and contact law enforcement to report illegal behavior.
- The teacher and the students may be subject to arrest for illegal consumption of alcoholic beverages in a local park.

c) In this situation, what are some potential negative consequences for the teacher, for students, and the school community?

- The teacher's rapport with the students could imply approval of behavior, sending a mixed message.
- The teacher's behavior at the barbeque could be embellished and/or exaggerated through photos, videos, text messages etc. creating a negative image of the teacher in the wider community. The teacher's reputation may be permanently scarred.
- Should the students' drive away from the barbeque intoxicated and get into a car accident, the teacher could be held responsible for injuries or loss of life for failing to report. The teacher is putting students at risk of harm.
- Under the worst of circumstances, the teacher could be arrested, lose his job and his teaching certificate for violating the law, *Code of Conduct for New Hampshire Educators* and the public's trust.

d) What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?

- Although Mr. R may not have invited the students to the barbeque, it is his responsibility to put an end to the situation and ensure that the students arrive home safely.
- The teacher is legally mandated to report the activity to Law Enforcement and DCYF.
- The teacher should avoid drinking in public places to avoid the possibility of violating the law and meeting up with students and/or their families. In the given situation, the teacher should have left the park immediately and called law enforcement and DCYF to report the underage drinking by the students observed.
- The teacher could report the incident to district administrators. Follow-up phone calls to parents/families and possible face to face meetings could be organized according to district policies, including Athletic / sports related policy violations.

Legal Connections:

Consider the following sections of *Code of Conduct for New Hampshire Educators and local policy when considering this scenario:*

- a. *Ed 510.01 – Principle 1, (a)*
- b. *Ed 510.02 – Principle 2, (a)*
- c. *Ed 510.02 – Principle 2, (b)(2)(3)(6)*
- d. *Ed 510.03 – Principle 3, (a)*
- e. *KRSD Policy GBEA*

Scenario: Student Confidentiality

While attending a party with local friends, Ms. D, a third year 7th grade math teacher, complains to her next door neighbor about a difficult student in her class, identifying the child by name and providing specific details about the student's academic record. Ms. D says that the neighbor doesn't know the student personally, so there should be no problem discussing the student and the situation.

Discussion Questions

a) What possible issues/concerns might this scenario raise?

- Ms. D is not exercising professional judgment by discussing a student outside of school with someone who is not directly related to the student's educational program.
- Ms. D may be revealing confidential information, which in itself, may violate public trust and privacy laws.
- Ms. D is in violation of the KRSD Confidentiality Agreement and potentially FERPA laws
- Ms. D may not recognize that the person she is sharing the information with may have a relationship with the child which may now be compromised.

b) How could this situation become a violation of the law, *Code of Conduct for New Hampshire Educators* or other school/district policies?

- The Family Educational Rights and Privacy Act (FERPA) requires that any personally identifiable information contained in educational records be kept confidential, unless consent for disclosure is given by a parent/guardian. School districts are obligated to maintain the confidentiality of personally identifiable student information. Ms. D may be in violation of this law.
- *Code of Conduct for New Hampshire Educators* supports FERPA by stating that the professional educator "shall communicate responsibly among members of the school community, while maintaining appropriate professional boundaries (Ed 510.03 (a))."

c) In this situation, what are some potential negative consequences for the teacher, for students, and the school community?

- In addition to legal violations, Ms. D may be sharing information about a student that will now be distributed to the wider community. The student's privacy will be violated and the student could be subject to unwanted concern, curiosity or ridicule.
- The student's learning environment could be compromised due to continued harassment by classmates. The student may no longer feel emotionally or physically safe which may affect attendance and academic progress.
- Colleagues, students and families may develop a lack of trust in Ms. D leading to a break in collaborative efforts.
- Colleagues may be less interested in working together, students may become increasingly mistrustful and families may lose confidence in Ms. D's capabilities to be an effective teacher.

- Continued complaints about Ms. D to administration regarding breaches in student confidentiality could lead to written reprimands and possible dismissal proceedings.
- d) What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?**
- Sharing the FERPA law, reviewing *Code of Conduct for New Hampshire Educators*, and supporting district policies and procedures at the start of every school year would serve as a reminder for all staff to refrain from discussing students outside of the educational community directly involved with educational programming.
 - Using personally identifiable information, whether in writing or conversation should be avoided unless specific to the student's educational program.

Legal Connections:

Consider the following sections of *Code of Conduct for New Hampshire Educators* and local policy when considering this scenario:

- a. *Ed 510.03 – Principle 3, (a)*
- b. *FERPA*
- c. *KRSD Confidentiality Agreement*

Scenario: Teacher Using Position for Personal Gain

Ms. W, a fourth-grade music teacher, emails parents using the school's email, notifying them that she is available on weekends and after school to teach violin to students at a reasonable hourly rate. Several of her violin students have been struggling with their lessons. Ms. W feels that the extra time out of school will benefit the students.

Discussion Questions

a) What possible issues/concerns might this scenario raise?

- While Ms. W may have her students' interests in mind, she is using the Internet access provided on a school computer to solicit business from which she will profit financially.
- She is using email addresses that parents have provided to the school for school related communication, not for private solicitation.
- Ms. W may also be setting herself up for a possible conflict of interest situation by receiving money for assisting struggling students for whom she will need to provide a course grade.

b) How could this situation become a violation of the law, *Code of Conduct for New Hampshire Educators* or other school/district policies?

- Ms. W would be violating the part of *Code of Conduct for New Hampshire Educators* that states that, "Unprofessional conduct shall include: Accepting or soliciting gratuities, gifts, or favors for personal use or gain where there might be an actual or appearance of a conflict of interest (Ed 510.03 (b)(2)."
- This activity would likely be a violation of the KRSD Responsible Use policy pertaining to use of computers, networks, email, and the Internet.

c) In this situation, what are some potential negative consequences for the teacher, for students, and the school community?

- The consequences may vary depending on the district's Responsible Use policy. Examples of possible ways to address the situation could include: discussion with administrator to enhance Ms. W's awareness of the district's Responsible Use policy, and/or providing Ms. W the opportunity to participate in training about responsible use of school computers, networks, email, and the Internet.
- If Ms. W continued the practice of contacting parents through the school's email to elicit private tutoring or otherwise using her position as a teacher for personal gain, consequences could include: progressive disciplinary steps up to and including termination, suspension or termination of access to the Internet at school, or disciplinary actions according to school or district policy.

d) What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?

- Engage teachers in a discussion about district policies regarding emails sent to school district employees, parents/guardians and students.
- Engage teachers in a discussion about appropriate and inappropriate use of sending emails to current, former and future students.
- Discuss proper procedures to follow in the event you are the recipient of an inappropriate email.
- Discuss district policies for using other technological and/or electronic devices, including, but not limited to: Cell phones and Smart phones, iPhones, iPods and iPads, Kindles or Nooks, etc.
- Discuss possible implications for use of technology at home (or outside of school), for example, content shared on social networking sites, viewing inappropriate and/or illegal websites, content of electronic messages/blogs that originate with you.
- This situation could have been avoided by providing an annual training/professional development for all staff regarding the district's acceptable use policy.

Legal Connections:

Consider the following sections of *Code of Conduct for New Hampshire Educators and local policy when considering this scenario:*

- a. Ed 510.03 – Principle 3, (b)(2)*
- b. KRSD Responsible Use Policy – GBEF and GBEF-R*

Principle IV: Responsible and Ethical Use of Technology

Key Points from the *Code of Ethics for New Hampshire Educators*:

In fulfillment of this principle, the professional educator:

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

Scenario: Electronic Communications with Students

Ms. K is a veteran teacher who is very popular with her students. She frequently offers students extra help after school, so it's not uncommon to see students visiting her classroom after school. She has tutored one of her students, Melissa, in a variety of subjects over a two year period. During that time, Ms. K has emailed and texted Melissa's cell phone using her personal number and email address. At first, the exchanges were very general; sometimes unrelated to school work (e.g., asking Melissa about a sick family member, or how she was getting along with friends). Recently, the student began to text her teacher about more personal feelings.

Discussion Questions

a) **What possible issues/concerns might this scenario raise?**

- Although Ms. K has made an attempt to make a personal connection with her student, Melissa, she is using her personal email and sending text messages that are non-school related that may be viewed as too personal and could lead to serious issues. Ms. K's conversations may be considered inappropriate. A teacher-student relationship can begin very innocently but then progressively become more personal in ways that are inappropriate. It is obvious that Melissa feels comfortable enough with Ms. K to engage in more personal issues and it is a challenge for teachers to find an appropriate balance.
- Teachers should be approachable but they are professionals and should maintain a professional distance. The way Ms. K responds to the more personal issues can put her at risk of crossing the bounds of an appropriate relationship with a student.
- Ms. K is in a vulnerable position. If Ms. K continues to communicate with the student in this way, Melissa's family may accuse her of behaving inappropriately.
- Texts and emails are not private. They can be seen by others, forwarded and/or copied and printed. Out of context, they may appear to be inappropriate and lead to a violation of the *Code of Conduct for New Hampshire Educators*. Depending on how personal they are, a teacher may also be subject to investigation and possibly lose her certification and job.

b) How could this situation become a violation of the law, *Code of Conduct for New Hampshire Educators* or other school/district policies?

- It is the teacher's professional responsibility to create an emotionally and physically safe and healthy learning environment. The personal nature of the email/texting conversations may produce an emotionally unsafe environment. Melissa, may begin to feel uncomfortable being in Ms. K's class after revealing information that is too personal.
- Ms. K has an obligation to report anything that may put a student at risk. If Melissa reveals personal information that may put her in danger, Ms. K. has an obligation to report it to the appropriate authorities such as DCYF.
- The community has an expectation that a teacher will behave in a professional manner. Ms. K's behavior may be viewed as unprofessional and leave her open to possible claims of misconduct with a student.
- District Responsible Use policy has specific language regarding electronic communication with students. This policy around electronic communication must be shared with all staff. Ms. K may be in violation of KRSD policy GBEF.

c) In this situation, what are some potential negative consequences for the teacher, for students, and the school community?

- Although the communication with Melissa may be well intended, how the messages may be translated by others who may be privy to them (friends, parents, siblings etc.) can greatly vary. Depending on the nature of the personal information shared by both Melissa and Ms. K, even perception of an inappropriate relationship can impact Ms. K's reputation and continued employment if complaints are filed against her.

d) What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?

- Texts and emails are not private. Ms. K should stop emailing and texting Melissa any kind of personal messages. However, she should make every attempt to maintain a relationship with the student and enlist assistance from colleagues to provide guidance.
- Ms. K is obligated to report anything shared by Melissa to district administrators and DCYF if there is fear of harm. Teachers and other school personnel in New Hampshire are considered "mandated reporters." A mandated reporter who has "reasonable cause to suspect or believe" that a child is being abused, neglected or placed in imminent risk of serious harm must follow DCYF reporting procedures.
- Ms. K may need to examine her own intentions. Is she attempting to fulfill a personal need or void in her own life? The teacher must recognize the boundaries in the professional teacher/student relationship.
- Use the school based email to send messages to students and their families rather than personal emails or text messages.

- Issues pertaining to personal matters should not be discussed through text messaging. Face to face conversations, in school, with an open door, are most appropriate while still maintaining a level of student confidentiality.
- Consult another teacher/administrator or guidance counselor and invite them to join the conversation with the student, if agreeable.
- Consult KRSD policy GBEF on the Responsible Use of Technology with colleagues, students and families.

Legal Connections:

Consider the following sections of *Code of Conduct for New Hampshire Educators and local policy when considering this scenario:*

- a. Ed 510.01 – Principle 1, (a)*
- b. Ed 510.02 – Principle 2, (a)*
- c. Ed 510.02 – Principle 2, (b)(2)*
- d. Ed 510.03 – Principle 3, (a)*
- e. KRSD Policy GBEF, and GBEF-R*

Scenario: Cyberbullying

Mr. S, a sixth grade teacher, discovers that there is a Facebook group called "I hate Jesse," a student in his fourth period art class. Some students at school have been joining this group and posting negative comments about Jesse. Recently, cell phone pictures have been taken and posted of Jesse's buttocks while she was walking in the hall. Three weeks later, he notices other pictures appearing online in which Jesse's face has been digitally added onto other inappropriate images.

Discussion Questions

a) What possible issues/concerns might this scenario raise?

- The challenge for educators who are faced with an incident of cyberbullying is to recognize its potential to escalate and its impact on the victim, the bully and the educational community.
- Mr. S has a professional responsibility to report knowledge of the Facebook group to his building principal and potentially DCYF and police.
- Legislation and local policy JICK and JICK-R states that schools in KRSD create a safety plan for addressing the circumstances related to a student being bullied. Mr. S may be able to access additional support from administration to determine appropriate actions.
- Is this a Title IX or sexual Harassment violation?
- Mr. S has not intervened and the situation has escalated. Mr. S has a responsibility to protect Jesse from emotional attacks.

b) How could this situation become a violation of the law, *Code of Conduct for New Hampshire Educators* or other school/district policies?

- Current legislation states that any type of bullying that creates a hostile environment, infringes on the rights of students and substantially disrupts the educational process is against the law.
- *The Code of Conduct for New Hampshire Educators* also addresses bullying in several sections specific to the professional educator's responsibility to students regarding health and safety.
- KRSD schools should have a safe school environment plan in place that outlines the policies and procedures for dealing with bullying situations. (See policy JICK and JICK-R).
- A possible lawsuit could be brought against the cyberbully for defamation of character or libel, as well as the educator and District for failure to protect the student.

c) In this situation, what are some potential negative consequences for the teacher, for students, and the school community?

- If the situation continues unreported, the consequences for Jesse can be significant. Being constantly "e-connected" can leave some students susceptible to victimization as well as act on mean intentions toward others.
- According to the Cyberbullying Research Center, targets of cyberbullying report feeling depressed, sad, angry and frustrated. Feeling hurt both physically and mentally has also been reported and has, at times, led to suicide.

- Students report being afraid or embarrassed to come to school. Research also reports a link between cyber bullying and low self-esteem, family problems, academic difficulties, school violence and delinquent behavior.
- Teachers who may be aware of cyberbullying and fail to act upon the knowledge could be perceived as complicit and/or liable for acts resulting in student harm including loss of credential.

d) What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?

- Mr. S should talk with Jesse to discuss her personal reactions and develop a plan for ongoing school support.
- Mr. S has an obligation do whatever it takes to legally, safely, and ethically prevent bullying in his classroom, including contacting administration, DCYF, and police
- Mr. S could teach his students how to respond to cyberbullying and discuss effective strategies for dealing with situations. He could have ongoing talks with students about the devastating effects of cyberbullying.
- Mr. S should be well informed about his school's bullying policy (JICK and JICK-R).
- Victims of bullying are often fearful or embarrassed to come forward. By building a trusting relationship with his students, Mr. S will encourage students to feel comfortable bringing forward instances of bullying.
- Contacting the parents of the student being bullied and letting them know exactly what is happening and how Mr. S is handling it will assure them that he is watching out for his students and is a mandatory element of the law in NH completed by following KRSD policy JICK.

Legal Connections:

Consider the following sections of *Code of Conduct for New Hampshire Educators and local policy when considering this scenario:*

- Ed 510.01 – Principle 1, (a)*
- Ed 510.02 – Principle 2, (a)*
- KRSD Policies JICK, GBEA, GBAA, JBAA*
- Title IX*

Scenario: Use of Social Network

Mr. Y is a new High School chemistry teacher in his first 90 days of employment in his district. He has made friends with many staff members and invited them to visit his social network page. On his page, Mr. Y has listed quite a bit of personal information. One of his colleagues “friended” him on the site and became very concerned because the site included a statement that Mr. Y was attracted to young girls, stating “the younger the better.”

The colleague notified the principal of this information.

Discussion Questions

a) What possible issues/concerns might this scenario raise?

- As the use of social networking has become embedded in everyday life, the line between personal and professional has become blurred. Not only has Mr. Y shared a good deal about his personal life with colleagues, he has expressed an inappropriate interest in young girls. This is highly alarming considering that as a teacher he has daily contact with young girls.
- Mr. Y can be perceived by students, community members, and staff as a possible risk to students.
- Personal rights vs. role of a public figure may be raised. Teachers are held to a higher standard of conduct than an average citizen. Online “posts” and communications can reach beyond an intended audience and impact the level of confidence held by students and community.

b) How could this situation become a violation of the law, *Code of Conduct for New Hampshire Educators* or other school/district policies?

- *The Code of Conduct for New Hampshire Educators* states that the professional educator shall not “solicit or encourage participation in romantic or sexual relationships, whether written, verbal, or physical, with a student the credential holder knows or should know is a student or prior student up to 10 months after the student’s graduation, departure, or departure in cases as specified in Ed 1102.01(f)(1)” Mr. Y’s posted information on the web has clearly overstepped the boundaries of professionalism in making his personal and social life open to not only his colleagues, and possibly his students and would likely be interpreted as active solicitation.
- *The Code of Conduct for New Hampshire Educators* specifically states that the professional educator shall not sexually harass or abuse students. (Ed 510.02 (b)(4)(a,b,c,d)) Although there may be no current evidence that this has occurred, Mr. Y’s comment about being sexually attracted to young girls, “the younger the better,” is a serious concern that needs to be addressed immediately. Inappropriate conduct that would put students at risk is implied.

c) In this situation, what are some potential negative consequences for the teacher, for students, and the school community?

- Mr. Y has put himself in a vulnerable position that could result in loss of his job and teacher certification. Expressing his interest in young girls, using a public forum, has exposed a potential threat to young female students that will be taken seriously by the school community.

- Colleagues, students and families who are aware of the posted comment or have viewed it themselves may seek suspension of Mr. Y due to inappropriate conduct.
- Mr. Y's reputation in the school community may be permanently tainted, having far reaching impact on future employment.

d) What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?

- Review district policy regarding the use of social networking sites – KRSD policy GBEBD
- Create professional development activities to explore the risks and the benefits of social networking sites for personal and professional use.
- Provide an orientation for all teachers to inform them about the *Code of Conduct for New Hampshire Educators* and *Code of Ethics*.
- Specifically outline the process for reporting inappropriate behavior or abuse of a student by any adult.

Legal Connections:

Consider the following sections of *Code of Conduct for New Hampshire Educators* and local policy when considering this scenario:

- Ed 510.01 – Principle 1, (a)*
- Ed 510.02 – Principle 2, (a)*
- KRSD Policies JICK, GBEA, GBEBD*

Connecting the New Hampshire Code of Ethics with the New Hampshire Code of Conduct

While much attention has been focused upon the *Code of Conduct for New Hampshire Educators*, one would be remiss to think that that majority of concerns / scenarios impacting the professional lives of educators result in a violation impacting their credential. Rather, most issues impacting the professionalism of educational professionals stem from the “grey zone” described by the Code of Ethics for New Hampshire Educators. [*The Code of Ethics for Professional Educators*](#) defines a set of guidelines or principles articulating the responsibilities common to all members of the educational profession. These principles represent the actions, and decisions made by educators daily, some of which lead to increasing potential for a violation of the *Code of Conduct or New Hampshire Educators* leading to suspension or revocation of credentials. However, the majority of the decisions and actions taken by educators do not violate the *Code of Conduct for New Hampshire Educators* and thus, do not lead to suspension or revocation of credentials by the Department of Education. Still choices matter, and as such, actions and decisions addressed by the Code of Ethics for New Hampshire Educators or by local policy may lead to progressive disciplinary action up to and including termination of employment by the district.

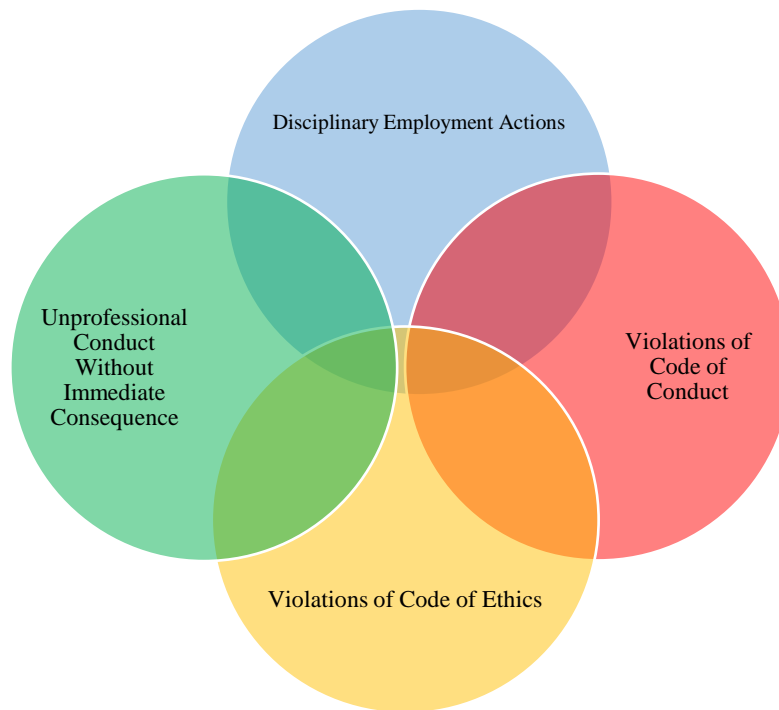


Figure 1.

Figure 1. Displays the relationship between local employment discipline, violations of Ethics, and violations of the Code of conduct. Figure 1. Demonstrates that:

- a) Violations of the Code of Ethics may lead to discipline
- b) Violations of the Code of Ethics may lead to a Violation of the Code of Conduct
- c) Violations of the Code of Conduct lead to both credential suspension or revocation
- d) Violations of the Code of Conduct lead to employment actions
- e) Unprofessional / unethical conduct leading to no discipline or violation of Code of Conduct

In the scenarios reviewed earlier in this guide, all discussion questions focused upon *both* Ethics and Conduct. In particular, the majority of information presented under question a) focused on ethics, while the majority of information presented under question b) focused on potential conduct violations.

[The Kearsarge Regional School District Reporting Procedure for Potential Violations of the Code of Conduct for New Hampshire Educators](#)

Principle 5 of Ed 510.05 defines the Duty to Report as defined in the *Code of Conduct for New Hampshire Educators*. Specifically, Ed 510.05 (a) states that **any*** credential holder shall report any **suspected violation*** of the code of conduct following the school, school District, or SAU reporting procedures (* Emphasis added) empowering and tasking the District with the decision as to when and how reporting processes occur.

Accordingly, KRSD has opted to read this requirement as stated in Ed 510.05 (a) to include the Superintendent or designee as credentialed educators, as opposed to focusing solely on section Ed 510.05 (c)(2) which requires the Superintendent to report when “knowledge of the superintendent that a violation has occurred.” In so doing, the District partners with the Department of Education early in the process of engaging with the incident rather than waiting until the incident is addressed. Moreover, the District will also hold to the reporting requirements to law enforcement as described by the Memorandum of Understanding (MOU) with each of the KRSD community police agencies.

This process mirrors the process used by the District when reporting issues of abuse and neglect to the Department of Children Youth and Families (DCYF). The intention of such a process is to disclose only the understanding of a suspicion and concern, the actions being taken by the district to investigate or address the concern, and to share specific information relating to outcomes and potential disciplinary actions involving the educator with the Department of Education only after the district’s completion of any investigation has occurred.

The Department of Education reserves the right under [Ed 511.01](#) to then conduct independent investigation into the reported incident. Investigations related to Ed 511.01 will result in one of four actions by the Department of Education:

1. Suspension of Credential;
2. Revocation of Credential;
3. Reprimand; and potential sanctions as defined under Ed 511.01(j)(3),(4),(5); or
4. No disciplinary activity or sanction with communication from DOE per Ed 511.01(j)(7)