

WHAT LICENSED EDUCATORS SHOULD KNOW

Ethical Issues for Educators





Professional Licensing and Investigating

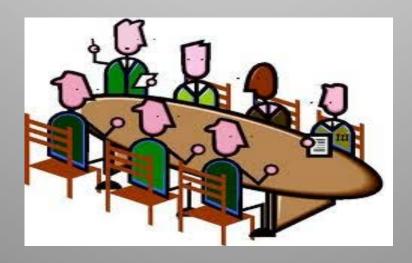
- Utah Division of Occupation and Professional Licensing (DOPL)
 - Oversees licensure and investigations for dozens of professions in Utah
- Utah State Bar
- Oversees licensure and investigations for lawyers
- Utah Professional Practices Advisory Commission
 - Oversees licensure and investigations for teachers

UPPAC

53A-6-306

Members:

- 6 classroom educators
- 3 other educators (principals, superintendents, etc.)
- 2 community members



UPPAC

53A-6-306

 UPPAC is an advisory body to the Utah State Board of Education "established to assist and advise the Board in matters relating to the professional practices of educators"

Members:

- 6 classroom educators
- 3 other educators (principals, superintendents, etc.)
- 2 community members

UPPAC duties

- Make recommendations to the board and professional organizations of educators concerning standards of professional performance—e.g., Utah Educator Standards
- Conduct or authorize investigations of allegations regarding immoral, unprofessional, or incompetent conduct, unfitness for duty, or other violations of standards of ethical conduct



UPPAC Actions

- Letter of Admonishment/Warning
 - (sent to individual, not to district or school; in file but confidential)
- Letter of Reprimand
 - (sent to individual, district; placed in file and flagged on CACTUS)
- Probation
 - (district notified; notice in file and flagged on CACTUS)
- Recommend Suspension
 - (all districts and other educational institutions and NASDTEC notified;
 flagged on CACTUS not allowed to teach for a specified period of time)
- Recommend Revocation
 - (all districts and other educational institutions and NASDTEC notified;
 flagged on CACTUS not allowed to teach for a specified period of time

Examples of UPPAC cases

- Educator falsified test results on state testing
- Educator lied about her credentials
- Educator viewed pornography at school or on school equipment
- Educator grabbed a student by the neck
- Educator provided alcohol to minor
- Educator failed to report potential abuse
- Educator failed to properly account for money
- Educator purchased supplies for his shop class and then sold the trailer for personal gain

Process

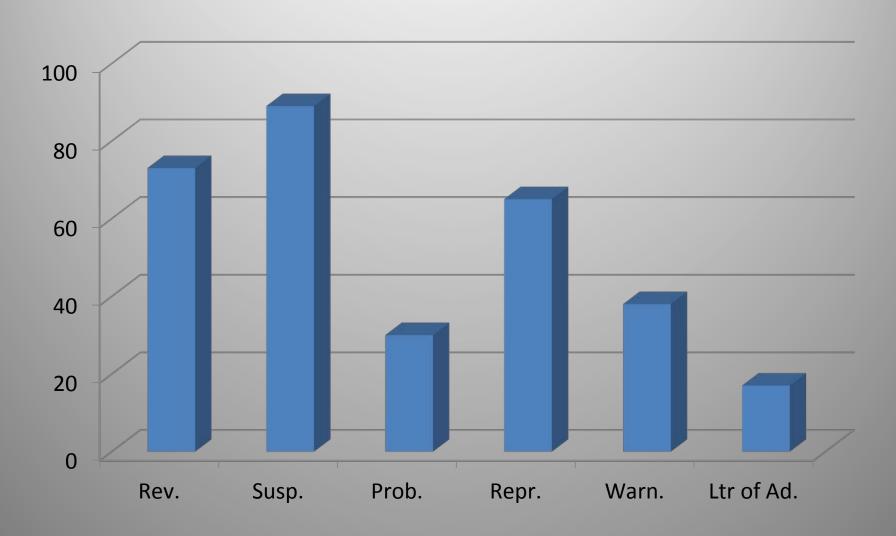
- UPPAC receives Notification of Alleged Educator Misconduct from district, parent, or other
- 2. UPPAC opens a case and turns it over to the Investigator
- 3. The Investigator begins the investigation.
- 4. The Investigator makes a recommendation to UPPAC of appropriate disciplinary action, if any.
- 5. If the recommendation is one that would affect the educator's license (ie, a suspension or revocation), the educator has a right to a hearing, or may waive that right and enter into a Stipulated Agreement to give up his/her license.
- 6. UPPAC then accepts or rejects the Investigator's recommendation, along with a SA if there is one. If the recommendation is for suspension or revocation, UPPAC forwards that recommendation to the Board for final action.

Hearings

- If an educator requests a hearing, a panel of 3 UPPAC members serve as the jury, and the investigator serves as the prosecutor.
- An independent hearing officer (a lawyer), acts as the administrator of the hearing, and prepares a Hearing Report as directed by the panel, for UPPAC and the Board.
- The Hearing Report is presented to UPPAC, and if the recommendation of the panel is for suspension or revocation, the Hearing Report is forwarded to the Board to either accept or reject.

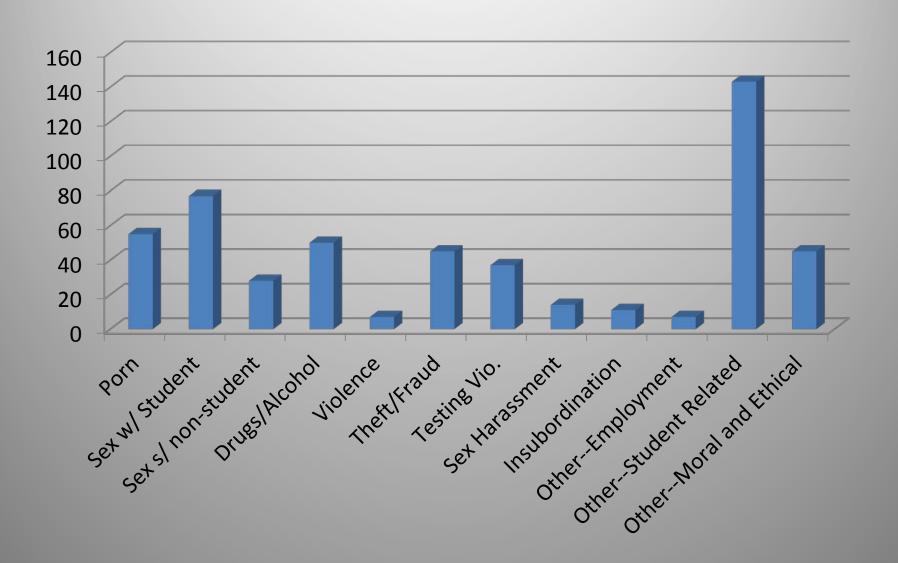


Corrective Actions Taken for Cases of Misconduct 2001-2010





Cases by Violation Type 2001-2010



UTAH EDUCATOR STANDARDS





You are responsible for familiarizing yourselves with professional ethics (R277-515-3(B))

→ "I didn't know," "Everyone else was doing it," or "The administration was fine with it" are not good excuses.

YOU should be very familiar with these rules!



Top Ten Repeat Offenders





Felony or misdemeanor convictions which
 adversely affects the teacher's ability to
 perform assigned duties and carry out the
 responsibilities of the profession, including role
 model responsibilities. (R277-515-3(C)(1)



→ THE LAW REQUIRES THAT EDUCATORS REPORT ARRESTS TO DISTRICT WHICH WILL THEN REPORT TO USOE WITHIN 48 HOURS OF ARREST



 Soliciting, encouraging, or consummating an inappropriate relationship, written, verbal, or physical with a student or minor (R277-515-3(C)(14))

- → FB friends?
- → Texts?
- → Twitter?
- → Emails?
- → Phone calls?



Technology

We live in a world of internet connectedness.

http://www.youtube.com/watch?v=BlxToZmJwdl

 While educators are admirably more technologically savvy than they ever have been, the technology can cross boundaries without ever having physical contact.

Text Messages

- Texting is often used to break down boundaries most sexual cases that come to UPPAC begin with texting
- Real life examples of texts that came to UPPAC:
 - "R U ready for the test?" "U promised A b/c I'm so phat" "U R phat but must study."
 - Shirtless picture of educator to female student
 - "love you!"
 - "When you're old enough, we should go out."



3. Resolving disciplinary problems professionally and in a manner that does not result in a hostile, intimidating, abusive, offensive, or oppressive learning environment. (R277-515-4(B)(1) and (2))



4. Prescription drug use and alcohol on school grounds (R277-515-3(C)(8) – (10)

Teachers MAY NOT:

- 1. Come to school under ANY influence of alcohol. Even a whiff on the breath is inappropriate.
- 2. Abuse prescription drugs. Use illegal drugs. Period.
- 3. Provide alcohol, illicit drugs, and/or nonprescribed prescription drugs to students. Ever. Under any circumstance.

5. Gifts, bonuses, incentives—to take or not to take? (R277-515-3(D)(3)(a)-(g))

To take:

- nominal appropriate personal gifts for birthdays, holidays, and teacher appreciation occasions
- →donations from students, parents, and businesses specifically and strictly to benefit students

Not to take:

- →bonuses or incentives from vendors, potential vendors, or gifts from parents of students, or students where there might be the appearance of a conflict of interest
- →gifts from students that would suggest or further an inappropriate relationship
- →gifts from colleagues that are inappropriate or further the appearance of impropriety

6. Testing protocol violations (R277-515-4B(5))



HOW MANY WAYS TO CHEAT THE TESTING SYSTEM...

- Use old CRT's as study guides
- Give students the answers during the test
- Fail to record the appropriate score for each student's test
- Fail to "test through"
- Erase incorrect answers on students' tests
- Grade only part of the test and make up the score for the rest of the test



7. Pornography (R277-515-4(B)(6) and (7)

RULE OF THUMB: NEVER, EVER, EVER, EVER, EVER, EVER, EVER, EVER LOOK AT PORN ON SCHOOL COMPUTERS

What constitutes porn?

 While debatable, Sports Illustrated Swimsuit Issue and Victoria Secret Swimsuit sales are sites to avoid, just to be safe.



8. Financial Improprieties (R277-515-5(A)(4) and (B)(2).



- It is NOT okay for teachers to submit reimbursements for personal expenditures.
- It is NOT okay to sign off on reimbursements for personal expenditures.
- It is NOT okay for teachers to "borrow" all year long classroom materials, like the television or DVD player.
- It is NOT okay for teachers to be handling large sums of money, especially cash when there is no system in place to accurately account for that money
- It is NOT okay for teachers to deposit funds collected from students into a personal and/or private account, even if the teacher then writes a check to the school for that amount.

Financial No-no's

- Depositing checks for student projects sold at a school fundraiser in teacher's personal account.
- Creating a student fine account without authorization.
- Submitting false requests for reimbursement to school
- Using the school email to send parents information about personal music lesson business.
- Telling parents athletes are required to attend a summer clinic hosted by third party for whom the teacher works.

10. Failure to maintain student confidentiality. (R277-515-3(D)(2))—FERPA (Federal Education Rights to Privacy Act)

FERPA NO-NO'S

Religion: "You know Jenny, I think your parents would prefer that you attend seminary instead of driver's ed."

Mental Issues: "If you don't stop squirming in that chair, I'm going to have your ADHD meds checked."

Sex: "So, you think you might be gay? Fascinating, tell me about it."

THE END

Please feel free to contact me with questions:

Heidi Alder

USOE Education Specialist
UPPAC Investigator/Prosecutor
heidi.alder@schools.utah.gov

