Building the Case for a Model Code of Ethics for Educators to Inform Educator Preparation

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Founded in 1928, NASDTEC represents professional standards boards and commissions and state departments of education in all 50 states, the District of Columbia, the Department of Defense Education Activity, the U.S. Territories, Alberta, British Columbia, and Ontario that are responsible for the preparation, licensure, and discipline of educational personnel.

Associate members include institutions of higher education, and representatives of other constituent groups with an interest in the preparation, continuing development, and certification of educational personnel.
Today’s Learning Segments

Essential Questions:
- Why have a Code of Ethics?
- What are the philosophical underpinnings?
- What are other professions’ codes of ethics?
- What does research tell us about ethics in education?
- How was the draft Model Code developed?
- How can EPPs provide input on the Model Code?
“I was afraid I was going to get into trouble. Yet, I wish I could do more.”

~ Research Participant (Hutchings & Norris, 2013)
Imagine a profession...

... in which there is NOT a code of ethics to guide professional decision-making

... in which the policies, statutes, and regulations that govern practitioners’ conduct are NOT even known by the practitioners

Would you call it a profession?
… make thousands of decisions in a day that directly impact a highly vulnerable population; yet, have NEVER been prepared in ethical decision-making

… are NOT aware of the professional risks and vulnerabilities that are inherent in the profession; yet, they are expected to address the academic, personal, and social needs of 100’s of individuals a day

… have in loco parentis responsibilities; yet NEVER received training in supervisory liability
Would you call it a profession?

and so it is with teaching...
Why Ethical Standards?
Why
… have Professional Ethical Standards?

“No profession can really exist without a code of ethics to guide the conduct of its members. Doctors, lawyers, and clergymen have their ethical codes, but teachers can scarcely be said to have such a code. Until they have developed a professional spirit which is characterized by loyalty to the recognized standards, they cannot rank with the learned professions” (Ontario Minster of Education, 1915).

Should the behavior of teachers be judged solely within the framework of regulations?

"External control... implies that teachers require discipline to produce good behavior”

(Dresscher qtd. in van Nuland, 2009)

or

... within the framework of professional teaching?

“Internal control... connotes a self-regulatory process, implies that teachers are working for the good of their students.”

(Dresscher qtd. in van Nuland, 2009)
Educator Ethics... It’s not just about teacher behaviors, but also offering direction. When the path becomes murky...
The Challenge of Variance

All states have adopted codes created specifically for educators. However, the content and specificity of language varies greatly from state to state. Some represent aspirational standards (dispositions), other states use their codes to delineate what teachers should not do (forming the basis for licensure sanction), still others combine both aspects.

Furthermore, some states entitle their enforceable standards “Code of Ethics,” when in actuality, the term “Code of Conduct” more accurately describes a regulatory document that defines behavior absolutes.
Why

... have professional ethical standards?  
... educate in educator ethics?

• Clarify to current and future teachers, and to those they serve, the nature of the ethical responsibilities held in common by all educators

• Establish principles that define ethical behavior and ethical best practice

• Serve as an ethical guide designed to assist educators in constructing the best course of action

• Serve as a basis for educator learning, accountability, and remediation

(adapted from ACA Code of Ethics Purpose)
...similar to those in other FIDUCIARY professions...

American Medical Association 1847
American Bar Association 1932
American Psychological Association 1952
American Counseling Association 1961
American School Counseling Association 1984

Financial Fiduciaries, Law Enforcement Agencies, and many others...
Professional Continuum-of-Responsibility

- Pre-service Preparation
- Initial Licensure
- In-service Professional Development
- Continued Licensure
Ethical Equilibrium

Dispositional Framework
- Professional attitudes, values and beliefs that guide decision-making

Regulatory Framework
- Policies, statutes, and case law that guide decision-making (sanctionable conduct absolutes)

Ethical Framework
- Professional ethical standards that guide decision-making
- Trajectory of decision-making
- Personal - Professional

Clinical judgment considerations

Personal values considerations

Risk management considerations
Why the effort?

“Shouldn’t EDUCATORS just KNOW BETTER?”
Individual decision-Making

Situational variables

Systemic contributors
Current Research


**STUDY GOAL**
- Categorize the dilemmas that teachers face

**SAMPLE and DESIGN**
- $n = 38$ teachers (in a central geographic location in Israel)
- 45-minute interviews
- Teachers asked to share ethical dilemmas (52 emerged)

**RESULTS**
- 52% of the dilemmas fit into category of: “Caring for others and adhering to formal codes”
STUDY GOAL
Identify the internal ethical norms of the profession by having participants rate the extent to which they believed teacher behaviors (a) occurred frequently, and (b) represented a serious violation of professional standards on 41-item scale.

SAMPLE and DESIGN
• $n = 593$ (108 pre-service majors, 485 “educators” (teachers, counselors, administrators, support staff, etc.) employed in a school district in northwest South Carolina)
• Descriptive survey (41 Likert-scale questions that describe teacher behavior)

RESULTS
• Categories SEEN FREQUENTLY in schools (i.e. teachers gossiping about students, knowingly allows a student to violate a school rule, etc.)
• Categories NOT SEEN as a violation of professional ethics (i.e. hires students to do chores, behaves unprofessionally outside of work, etc.)
• Categories SEEN as a violation of professional ethics (i.e. making sexually provocative statements to students, engage in romantic relationship with students, etc.)

STUDY GOAL
Determine a typology of boundaries that teachers face, as well as examine teachers’ relationships with their students as well as how they described and negotiated relationship boundaries

SAMPLE and DESIGN
• $n = 13$ (in-service teachers from graduate education courses/10 females and 3 males)
• Sequence of two semi-structured interviews

RESULTS
• Eleven types of boundaries were established
• “… the participants discussed difficulties in defining boundary lines, and the dilemma of negotiating that line with students.”
• Boundary lines are “inherently tied to their teacher identities” (arbitrary)

STUDY GOALS
(a) To determine the categorical domains of educator ethical dilemmas, (b) examine the context of educator decision-making, (c) examine the daily ethical dilemmas that teachers face, (d) and to more fully understand teacher’s perceptions regarding their ethical dilemmas.

SAMPLE and DESIGN
• n = 92
• 12 three-hour focus groups in 7 states that were recorded and transcribed
• PK-12th grade current teacher practitioners separated into elementary and secondary focus groups
• Representing a variety of learning communities
• Structured and open-ended questions

RESULTS
See following slides…
<table>
<thead>
<tr>
<th>Categories</th>
<th>Subcategories</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Colleagues</td>
<td>1.1 Perceived professional error or misconduct</td>
</tr>
<tr>
<td></td>
<td>1.2 Perceived personal error or misconduct</td>
</tr>
<tr>
<td></td>
<td>1.3 Assisting colleagues</td>
</tr>
<tr>
<td>2. Students</td>
<td>2.1 Responding to students</td>
</tr>
<tr>
<td></td>
<td>2.2 Relationships with students</td>
</tr>
<tr>
<td></td>
<td>2.3 Conflict of interest</td>
</tr>
<tr>
<td>3. Building Administration</td>
<td>3.1 Autonomous decision-making and administrative decision-making</td>
</tr>
<tr>
<td></td>
<td>3.2 Perceived professional error or misconduct</td>
</tr>
<tr>
<td>4. Extent of Duties</td>
<td>4.1 Complexity of teacher responsibilities</td>
</tr>
<tr>
<td></td>
<td>4.2 Self-generated ethic of care towards student(s)</td>
</tr>
<tr>
<td></td>
<td>4.3 Administrator request</td>
</tr>
<tr>
<td></td>
<td>4.4 Parent request</td>
</tr>
<tr>
<td></td>
<td>4.5 Student request</td>
</tr>
<tr>
<td>5. Policies</td>
<td>5.1 Autonomous decision-making and educational policy</td>
</tr>
<tr>
<td></td>
<td>5.2 Working within systemic framework of policies</td>
</tr>
<tr>
<td></td>
<td>5.3 Implementing or representing policy</td>
</tr>
<tr>
<td></td>
<td>5.4 Advocating for student(s) at the expense of policy</td>
</tr>
<tr>
<td>6. Implicit Norms</td>
<td>6.1 Unstated staff professional norms</td>
</tr>
<tr>
<td></td>
<td>6.2 Unstated staff social norms</td>
</tr>
<tr>
<td>7. Curriculum, Instruction,</td>
<td>7.1 Curriculum, instruction, and assessment decisions</td>
</tr>
<tr>
<td>and Assessment</td>
<td>7.2 Cultural or family values impacting decisions</td>
</tr>
<tr>
<td></td>
<td>7.3 Social issues impacting teaching decisions</td>
</tr>
<tr>
<td>8. Parents</td>
<td>8.1 Perceived parental error or misconduct</td>
</tr>
<tr>
<td></td>
<td>8.2 Autonomous decision-making and parental decision-making</td>
</tr>
<tr>
<td></td>
<td>8.3 Assisting parents</td>
</tr>
<tr>
<td></td>
<td>8.4 Parental relationships</td>
</tr>
<tr>
<td>9. Self</td>
<td>9.1 Personal perceptions</td>
</tr>
<tr>
<td></td>
<td>9.2 Personal/family well-being</td>
</tr>
<tr>
<td>10. Mentoring</td>
<td>10.1 Student teachers</td>
</tr>
</tbody>
</table>

Note. From the total ethical dilemma narratives identified by teachers (n = 202), distinct categories (n = 10) were identified. Further analysis yielded subcategories (n = 30) that are represented within the narrative categories.
Figure 1. Frequency distribution (n and percentage) of the aggregated (elementary and secondary) ethical dilemmas identified by teachers.

<table>
<thead>
<tr>
<th>Categories</th>
<th>Total n</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colleagues</td>
<td>38</td>
<td>19</td>
<td>19%</td>
</tr>
<tr>
<td>Students</td>
<td>35</td>
<td>17</td>
<td>17%</td>
</tr>
<tr>
<td>Building Administration</td>
<td>24</td>
<td>12</td>
<td>12%</td>
</tr>
<tr>
<td>Extent of Duties</td>
<td>23</td>
<td>12</td>
<td>12%</td>
</tr>
<tr>
<td>Policies</td>
<td>22</td>
<td>11</td>
<td>11%</td>
</tr>
<tr>
<td>Implicit Norms</td>
<td>19</td>
<td>10</td>
<td>10%</td>
</tr>
<tr>
<td>Curriculum/Instruction/Assessment</td>
<td>18</td>
<td>9</td>
<td>9%</td>
</tr>
<tr>
<td>Parents</td>
<td>11</td>
<td>6</td>
<td>6%</td>
</tr>
<tr>
<td>Self</td>
<td>10</td>
<td>5</td>
<td>5%</td>
</tr>
<tr>
<td>Mentoring</td>
<td>2</td>
<td>1</td>
<td>1%</td>
</tr>
</tbody>
</table>

Total n = 202
Figure 2. Distribution (percentage) of data disaggregated by the ethical dilemmas identified by elementary teachers and the ethical dilemmas identified by secondary teachers.
Without a Common Framework of Decision-Making and Conduct...

- Teachers rely on a personal morality and life experiences to guide their decision-making.

- There is a collegial loyalty in not reporting perceived misconduct.

- Implicit norms develop within the learning community and vary by teacher grouping, administrator, school, and district.
Without a Common Framework of Decision-Making and Conduct...

• Teachers’ roles are not clearly defined, and the extent of their duties not delineated, which results in arbitrary boundaries.

• There is often a deference of responsibilities by teachers.

• There is a high degree of frustration among teachers regarding the variability of their actions ("We just need to be on the same page").

• Knowledge of the rules (explicit or implicit) often occurs by transgressing the rules.
Without a Common Framework of Decision-Making and Conduct...

• When seeking guidance on ethical decision-making, teachers often rely upon opinions that lead to situational, subjective, arbitrary, and inconsistent resolutions.

• There is a culture of silence that exists among teachers regarding ethical decision-making due to a fear of consequences.

• Ethical tensions exist in all facets of teachers’ roles.

• Teachers are often placed in positions of powerlessness when faced with ethical decisions that might conflict with administration.
Without a Common Framework of Decision-Making and Conduct...

- A "continuum-of-responsibility" within the profession is non-existent.

- Teachers are making decisions in isolation and without transparency.

- Teachers are "... at odds with a natural human reaction... and we are being asked to challenge that reaction. We're being asked to put that aside in the face of a rule or a dictated principle, or something opposed to simply just responding the way humans should respond."
Poignant Thoughts from Teachers...

“There are no ethical dilemmas in public education... because there are no ethics. There is no right or wrong. See nothing, hear nothing, report nothing, punish no one. Ethics does not exist.”

~ Research Participant (Hutchings & Norris, 2013)
Poignant Thoughts from Teachers...

“This (ethical decision-making) is the elephant in the room. I reflect daily upon whether my decisions that day were good decisions. But I have made mistakes. If I had to do it over again... if WE had somebody with whom we could talk to on a regular basis about that elephant in the room... we could finally say, 'we are a team to be reckoned with, because we would be a group of phenomenal teachers nationwide'.”

– Research Participant (Hutchings & Norris, 2013)
Awareness of the ethics codes is crucial to competence in the area of ethics, but the formal standards are not a substitute for an active deliberative, and creative approach to fulfilling our ethical responsibilities. They prompt, guide, and inform our ethical consideration; they do not serve as a substitute for it. There is no way that the codes and principles can be effectively followed or applied in a rote, thoughtless manner... each situation is unique and is likely to change significantly over time.

“Ethics must be practical. Ethics that are out-of-touch with the practical realities of clinical work, with the diversity and constantly changing nature of the therapeutic venture, are useless.”

Developing the MCEE
Process of Constructing a Code of Ethics

In reviewing the literature regarding the construction of codes of ethics for other professions, educational codes of ethics in other countries, and discipline-specific codes within our own profession, there were similar processes that were followed:

- Initial research to identify categorical domains and the context of ethical decision-making within that professional body (most often qualitative)
- Convening a committee representing the major organizational stakeholders within the profession to draft the document
- Field-test the guiding principles utilizing myriad case studies
- Solicit representational member feedback
- Construction of a draft document
- Invited feedback from all constituents
- Construction of the final document (with periodic revisions)
The Journey

• Seventeen NASDTEC PPI conferences
• Educator ethics exploratory symposium in april 2012 (ETS)
• Targeted research
• Professional preparation and continuing development (PP&CD committee) survey
• Expanding ethics work in states
• Gathered support from communication partners
• Started the MCEE draft process
Guiding the Work

- NASDTEC discussion and proposal development
- Formation of ethics steering committee by NASDTEC executive board
- Decisions on scope of work
- Communication partners
- Task force nominations and selection
American Association of Colleges of Teacher Education (AACTE)
American Federation of Teachers (AFT)
Association of Teacher Educators (ATE)
Council for Accreditation of Educator Preparation (CAEP)
Council of Chief State School Officers (CCSSO)
National Association of Elementary School Principals (NAESP)
National Association of Secondary School Principals (NASSP)
National Board of Professional Teaching Standards (NBPTS)
National Education Association (NEA)
National Network of State Teachers of the Year (NNSTOY)
MCEE Task Force

• Composition
• Nominations process
• Invitations
• Selection
• Initial meeting
Timeline

• June 19-21, 2014 – Start to frame the Draft Code

• December 1, 2014 – Public Comment Opens

• January 31, 2015 – Public Comment Closes

• March 20-21, 2015 – Revise Draft Code

• June 7-9, 2015 – Present to Executive Board

• State adoption/adaption
Public Comment Closed March 2, 2015

MODEL CODE OF EDUCATOR ETHICS FOR EDUCATORS

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