

TABLE OF CONTENTS

**Code of Ethics
of the
Education Profession
and
MTA Procedures for
Compliance**

	Page
Preface	1
Code of Ethics	3
Sections from MTA Bylaws	8
MTA Procedures for Compliance	10

Committee on Professional Ethics
MASSACHUSETTS TEACHERS ASSOCIATION
20 Ashburton Place, Boston, Massachusetts 02108

PREFACE

A strong code of ethics is a prime identifying characteristic of a true profession.

In the field of education, prospective educators are guaranteed that, upon entering the profession, they will receive competent assistance from their peers who also must abide by the Code.

The Code of Ethics of our profession was drafted by educators specifically for educators and spells out commitments to the students and the public as well as to other members of the profession.

The Massachusetts Teachers Association assures equitable treatment of all members whenever there are allegations regarding violations of the Code. This is done through the Professional Ethics Committee, made up of members of the profession.

The Code of Ethics of the Education Profession serves not only as a guarantee of professional behavior, but it is also the primary source of guidelines of the common obligations and responsibilities accepted by all members of the profession.

Because of this, all who are involved with teaching and learning processes should become familiar with the Code of Ethics.

Although the Code is the same for the entire education profession, state and local affiliates cooperate in its periodic review and revision. The Committee on Professional Ethics of the Massachusetts Teachers Association and the National Education Review Board have, however, independently developed procedures for compliance. Local affiliates are

encouraged to develop a close relationship with the Professional Ethics Committee of the Massachusetts Teachers Association in order to give full effect to the Code and to cooperate in its proper compliance.

The following information is included in this handbook:

1. The Code of Ethics of the Education Profession
2. Procedures for State Compliance

CODE OF ETHICS OF THE EDUCATION PROFESSION

Adopted by the 1975 NEA Representative Assembly.

PREAMBLE

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

The remedies specified by the NEA and/or its affiliates for the violation of any provision of this Code shall be exclusive and no such provision shall be enforceable in any form other than one specifically designated by the NEA or its affiliates.

CODE OF ETHICS

PRINCIPLE I
Commitment to the Student

The educator strives to help each student realize his or her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator -

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning.
2. Shall not unreasonably deny the student access to varying points of view.
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress.
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.
5. Shall not intentionally expose the student to embarrassment or disparagement.
6. Shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly:
 - a. Exclude any student from participation

in any program;

- b. Deny benefits to any student;
 - c. Grant any advantage to any student.
7. Shall not use professional relationships with students for private advantage.
 8. Shall not disclose information about students obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.

PRINCIPLE II
Commitment to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation to the profession, the educator -

1. Shall not in an application for a professional position deliberately make a false statement

or fail to disclose a material fact related to competency and qualifications.

2. Shall not misrepresent his/her professional qualifications.
3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute.
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position.
5. Shall not assist a non-educator in the unauthorized practice of teaching.
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.
7. Shall not knowingly make false or malicious statements about a colleague.
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action.

SECTIONS FROM THE BYLAWS OF THE MASSACHUSETTS TEACHERS ASSOCIATION CONCERNING PROFESSIONAL ETHICS

Article III, Section 2B(3) - Knowledge of the Code of Ethics of the Education Profession, as adopted by the NEA Representative Assembly, and familiarity with provisions contained therein, shall be a condition of continuing membership in the MTA.

Article III, Section 3B(2) - All MTA members must be aware of the Code of Ethics of the Education Profession, as adopted by the NEA Representative Assembly, and be familiar with the provisions contained therein.

Article VI, Section 1B(5) - It shall act as a review board in accordance with Article X, Section 7 of these Bylaws.

Article X, Section 7B - Duties - It shall inform the membership of the existence of the Code of Ethics of the Education Profession, as adopted by the NEA Representative Assembly, and undertake reasonable efforts to familiarize the membership with its provisions. It shall have the discretion to render informal advisory opinions upon inquiry by a member or local affiliate.

Article X, Section 7C - Power of the Ethics Committee to Resolve Disputes - It shall be an objective of the Committee to resolve disputes between members over ethical matters within the scope of the Code of Ethics by offering, where appropriate, to advise and/or mediate in any such dispute. The Committee will take such steps as it

deems necessary to effectively and expeditiously encourage the members in an ethical dispute to participate in mediation and conciliation of the matter. The Committee shall seek the agreement of the members involved on the method or procedure which shall be used to resolve an ethical dispute.

Article X, Section 7D - Rules of the Ethics Committee for Resolving Disputes - The

Committee shall promulgate rules and procedures for state implementation of the Code of Ethics of the Education Profession subject to the approval of the Board of Directors.

The Committee may recommend to the Executive Committee that a member(s) be disciplined pursuant to the Executive Committee authority under Article XI, Section 1 of these Bylaws for refusal to participate in good faith in the Committee's dispute resolution procedures or for other such conduct as may warrant such a recommendation.

MTA PROCEDURES FOR COMPLIANCE WITH THE CODE OF ETHICS OF THE EDUCATION PROFESSION

Adopted by the MTA Board of Directors, March 20, 1971. Revised by the MTA Board of Directors, January 19, 1974, June 9, 1979, December 3, 1994 and June 16, 2001.

I. Duties of the Committee on Professional Ethics

- A. To distribute the Code of Ethics of the Education Profession, as promulgated by the National Education Association and as from time to time amended, as widely as possible to professional and pre-professional educators throughout the Commonwealth.
- B. To provide information on the Code of Ethics to local associations and to assist these associations in promoting and implementing the Code.
- C. To assist in the resolution of any complaint filed upon a written charge by a member of the MTA against any other member and referred to the Committee directly by either the charging or charged member or by the local association, and/or to render advisory opinions and/or to set prospective

requirements in actual disputes concerning the interpretation and application of the Code of Ethics.

- D. To interpret the Code of Ethics in writing when a written request has been made and such request describes in adequate detail the matter to be interpreted.
- E. To carry on a continuous review of the Code of Ethics and to forward recommended changes to the National Education Association's Review Board.
- F. To promote an understanding of the Code of Ethics among the general public and members of the MTA.
- G. To submit an annual report to the MTA Board of Directors.

II. MTA Committee Jurisdiction

- A. The Committee shall have original jurisdiction:
 - 1. In complaints submitted directly to it by any member of the MTA raising questions relating to the ethical conduct of any other member of the MTA. The Committee reserves the right to remand the complaint to the affiliated association's ethics

committee, if one exists, for resolution.

- 2. Upon request by any member of the MTA concerning charges or allegations about the member's ethical conduct made by any other member of the MTA, provided said charges are not already pending before an affiliated association's ethics committee. The Committee reserves the right to remand the request to the affiliated association ethics committee, if one exists, for resolution.
- 3. When requested by an affiliated association. The Committee reserves the right to remand the complaint to the affiliated association's ethics committee, if one exists, for resolution. The Committee may request, or require where appropriate, that the affiliated association's ethics committee assist or participate in the Committee's resolution procedures.
- 4. In complaints which involve members of two or more affiliated associations.

B. The Committee shall have appellate jurisdiction:

1. In complaints brought in the first instance to an affiliated association's ethics committee that cannot be resolved by the local committee.
2. Upon application by a member who has been found by an affiliated association's ethics committee to have violated the Code. Application by the adjudged party for appellate review must be filed with the Committee within thirty (30) days of the party's receipt of notice of the decision of the local ethics committee. Time extensions may be granted within the discretion of the Committee.
3. To conduct a review, upon the request of an affiliated association's ethics committee and/or upon the request of the charging party, of a decision by the local committee to dismiss charges brought by a member.

III. Procedures for Ensuring Understanding of and Compliance with the Code

A. Initiation of Complaint

1. The Committee's involvement in a dispute or question regarding the Code of Ethics can be initiated by the filing of a written complaint by an MTA member, or by an affiliated association's ethics committee, to the Committee Chair at the Chair's address or to the Chair through the Legal Division, MTA, 20 Ashburton Place, Boston, MA 02108. The complaint must be submitted on a prescribed form prepared and made available by the Committee.
2. The member's complaint must contain a written statement setting forth the nature of the alleged violation, a concise statement of all the facts upon which the complaining party intends to rely and which the member believes, if proven, would constitute a violation of the Code, and a list of the Code sections alleged to have been violated.

B. Notice of Complaint

1. Notice that a complaint has been filed with the Committee will be sent by certified mail to the charged party consisting of the following:
 - a. A copy of the complaint filed with the Committee;
 - b. A copy of the Code of Ethics of the Education Profession;
 - c. A copy of the Procedures for Compliance with the Code of Ethics;
 - d. A letter explaining that a complaint has been filed, identifying the Committee's jurisdiction over ethics disputes, and briefly explaining the Committee's procedures for resolving the matter.
2. A copy of all correspondence to the charged party and documents listed above will be sent to the complainant by

certified mail.

3. The Committee shall have the discretion to decline to initiate the notice process set forth in Section III.B. 1 if, in the opinion of a quorum of the Committee, there is no basis for either exercising its jurisdiction or for finding a violation of the Code upon the face of the submitted complaint.

C. Response by Charged Party

The charged party shall have thirty (30) days to file a written response to the complaint. Said response shall contain a precise statement of all the facts in support of the charged party's position and a refutation, if necessary, of any allegations which the charged party believes to be untrue, inaccurate, or misleading. The charged party shall also indicate in the response a position with respect to mediation of the dispute by the Committee. If the charged party fails or refuses to answer within thirty (30) days, the factual allegations contained in the complaint shall be assumed to be admitted.

D. Copy of Response to Complainant

investigate, pursue a

A copy of the charged party's response shall be furnished by the Committee to the charging party immediately upon receipt of same.

E. Determination of Procedure

Within thirty (30) days of receipt of both the complaint and the response, the Committee will meet to decide the appropriate procedure for resolving the dispute or question before it. If necessary, the Committee may further investigate the facts of the dispute by contacting either or both of the parties to the dispute and, where appropriate, officers of the local association, or other persons. Upon completion of its investigation, the Committee may request both parties, with or without the participation of the local association, to participate in a mediation session or sessions for purposes of instructing the parties of the Committee's view of the Code and resolving the dispute in a manner consistent with the requirements of the Code. The Committee may alternatively determine to resolve the matter through issuance of an advisory opinion. The Committee will notify the parties in writing as soon as practicable of its decision to further

mediated resolution, or issue an advisory opinion.

confirmation is not feasible.

F. Mediation Procedure

1. Notice. Where the Committee deems it appropriate to offer mediation services to the disputing members in a matter brought before it, or where the disputing members both request said services, the Committee will notify the members of its decision to attempt a mediated resolution of the dispute. A copy of the notice will be supplied at that time to the president(s) of the local association(s).

2. Date, Time, and Place of Meeting. The Committee will set a mutually acceptable date for a meeting between the charging party, the charged party, and members of the Committee. The meeting shall occur after the school day at an MTA regional office, a local association office, if permitted, or any other mutually acceptable location. The Committee will confirm by certified mail the date, time, and location of the mediated session, unless such

3. Representation. Each member involved in the complaint may be represented by a representative of his/her own choice, but no party may be represented by any counsel of, or retained by, the MTA, or by any other employee of the MTA. Any expenses incurred by the member in obtaining representation shall be borne exclusively by that member.

4. Composition and Authority of the Mediation Panel. The Chair of the Ethics Committee or a member of the Committee designated by the Chair or, where appropriate, an alternative dispute resolution professional as may be designated by the Chair, shall be the Mediator. The Chair shall also designate not fewer than two (2) members of the Committee who together with the Mediator shall constitute the Mediation Panel. The Panel shall act as facilitator of the session and retain power to make such decisions as are within its discretion in the conduct of

meetings.

5. Conduct of the Mediation. All mediation sessions shall be conducted in private and limited to the parties in interest, a representative for each party, if any, the Mediation Panel, MTA Counsel for the Ethics Committee, and the local president or his or her designee, if appropriate. The Committee will not record the session by stenographic, electronic, or any other means, nor shall any parties or participants be entitled to make such a recording. Except for disclosure to the full Committee and as otherwise provided in these Procedures, the Panel will keep the substance of the mediation discussions confidential.
6. Supporting Materials and Statements. Each party will be given an opportunity to state his or her position regarding the ethical dispute before the Panel. The parties may offer such written documentation as they desire and shall produce such additional documentation as

the Mediation Panel may deem necessary to an understanding of the dispute or of the positions of the parties. Legal rules of evidence as applied in the courts and administrative agencies of the Commonwealth may serve as a guide to the Panel in considering the relevancy or weight of any documents supplied to it, but shall not be binding on the Panel.

7. Absence of a Party at Mediation. In the event a party, after due notice as provided in these rules, unreasonably fails to attend a scheduled mediation session, the attending party may supply a statement and supporting materials regarding the dispute identified in the written complaint. The Committee at its discretion may issue an advisory opinion as provided in these rules based upon the submission of the attending party and/or refer the matter thereafter to the Executive Committee pursuant to Article X, Section 7D of the MTA Bylaws.

8. Additional Mediation Sessions. The Panel shall schedule such further mediation sessions as are necessary and mutually acceptable to all parties to achieve conciliation of the dispute.
9. Resolution. Any resolution attained under these procedures shall, where appropriate, be recorded in a written memorandum prepared by the Panel and initialed by the parties to the dispute. Said memorandum may include the Panel's opinion of the Code of Ethics as it applies to the circumstances of the dispute, such prospective requirements for the disputing party(ies) as the Panel may deem appropriate, and any agreement regarding confidentiality of the resolution.
10. Failure to Resolve Dispute. In the event the parties are unable to resolve the dispute with mediated assistance, the Panel shall issue a statement to that effect and may further issue an advisory opinion as

to the ethical issue(s) in dispute, with notice, where appropriate, to the Executive Committee. The Panel may within its discretion notify the local president that the dispute was not resolved and/or that the matter was forwarded to the Executive Committee.

G. Advisory Opinions

Where the Committee deems it appropriate to render an advisory opinion in a matter brought before it, the Committee will notify the parties to the dispute and the local association(s) of its decision to address the matter in such form. The Committee shall thereafter issue an advisory opinion in writing and will take all practicable steps to issue the opinion as expeditiously as possible, but in no event later than sixty (60) days from the date of notice to the parties.

The opinion letter shall be sent to the parties to the dispute by first class mail. The opinion letter may also be sent to the president(s) of the local association(s) in which the disputants are members, unless the charging party requests in writing that the matter be treated confidentially.

The Committee shall have the discretion to issue written advisory opinions requested by a local association without the participation of named disputants and to assist a local association in understanding the Code and its requirements, as deemed appropriate.