

CODE OF ETHICS

7(2)(i) The impact which the teaching profession has on our society is immeasurable and the quality and character of the individual members of the profession are prominent factors in the economic and moral levels of that society. Therefore, the profession must establish rules of conduct for all who are engaged therein to ensure the highest possible performance standards.

To that end, it is agreed that the following Code be carried out, in both letter and spirit, as a basis of conduct in the teaching profession.

7(2)(i)I. GENERAL DUTIES OF MEMBERS

A teacher shall strive at all times to achieve and maintain the highest degree of professional competence and to uphold the honour, dignity, and ethical standards of the teaching profession.

7(2)(i)II. DUTIES OF A MEMBER TO HIS/HER PUPILS

A. A member shall:

1. regard as his/her first duty the effective education of his/her pupils and the maintenance of a high degree of professional competence in his/her teaching;
2. endeavour to develop in his/her pupils an appreciation of standards of excellence;
3. endeavour to inculcate in his/her pupils an appreciation of the principles of democracy;
4. show consistent justice and consideration in all his/her relations with pupils;
5. refuse to divulge beyond his/her proper duty confidential information about a pupil; and
6. concern himself /herself with the welfare of his/her pupils while they are under his/her care.

B. A member shall regard the dignity, liberty and integrity of each student under his/her supervision and endeavour to convey to a student some understanding of his/her own worth.

C. A member shall not accept remuneration for tutoring his/her own pupils in subjects or programs taught to the pupil by the member.

7(2)(i)III. DUTIES OF A MEMBER TO HIS/HER PROFESSION

- A. A member should:
1. promote and advance the cause of education;
 2. promote a positive image of the teaching profession;
 3. promote and advance the interests of members and to secure conditions that will make possible the best professional service;
 4. arouse and increase public interest in educational affairs; and
 5. cooperate with other teachers' organizations throughout the world.
- B. A member should not engage in any outside employment which will impair the effectiveness of his/her professional service.
- C. A member should not criticize the professional competence or professional reputation of a colleague except to proper officials and then only in confidence and after the colleague has been informed of the criticism.
- D. Every member should strive to be supportive of other members as well as positive in his/her criticism of fellow members.
- E. All members should cooperate in the interest of students.
- F. The member does not undermine the confidence of pupils in other members.
- G. The member observes a reasonable respect for the authority of school administrators and recognizes the duty to protest through proper channels, administrative policies and practices which he/she cannot in conscience accept; and further recognizes that if administration by consent fails, the administrator must adopt a position of authority.
- H. The member, as an administrator, respects staff members as individuals and provides continuous opportunities for staff members to express their opinions and bring forth suggestions regarding the administration of the school.

7.(2)(i)IV. DUTIES OF A MEMBER TO EDUCATIONAL AUTHORITIES

- A. A member shall:
1. comply with the Acts and Regulations administered by the Minister;

2. cooperate with his educational authorities to improve public education;
3. respect the legal authority of the board of trustees in the management of the school and in the employment of members;
4. make, in the proper manner, such reports concerning members under his/her authority as may be required by the board of trustees; and
5. present in the proper manner to the proper authorities the consequences to be expected from policies or practices which in his/her professional opinion are seriously detrimental to the interest of pupils.

B. A member shall not:

1. break a contract of employment with a board of trustees; or
2. violate a written or oral agreement to enter into a contract of employment with a board of trustees; or
3. while holding a contract of employment with a board of trustees indicate acceptance of which would necessitate his/her seeking the termination of his/her contract by mutual consent of the member and the board, unless and until he/she has arranged with his/her board for such termination of contract if he/she obtains the other position.

C. A principal, vice-principal, department head or subject coordinator shall not subscribe to the dismissal of a member for reason of unsatisfactory service without first attempting to help and counsel that member by means of continuous evaluation.

D. A member shall report through proper channels all matters harmful to the welfare of the school. He/she does not by-pass immediate authority to reach higher authority without first exhausting the proper channels of communication.

7.(2)(i)V. DUTIES OF A MEMBER TO THE PUBLIC

- A. A member should show respect for law, authority and codes of conduct acceptable both within the profession and within society as a whole.
- B. A member should recognize a responsibility to promote a respect for human rights.

7.(2)(i)VI. DUTIES OF A MEMBER TO THE TEACHERS' FEDERATION

- A. A member should participate in the Prince Edward Island Teachers' Federation.
- B. A member shall cooperate with the Federation to promote the welfare of the profession.
- C. The member, or group of members, should not take any individual action in matters which should be dealt with by the Federation.
- D. The member should adhere to Federation policy and seek to change such policy only through the proper channels of the Federation.

7.(2)(i)VII. Any charge of breach of this Code of Ethics shall be considered in accordance with 'Procedure for Considering Charges of Unethical Conduct' contained in the By-Laws of the Prince Edward Island Teachers' Federation.

7.(2)(b) PROCEDURES FOR CONSIDERING CHARGES OF UNETHICAL CONDUCT

7.(2)(b)I. COMMITTEE

- A. The Executive shall appoint an Ethics Committee each year no later than September 1st following the Annual Meeting of the Board of Governors.
- B.
 - 1. The Ethics Committee shall consist of five members of the Teachers' Federation with one of the members named as chairperson.
 - 2. Members of the Executive shall not be eligible for appointment to the committee.
- C. The term of appointments to the Ethics Committee shall be for a period of three years.
- D. The effective date of appointments each year shall be September 1st and the termination date shall be August 31st.
- E. Any three members of the committee constitute a quorum.

7.(2)(b)II. GENERAL TERMS OF REFERENCE

The Ethics Committee shall:

- A. hold hearings to determine the validity of charges of unethical conduct of members that are referred to it by the Executive;

- B. ensure that the procedures adopted by the Federation in relation to charges of unethical conduct are adhered to;
- C. in cases where the charge(s) of unethical conduct is/are found to be unsustainable, dismiss the case and inform the defendant(s), the complainant(s) and the Executive of this decision;
- D. in cases where the Committee upholds the charge of unethical conduct inform the Executive of this decision and the disciplinary measures to be taken by the Federation. Notice of the decision to the defendant(s) and the complainant(s) shall be sent from the General Secretary by registered mail or certified delivery service.

7.(2)(b)III. DISCIPLINARY MEASURES

The Committee may, after fairly hearing the charge and finding it sustainable:

- A. reprimand the member;
- B. suspend the member from the benefits and privileges of membership for a specified period of time;
- C. expel the member from the Federation;
- D. recommend to the Minister of Education and Early Childhood Development that the member's teaching license be suspended for a specific period of time;
- E. recommend to the Minister of Education and Early Childhood Development that the member's teaching license be cancelled;
- F. utilize any combination of these actions.

7.(2)(b)IV. FUNCTIONS OF THE EXECUTIVE

The Executive shall:

- A. accept the findings of the Ethic Committee as final.
- B. direct the General Secretary to inform the parties of the decision and enable any disciplinary measures, if applicable.

7.(2)(b)V. CHARGES

- A. A charge of unethical conduct against a member may be made by a member of the Federation.
- B. A charge of unethical conduct must be made, in writing, to the Executive and must contain:

1. the name of the member whose conduct is being questioned;
 2. the section(s) of the Code of Ethics the member is alleged to have violated;
 3. a description of the actions of the member(s) that caused the charge of unethical conduct to be laid;
 4. the name of the individual, or in the event of a group action, the names of all individuals laying the charge(s).
- C. Prior to requesting the Ethics Committee to conduct a hearing of a charge(s) of unethical conduct the Executive shall instruct the General Secretary to conduct a preliminary investigation of the charge(s). The General Secretary may assign this task to another professional staff member.
- D. Before the preliminary investigation begins the General Secretary shall ensure that the complainant is fully aware of all procedures and legal responsibilities which he/she undertakes in laying the charge(s).
- E. Following the preliminary investigation, the professional staff member shall report to the Executive and the Executive may:
1. refuse to refer the matter to the Ethics Committee for consideration if it deems the charge frivolous; or
 2. refer the matter to the Ethics Committee. The charge(s) shall be formally laid on a standard form, provided for this purpose by the Federation.
- F. The Ethics Committee must conduct a hearing of all charges referred to it by the Executive.

7.(2)(b)VI. PRELIMINARY INVESTIGATION

The Professional Staff person assigned to conduct a preliminary investigation into a charge of unethical conduct against a member shall:

- A. inform the member against whom a charge is being made of the specific nature of the charge, and the name(s) of the person(s) who has laid the charge;
- B. provide the member who is charged with a copy of the "Procedures for Considering Charges of Unethical Conduct";

- C. interview the member being charged, the person(s) laying the charge(s) and any other individuals the staff member deems advisable to interview (provided such other persons are informed of the purpose of the interview, and it is indicated to them that they may be called as witnesses in the event of a hearing of the Ethics Committee);
- D. provide a written report to the Executive on the preliminary investigation.

7.(2)(b)VII. NOTICE OF HEARING

- A. Upon receipt of notification from the Executive that a hearing is to be held into a charge of unethical conduct, the chairperson of the committee shall, within fourteen days, establish a date, time and place for the hearing, such day shall be no later than thirty days and no sooner than fourteen days from the date upon which the accused was notified of the charge(s) by registered mail or by certified delivery service.
- B. The Chairperson shall notify the accused member of the impending hearing by registered mail or certified delivery service and such notification shall contain:
 - 1. the date, time and place the hearing will be held;
 - 2. the nature of charge(s) being laid against the member;
 - 3. the name of the person(s) laying the charge(s);
 - 4. a general description of the procedures to be followed at the hearing;
 - 5. a request to appear at the hearing and notice that the hearing will be held even if the accused member elects not to attend;
 - 6. a recommendation that the accused member seek the services of legal counsel to represent him/her at the hearing;
 - 7. the names of the committee members who will constitute the hearing panel.
- C. The Chairperson shall notify the complainant, by registered mail or certified delivery service of:
 - 1. the date, time and place of the hearing;
 - 2. a general description of procedures to be followed at the hearing.Such notification shall also contain a request to appear at the hearing.

7.(2)(b)VIII. HEARING

- A. The Chairperson of the Ethics Committee shall conduct the hearing in a fair and unbiased manner.
- B. The committee shall utilize the services of the Federation's legal advisors for the purpose of advice on the value of evidence, matters of law, and maintenance of orderly procedure.
- C. The complainant shall have the onus of proof throughout the proceedings.
- D. If a member of the committee considers himself or herself to be unable to hear the case in an unbiased manner, or if, in the opinion of the committee present at the hearing, there is a real likelihood of bias on the part of any member, such member shall withdraw from the hearing and shall not participate in the decision of the committee.

If the accused considers any member of the hearing panel to be biased, such accused must so advise the chairperson in writing within seven days of receipt of the notification of hearing setting out the basis of the accused's belief or apprehension of bias. The chairperson may:

- 1. confirm the membership of the hearing panel;
 - 2. remove such committee member from the hearing panel; or
 - 3. provide for an opportunity for the accused to make oral representations to the hearing panel as to the apprehension of bias to assist the chairperson who will then determine the issue.
- E. Only those committee members who have been present to hear all the evidence can participate in the decision of the committee.
- The hearing panel shall consist of no fewer than three members of the committee in order to constitute a quorum.
- F. The Chairperson shall ensure that the accused and the complainant are provided the right to be heard which includes:
 - 1. the right to call witnesses;
 - 2. the right to cross examine witnesses;
 - 3. the right to present documents;
 - 4. the right to cross examine documents.
 - G. The General Secretary or another Professional Staff person assigned by him/her shall act as secretary to the hearing and shall keep an orderly record of documents presented and witnesses called.
 - H. The Chairperson may adjourn the hearing until a designated time upon the request of a committee member, the Federation's legal advisor, the accused or the complainant provided he/she considers the reason for the request to be sufficient.

- I. The hearing shall be conducted in private and witnesses shall be present only when they are presenting evidence or being cross examined.
- J. The complainant or his/her representative shall present the charges and supporting evidence first.
- K. The accused or his/her representative and the committee shall be provided an opportunity to cross examine on all or any evidence presented.
- L. The accused or his/her representative shall present his/her response to the charges and any supporting evidence.
- M. The complainant or his/her representative and the committee shall be provided an opportunity to cross examine on the evidence presented.
- N. When the Chairperson is satisfied that all the evidence has been considered he/she shall:
 - 1. provide the accused member an opportunity to make a closing statement in summary; and
 - 2. provide the complainant an opportunity to make a closing statement in summary.
- O. Following the completion of the statements in summary the chairperson shall declare the hearing ended.
- P. Within fourteen (14) days of the completion of the hearing, the committee shall:
 - 1. make its decision, and report in writing, to the Executive that decision, the reasons for the decision and, if the charge(s) is/are sustained, determine any disciplinary action(s) to be taken by the Federation.

7.(2)(b)IX. COSTS

- A. All costs incurred by the Ethics Committee shall be borne by the Federation, except where, in the event of a successful defence by the accused, the Ethics Committee finds that a complainant has acted in a fraudulent, malicious, or irresponsible manner, the aforesaid complainant may be assessed any portion of the Committee's or the Federation's costs, and stands liable for further legal action.

- B. In the event that an accused member obtains the services of counsel and is successful in defending himself/herself before the Ethics Committee the Federation, upon receipt of a copy of the accused person's solicitor's statement of account, may refund a maximum of \$500.00 of the legal costs incurred by that member.

7.(2)(b)X. RECORD OF HEARING

All hearings conducted by the Ethics Committee shall be recorded and this record, along with that of the secretary to the hearing, shall be kept confidential and maintained in a safe place in the Federation Offices by the General Secretary.

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