

31. Professional Ethics, Rights and Standards

A. Professional Rights and Standards of Practice

PROCEDURES

31.A.02—

Centrality of Teaching Relationships with Students

Teaching relationships are interactive, caring and ethical. As such they take into account both the importance and the uniqueness of the individual; in particular, personal history, developmental (social, emotional, physical, cognitive) level, personal learning style.

Commitment to Collegial and Collaborative Relationships

Teaching relationships with peers are based on professional qualifications, ethical conduct, trust, equality and collaboration.

Commitment to Democratic Processes

Communication, interpersonal skills and decision-making in all professional interactions are based on the encouragement values of trust, mutual respect, equality, acceptance and co-operation.

Commitment to Community Building

Community building involves developing a sense of belonging and honoring the uniqueness and diversity of each individual.

Commitment to Standards of Professional Practice

Teaching as a planned process is based upon defined standards and practice.

Teachers believe that it is through the knowledge, skills and example of teachers that public school education nurtures the growth of students, intellectually, socially, physically and emotionally, so that they may be and become self-reliant, self-disciplined, participating members with a sense of environmental and social responsibility within a democratic society. Teaching, as a planned process, is based upon a set of Standards of Professional Practice which incorporate principles of pedagogy, social responsibility, ethical practice, and collaborative relationships.

1. Pedagogical Principles

Members, individually and collectively, have an obligation to maintain a standard of professional practice that reflects knowledge, understanding and competence in the application of the following principles of pedagogy:

- (a) Nature of Learner:
 - (i) developmental stages in the intellectual, social, emotional, physical and moral growth of students;
 - (ii) skills in diagnosing, assessing, reporting on the intellectual, physical, social and emotional needs and abilities of individual students;
 - (iii) diversity of learning styles.
- (b) Nature of the Structures of Knowledge and Curriculum Building:
 - (i) structures and content within the disciplines that are the foundations of curriculum building;
 - (ii) theories of learning and learning styles;
 - (iii) processes related to curriculum development;
 - (iv) processes related to the integration of curriculum components.
- (c) Nature of the Teaching/Learning Process:
 - (i) planning and organizing learning experiences that incorporate:
 - assessing of learner needs;
 - establishing and communicating person-alized learner objectives;
 - balancing cognitive, affective and psycho-motor learning objectives;
 - developing interpersonal relationships needed for a nurturing and stimulating learning environment;
 - (ii) creating a classroom climate that recognizes every student's right to dignity, safety, equality of opportunity and success;
 - (iii) matching content, resources and instructional strategies to accommodate differing learning/teaching styles and individual or group learning activities;
 - (iv) providing on-going feedback to the learner based on the principles of authentic assessment;
 - (v) monitoring and adjusting teaching/learning strategies to meet unanticipated classroom events/dynamics.

2. Social Responsibility

Members, individually and collectively, have an obligation to maintain a standard of professional practice that reflects knowledge, understanding and competence in the application of the following principles of social responsibility to ensure that:

- (a) the purposes, goals and values of a public school education are consistent with those that foster the growth of students into autonomous, socially responsible citizens in a democratic society;
- (b) global concerns and perspectives, and related social developments are incorporated into classroom activities;
- (c) the array of resources and services within the community available to students, parents and teachers are appropriately utilized;

- (d) communication with students, parents, colleagues and other members of the educational community are ongoing and effective;
- (e) a sense of community in the school setting is established;
- (f) interactions with students, parents and colleagues, and other members of the educational community are conducted in an ethical manner free from discrimination with regard to gender, age, race, nationality, religion, socio-economic status, physical ability, mental ability, marital status or sexual orientation.

(94 AGM p. 29)

3. Ethical Practice

Members, individually and collectively, have an obligation to maintain a standard of professional practice that reflects knowledge, understanding and competence in the application of the following principles of ethical practice. Specifically, members have a professional responsibility to:

- (a) model honesty, integrity, self-reliance, self-confidence, self-discipline and spirit of co-operation and encouragement that members seek to develop in students;
- (b) engage in critical reflection, based on both research and experience, about professional practice;
- (c) model a commitment to learning and personal and professional growth by engaging in a process of self-evaluation, and individual professional development;
- (d) participate as an advocate for public education;
- (e) adhere to the profession's Code of Ethics.

4. Collaborative Practice

Members, individually and collectively, have an obligation to maintain a standard of professional practice that reflects knowledge, understanding and competence in the application of the following principles of collaborative practice:

- (a) Collegial
Professional teachers are committed to relationships with colleagues that:
 - (i) encourage on-going programs of collegial professional development;
 - (ii) promote co-operation in the teaching/learning process which include planning, teaching, reflecting and evaluating;
 - (iii) reflects the commitment to expand the body of professional expertise;
 - (iv) Promote shared decision-making practice at the school and district level;
 - (v) demonstrate a commitment to accept and act in accordance with democratic principles;
 - (vi) contribute to the education, training and induction of pre-service and novice professionals;
 - (vii) demonstrate a commitment to uphold standards of professional practice.
- (b) Co-worker
Professional teachers are committed to collaborative relationships with co-workers that:
 - (i) provide for effective direction and supervision of auxiliary personnel who work directly with students;
 - (ii) promote effective interactions with associated professionals who work directly with students, e.g., speech language pathologists, physiotherapists, family and social workers, community workers;
 - (iii) promote effective interactions with administrative officers, clerical and custodial staff, and others who are part of the school's educational setting, in the development of a sense of community within the school.

5. Professional Rights

The responsibility of members, individually and collectively, to maintain the standards of professional practice articulated in sections 1- 4 is contingent upon the recognition by society of the member's right to:

- (a) autonomy in establishing the teaching/learning environment;
- (b) primary control in diagnosing learner needs, in planning curriculum and in determining appropriate methods of instruction to meet these needs;
- (c) primary control over evaluation instruments and processes and the interpretation and communication of evaluation data in regard to students;
- (d) significant influence over decision-making and policy formation through the school staff at the school level and through professional organizations at the district and provincial level;
- (e) sufficient human and material resources to meet standards of professional practice.

(90 AGM, pp. 53-56)

31.A.04—(a) That it is the professional social responsibility of members and the BCTF to act to ensure that classroom practices, school system structures and practices, and societal conditions are supportive of fostering the democratic values of equality and participation for all students in public schools.

(b) That it is sound professional practice for members, individually and collectively, through their local and provincial organizations, to work with the community and in coalitions with other organizations toward the democratic goals of equality and participation.

(90 AGM, pp. 56-57)

B. Code of Ethics

PROCEDURES

31.B.02—That the following be the Code of Ethics of the British Columbia Teachers' Federation:

The Code of Ethics states general rules for all members of the BCTF for maintaining high standards of professional service and conduct toward students, colleagues and the professional union.

(99 AGM, p. 23)

1. The teacher speaks and acts toward students with respect and dignity, and deals judiciously with them, always mindful of their individual rights and sensibilities.

2. The teacher respects the confidential nature of information concerning students and may give it only to authorized persons or agencies directly concerned with their welfare. *The teacher follows legal requirements in reporting child protection issues.*

(06 AGM, p. 22)

3. The teacher recognizes that a privileged relationship with students exists and refrains from exploiting that relationship for material, ideological or other advantage.

4. The teacher is willing to review with colleagues, students, and their parents/guardians the quality of service rendered by the teacher and the practices employed in discharging professional duties.

5. The teacher directs any criticism of the teaching performance and related work of a colleague to that colleague in private, and only then, after informing the colleague in writing of the intent to do so, may direct the criticism in confidence to appropriate individuals who are able to offer advice and assistance. **It shall not be considered a breach of the Code of Ethics for a member to follow legal requirements or official protocols in reporting child protection issues.*

(06 AGM, p. 22)

(95 AGM, p. 22)

6. The teacher acknowledges the authority and responsibilities of the BCTF and its locals and fulfills obligations arising from membership in her or his professional union.

7. The teacher adheres to the provisions of the collective agreement.

(98 AGM, p. 40)

8. The teacher acts in a manner not prejudicial to job actions or other collective strategies of her or his professional union.

9. The teacher neither applies for nor accepts a position that is included in a Federation in-dispute declaration.

10. The teacher, as an individual or as a member of a group of teachers, does not make unauthorized representations to outside bodies in the name of the Federation or its locals.

(00 AGM, p. 22)

(06 AGM, p. 22)

*See 31.B.12 of the Members' Guide

31.B.04—That the Code of Ethics be available in both official languages.

(June 90 RA, p. 20)

31.B.06—Guide to professional practice

These standards of professional conduct are:

- a guide to professional relations and responsibilities;
- a guide to professional practice;
- a guide for interpersonal relations and personnel practices within the profession.

The Code of Ethics stipulates those general rules of conduct particular to the teaching profession. The Standards of Professional Conduct are not rules but rather give further specific guidance for the conduct of all BCTF members. Observance of these standards should assist all members to uphold the Code of Ethics.

The following constitute professional conduct.

A. In relation to students

The professional responsibility of members is for the intellectual, physical, social and emotional development of the students entrusted to their care.

The member:

1. Assesses educational needs, prescribes and implements instructional programs and evaluates the progress of individual students, and shall not delegate these responsibilities to any person who is not employed as a teacher. The member seeks professional assistance in any of the above functions when such is required.

2. Directs and supervises the delegation of specific, limited aspects of learning activities to auxiliary personnel.

3. Is mindful of the student's safety, the student's right to equality of opportunity and successful learning experiences, and is considerate of the child's personal circumstances.

4. Endeavors to provide for a range of fact and opinion when dealing with controversial matters in the curriculum.

5. Regards as confidential and does not divulge, other than to appropriate persons, any information of a personal nature concerning students.

6. Does not tutor that member's own students for additional pay.

7. Speaks constructively of students in the presence of students, members, officials, or other persons.

8. Must, if the member has reason to believe that a student has been, or is likely to be, physically harmed, sexually abused, or sexually exploited by a parent or other person, immediately report the matter to the appropriate authorities.

(05 AGM, p. 41)

B. In relation to parents or guardians

The member co-operates with the home whenever possible.

The member:

1. Respects the uniqueness of each student's home.

2. Is receptive to the viewpoints of parents in regard to the educational needs of their children.

3. Seeks parental involvement in the educational processes designated for students.

4. Shares with the parents information that will assist in the growth and development of the students.

5. Takes appropriate steps to protect the rights of the student.

C. In relation to the general public

The member endeavors to improve the quality of education and to enhance the reputation of the teaching profession.

The member:

1. Co-operates with and encourages the involvement of the community and other agencies in the examination of present and future educational needs of students.
2. Before accepting a position, becomes aware of the expectations the community holds with regard to the profession.
3. Understands that if there are reasons to seek additional employment, discretion should be used in doing so.
4. Refrains from using the teaching position to promote the sale of books or other teaching aids for personal gain.
5. Is cognizant of individual rights and responsibilities in the event of a strike of school district employees.

D. In relation to school boards and the Ministry of Education

The member is cognizant of the terms and conditions of employment.

The member:

1. When considering accepting a position in a district with which the member is unfamiliar, should contact the Federation for information regarding teaching conditions.
2. Protests both the assignment of duties for which the member feels unqualified and any conditions that make it difficult to render professional service.
3. Refrains from attempting to influence individual school board members to further a personal career or to gain professional favor.
4. Is aware of the provisions of the School Act and Regulation and with the policies of the employing school board and where changes are deemed necessary, seeks revision through the Federation and/or local.

E. In relation to the profession

The member recognizes a responsibility toward both colleagues and the professional organization.

The member:

1. Accepts as a professional and individual responsibility the duty of reporting in an appropriate manner all matters harmful to the welfare of the school.
2. Speaks constructively of other members in the presence of students, teachers, officials or other persons.
3. Exercises the right to privileged counselling and assistance from colleagues designated by the local.
4. Seeks the advice of the Federation concerning any problem of relationship with colleagues that cannot be resolved by personal discussions or with local assistance.
5. Does not undermine the students' confidence in other members.
6. Is prepared to co-operate with colleagues seeking or providing professional assistance.
7. Communicates with any other member whose students the member proposes to tutor on a regular basis.
8. Recognizes a responsibility to assist in teacher education programs.
9. Regards it as a right and responsibility to examine and, if necessary, suggest changes in the conduct of the professional organization within the organization.
10. Recognizes service to the Federation at the local or provincial level as a professional responsibility.
11. Assumes responsibility for that member's own personal professional growth.
12. Recognizes the need for personal professional growth and takes advantage of opportunities provided.

(90 AGM, p. 5)

31.B.08—That it be considered a violation of clause 3 of the Code of Ethics that a member be paid to tutor a student he/she teaches in one of his/her classes except in the case where the member is employed by a school board as a special instructor (night school, "cram" sessions) and one of his/her students has been admitted to the class.

(Jan 67 Ex, p. 4)
(Reviewed June 80 Ex, p. 25)

31.B.12—Advice on how to proceed with a concern respecting a colleague's teaching and related work may be sought from Federation staff and/or local officers in good faith. Such discussion will not constitute a breach of clause 5. 'Appropriate individuals' in clause 5 of the Code of Ethics shall mean those persons who are able to offer advice and assistance on questions of teaching performance and related work. The first emphasis should at all times be on exploring means of assisting, rehabilitating and correcting.

(95 AGM, p. 22)
(99 AGM, p. 24)

31.B.14—It shall not be considered a breach of clause 5 of the Code of Ethics to report reasonable grounds for suspecting child abuse to proper authorities according to legal provisions and official protocol requirements.

(90 AGM, errata memo)

31.B.16—That all members who indicate they may have a complaint of a possible breach of the Code of Ethics shall be referred to the designated staff member who is in a position to give full information on the code and its processes.

(90 AGM, errata memo)

31.B.18—That members of the Executive Committee and the Committee of Ombudspersons be excluded from membership on the Judicial Council.

(90 AGM, errata memo)

31.B.20—That members continue to follow Section 5 of the BCTF Code of ethics in raising matters of teaching performance and professional conduct.

(May 03 RA., p. 13)

C. Judicial Council

31.C.02—That candidates for election to the Judicial Council be nominees who have been approved by a secret ballot of a local general meeting or a local delegate assembly. (Endorsement by other groups of members such as a local executive committee does not constitute a valid nomination.)

(76 AGM, p. 62)

31.C.04—That the Judicial Council members be elected by secret ballot of the Representative Assembly, such election requiring in excess of a 50 percent majority.

(76 AGM, p. 63)
(90 AGM, errata memo)

31.C.06—That the terms of office of members of the Judicial Council shall expire on June 30 of the relevant year and that successors in office shall commence their terms on July 1, subject to the provision that any member is authorized to participate in decisions of cases heard prior to the expiration of the term and no newly-elected member will participate in any decision unless he/she has heard all evidence.

(Oct 76 RA, p. 23)
(90 AGM, errata memo)

31.C.08—That upon expiration of the 30-day period for appealing or upon the conclusion of an appeal finding of guilty will be published in the Teacher. The Hearing Panel/Appeal Panel shall write the words published including the offense, the finding and the penalty, but not the source of the original complaint. Where a finding of not guilty is reached, any publication shall be at the option of the member charged, but shall be in a manner and form acceptable to the Hearing Panel/Appeal Panel.

(90 AGM, errata memo)
(91 AGM, p. 54)

31.C.10—That it is within the purview of the Judicial Council, when considering alleged breaches of the code or of conduct harmful or prejudicial to the Federation, to report on contingent matters of concern that, while not constituting the primary reason for the investigation, nonetheless may merit consideration by the Executive Committee.

(Nov 73 Ex, p. 10)
(June 80 Ex, p. 25)

31.C.12—That the following statements be adopted to govern the selection and proceedings of the Judicial Council and its panels:

(a) The Representative Assembly shall elect at large and maintain an 18-member Judicial Council to implement the Code of Ethics. In addition to the 18 members, the Representative Assembly shall elect a Judicial Council chairperson whose term shall be three years. Initially council members' terms shall be staggered, i.e., six three-year terms, six two-year terms and six one-year terms. In subsequent elections, terms for vacancies shall be set to maintain a balance of experience. There shall be no limit on the number of terms for which election to the Judicial Council may be sought but no term shall be more than three years.

(b) Panels to screen, hear charges and hear appeals will be selected from the council by the chairperson in consultation with the designated staff member. Normally, panels will be assigned to cases on a rotation basis.

(c) The Judicial Council shall establish procedures to be used by the Hearing and Appeal panels which reflect due process and natural justice.

(d) Unless there are exceptional circumstances, the Judicial Council and/or panels will not utilize a lawyer nor a Federation advocate in the conduct of hearings.

(e) Normally the Hearing Panel will take responsibility for calling evidence and obtaining the facts; conduct of hearings will be as non-adversarial as possible.

(f) The member charged may be accompanied by a friend/advocate who may assist in presenting his/her case.

(g) Expenses (at standard BCTF rates) of the member charged in a hearing, his/her advocate and allowed witnesses will be paid by the BCTF, but cost of any legal counsel will not be provided.

(h) Communication of notices, charges, findings and reasons will be by registered mail.

(i) Dates and locations of hearings will be set by the panel concerned and normally will be according to reasonableness and balance of convenience of the participants.

(j) When it orders a hearing, the Screening Panel shall state in writing the allegations it wishes examined and shall provide all documentary information it has gathered to the Hearing Panel to the complainant and to the member charged.

(k) A complainant who it appears may have been aggrieved by the alleged conduct of the member charged shall have the opportunity to provide evidence and argument in forms determined by the Hearing Panel and Appeal Panel.

(03 AGM, p. 34)

(l) The Federation will maintain a list of suitable candidates from which mediators and/or fact finders may be appointed pursuant to the foregoing procedures.

(m) In no event may any one person serve on more than one panel in dealing with the same case.

(90 AGM, pp. 75-76)
(91 AGM, p. 54)

31.C.14—That the Judicial Council be convened three times during the year; once between September and December, once between January and March, and once between April and June.

(Nov. 99 Ex., p. 13)

31.C.16—That the chair of the Judicial Council, members of the Judicial Council, and members-elect of the Judicial Council present at the Representative Assembly will remove themselves from RA deliberations regarding Judicial Council decisions with respect to violations of strikes/lockouts and collective strategies.

(06 AGM, p. 21)

D. Administration of the Code of Ethics

(See also Section 44 Strikes and Job Actions)

31.D.02—That the following process be adopted for the implementation and administration of the Code of Ethics and by-law 16:

(a) Receipt of Information or Complaint

Information and/or complaints regarding conduct of members shall be received by a designated staff member who shall advise the chairperson of the Judicial Council of such receipt.

(b) Reduction to Writing

At the discretion of the chairperson of the Judicial Council, in consultation with the staff member, a complainant may be required to submit the complaint and/or information in writing.

Alternatively, where a significant interest of the Federation is at stake and the circumstances warrant it, the chairperson of the Judicial Council may, in consultation with the staff member, reduce the matter to writing.

(c) Voluntary Resolution

Depending on the nature of the complaint, the designated staff member may, in consultation with the chairperson of the Judicial Council, recommend an appropriate means of resolving such complaint. With agreement of the parties, resolution may be sought through:

1. voluntary participation in the BCTF's Internal Mediation Service;
2. voluntary agreement to be bound by mediators' recommendation(s);
3. voluntary agreement to pursue the matter in other more appropriate ways; or
4. summary resolution resulting from clarification, apology, retraction or other appropriate steps.

(d) Screening Panel

In the event that the matter is not resolved through voluntary means, it shall be referred in writing to a three-member Screening Panel which may consult with the staff member and after obtaining other information as needed may:

1. prescribe mediation and request the Judicial Council chairperson to appoint a mediation team;
2. order a report by (a) fact-finder(s) whose findings shall be reported to the Screening Panel for possible further action.

(92 AGM, p. 45)

(93 AGM, p. 22)

3. order a hearing by a Hearing Panel, articulate charges and submit the matter to the panel; (unless there are exceptional circumstances, a clause 5 case will be resolved through means other than a Hearing Panel.)

4. dismiss the complaint or part of the complaint on the grounds set out below and provide written reason for such dismissal; or

(02 AGM, p. 32)

5. order such other resolution as the panel may deem appropriate.

When a hearing is ordered and the allegations are of a serious nature and/or the circumstances extraordinary, the Screening Panel may appoint an individual (not a member of the Judicial Council) to carry the Federation's interests before the Hearing Panel.

(e) Screening Panel Dismissal of a Complaint

1. The Screening Panel may, at any time after a complaint is filed, dismiss all or part of the complaint if that Screening Panel determines that any of the following apply:

- a. the complaint or that part of the complaint is not within the jurisdiction of the Judicial Council.
- b. there is no evidence to support a finding of a breach of the Code of Ethics or that the member has engaged in conduct harmful or prejudicial to the interests of the Federation, or acted in a manner prejudicial to job actions or other collective strategies of the Federation.
- c. there is no reasonable basis to justify referring the complaint or that part of the complaint to the Hearing panel for a hearing.
- d. proceeding with the complaint or that part of the complaint would not further the interests of the Federation.
- e. the complaint or that part of the complaint was filed for improper motives or made in bad faith.

f. the substance of the complaint or that part of the complaint has been appropriately dealt with in another proceeding.

g. the breach alleged in the complaint or that part of the complaint occurred more than six months after the complainant knows of or can reasonably be expected to know of the events upon which the complaint is based.

2. If the Screening Panel dismisses a complaint or part of a complaint under subsection (1), within 15 days of receiving notice of the Screening Panel's decision, the complainant may submit a written request that the chairperson of the Judicial Council review the dismissal on one or both of the following grounds:

a. the complainant believes there is new evidence which was not and could not reasonably have been available to the Screening Panel. The respondent may submit a written response concerning the alleged new evidence. After reviewing the matter, the chairperson shall either uphold the Screening Panel's decision or send the complaint back to the original Screening Panel for reconsideration;

b. the complainant alleges that the Screening Panel's decision was made in a manner that was arbitrary, discriminatory, in bad faith, or negligent. Both the respondent and the Screening Panel may submit a written response to the complainant's allegation. After reviewing the allegation and any responses the Judicial Council chairperson shall either uphold the Screening Panel's decision or assign a new Screening Panel to examine the complaint.

(02 AGM, p. 32)

(03 AGM, p. 34)

(f) Hearing Panel

In the event that the Screening Panel orders a hearing, a three-member Hearing Panel shall conduct a full hearing of evidence related to the charge(s). The panel shall then deliberate in private, render a verdict and the panel shall be empowered to:

i. dismiss the complaint in which case the member charged has the right to decide whether or not such finding is published, or

ii. where the member who is the subject of the complaint has been found in breach of the Code of Ethics or to have engaged in conduct harmful or prejudicial to the Federation's interests:

(1) determine appropriate publication of the finding of such breach.

(2) issue a warning to the member.

(3) issue a reprimand to the member.

(4) impose a monetary fine on the member.

(5) if the breach is by crossing a picket line, then issue a levy in the amount up to the equivalent of the gross salary the member received from the employer, less any income tax and union dues deducted and remitted by the employer, for the days on which the picket line was crossed.

(6) if the member has been in receipt of strike pay, issue a levy for the amount equivalent to the strike pay received.

(7) suspend the right of the member to hold office or membership in or receive specified benefits from the Federation and/or any subsidiary bodies.

(8) expel from membership.

or, impose a combination of the foregoing penalties, commensurate with the gravity of the breach found by the Hearing Panel.

Any publication of a breach or dismissal shall be in accordance with Procedure 31.C.08.

(02 AGM, pp. 48, 49)

Note: Any sanction with regard to collective strategies shall be in accordance with the new procedure for collective strategies.

(06 AGM, p. 21)

(g) Appeal Panel

In the event that a Hearing Panel finds that a breach of the code has occurred, the member charged may appeal to an Appeal Panel of the Judicial Council, appealing the finding and/or penalty on the basis of one or more of the following grounds:

(i) that the appellant was denied a fair hearing process by the Hearing Panel;

(ii) that the appellant has new evidence which was not, and could not reasonably have been available to the appellant at the hearing before the Hearing Panel;

(iii) that the Hearing Panel erred in its interpretation of a provision of the Code of Ethics or the BCTF Constitution;

(iv) that the Hearing Panel erred in the application of a provision of the Code of Ethics or the BCTF Constitution to the facts as determined by the Hearing Panel;

(v) that the penalty imposed was not reasonably commensurate with the gravity of the breach found by the Hearing Panel.

To initiate an appeal, the member charged must file written notice within 30 days of receipt of the decision and reasons of the Hearing Panel. Such notice shall be sent by registered mail to the chairperson of the Judicial Council. The decision of the Appeal Panel is final.

(92 AGM, p. 45)

Note: See also By-laws 7.6 and 7.7, Procedures 31.C.12(k), 44.16(g) and section 24, "Ombudservice."