



# The Ethical Educator & Professional Practices

Teacher Standards & Practices Commission

250 Division St NE

Salem OR 97301

## Responsibilities of TSPC:

In 1973, the Teacher Standards and Practices Commission became an autonomous body. It was created amid demands across the nation that educators police their own ranks. As a result, one of the statutory responsibilities of TSPC is to maintain professional Standards of Competent and Ethical Performance of Oregon Educators. These Standards can be found in Oregon Administrative Rules, Chapter 584, Division 020. Approximately 250 discipline cases are investigated by the Commission each year.

## What is a Competent and Ethical Educator?

The competent educator demonstrates:

- Knowledge and use of curriculum and instruction to meet the needs of all students;
- Ability to provide a climate for students that is conducive to learning and respects the rights of all persons without discrimination;
- An understanding of students and ability to establish and maintain good rapport and assist the growth of students;
- Ability to work effectively with students, staff, parents and community.

The ethical educator demonstrates:

- A willingness to accept the requirements of membership in the education profession;
- A willingness to consider the needs of the students, the district and profession.

## What is a Culturally Competent Educator?

The competent educator demonstrates:

- Capacity to promote equity of student access and outcomes;
- Advocacy for social justice;
- Awareness of laws and policies affecting learners;
- Creates a respectful and collaborative environment;
- Ability to navigate conflicts around race, ethnicity, religion, class, and language in a safe and productive manner;
- Ability to work collaboratively with students, staff, and parents from diverse racial, ethnic, religious, class and language backgrounds;
- Demonstrates respectful and welcoming verbal and non-verbal interaction skills.

## What is the Responsibility of the Superintendent?

OAR 584-020-0041(3)

The district's chief administrator must report to TSPC within 30 days when, after appropriate investigation, the chief administrator **reasonably** believes that an educator has violated standards by committing acts of gross neglect of duty or gross unfitness.

## What is Gross Neglect of Duty?

OAR 584-020-0040(4)

*Gross neglect of duty is any serious and material inattention to or breach of professional responsibilities. Some examples of Gross Neglect of Duty are: unreasonable physical force against students or fellow employees; sexual conduct with a student; appearing on duty or at any district-sponsored activity while under the influence of alcohol or any controlled substance; knowing falsification of any document or knowing misrepresentation directly related to licensure, employment or professional duties; knowing and unauthorized use of school computer equipment to receive, store, produce or send sexually explicit materials; knowing and willful failure of a chief administrator to report a violation of Commission standards; etc. See OAR 584-020-0040(4) for additional examples of Gross Neglect of Duty.*

## What is Gross Unfitness?

OAR 584-020-0040(5)

*Gross unfitness is any conduct which renders an educator unqualified to perform his or her professional responsibilities. Conduct constituting gross unfitness may include conduct occurring outside of school hours and off school premises when such conduct bears a demonstrable relationship to the educator's ability to fulfill professional responsibilities effectively. Some examples of Gross Unfitness are: fraud or misrepresentation; conviction of violating any federal, state, or local law; violation of a term of probation imposed by a court; admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction; etc. See OAR 584-020-0040(5) for additional examples of Gross Unfitness.*

## What Happens When TSPC Receives a Complaint?

ORS 342.176

- TSPC conducts an investigation to determine whether or not the allegation(s) is factual.
- The educator is notified of the complaint and encouraged to respond to the allegation(s).
- The Commission considers the Preliminary Investigation report and determines whether or not there is sufficient cause or evidence to charge the educator with a violation of TSPC Standards.
- The Commission may dismiss the complaint for lack of sufficient cause; **or**
- Enter into a settlement agreement with the educator (Order of discipline); **or**
- TSPC may inform the educator of charges and of an opportunity for hearing.

## What Happens When the Educator Requests a Hearing?

ORS 342.177(1)

The Commission is represented by legal counsel from the Attorney General's Office. The educator may be represented by an attorney. Hearings are conducted by an Administrative Law Judge. Based on evidence presented at the hearing, the Administrative Law Judge makes a recommendation to the Commission regarding whether the educator has engaged in unprofessional conduct. The Administrative Law Judge submits a Proposed Order to the full Commission. The Proposed Order is advisory to the Commission which is voted on in public session.

## What Sanctions May the Commission Impose? ORS 342.175(2), ORS 342.177(3), and ORS 342.183(1)

By law, the Commission **must** permanently revoke or deny a license to educators who are convicted of crimes listed in ORS 342.143. In other cases, the Commission may revoke, suspend, issue a public reprimand, issue a reproof, or place an educator on probation depending on the facts and circumstances of the case.

