

16 NCAC 06C .0602 STANDARDS OF PROFESSIONAL CONDUCT

This Rule establishes uniform Standards of Professional Conduct ("Standards") for professional educators in North Carolina, which apply to all persons who hold a professional educator license issued pursuant to this Subchapter and Chapter 115C, Article 17E of the General Statutes. These Standards shall be the basis for reviewing the performance of professional educators by the State Board of Education. Violation of these Standards shall be grounds for disciplinary sanctions against a professional educator's license as provided in this Section.

- (1) Generally Recognized Professional Standards. The educator shall adhere to and practice the professional standards of all federal, state, and local governing bodies with public education oversight.
- (2) Conduct with Students. The educator shall treat all students with respect and maintain appropriate professional boundaries with all students, regardless of whether that student is directly under the care or supervision of the educator. Specifically, the educator shall not engage in any of the following conduct toward or in the presence of a student:
 - (a) Use of profane, vulgar, or demeaning language.
 - (b) Intentional or reckless exposure of students to profane, vulgar, or sexually explicit material except as part of age-appropriate classroom instruction or other pedagogical practice.
 - (c) Solicitation, encouragement, or consummation of a romantic, physical, or sexual relationship with a student in any form, whether written, verbal, or physical. As used in this context, "solicitation" or "encouragement" shall include engaging in a pattern of flirtatious behavior; efforts to gain access to, or time alone with, a student with no clear educational or school-related objective; provision of individualized or specialized treatment, including tangible or monetary gifts, to a student that does not comply with generally recognized professional standards for educators; or any other behavior that could be perceived by a rational observer as excessively personal or intimate in the context of the educator-student relationship.
 - (d) Solicitation, encouragement, or consummation of sexual contact with a student.
 - (e) Sexual harassment, as defined in 34 C.F.R. 106.30(a).
 - (f) Child abuse, as defined in G.S. 14-318.2 or G.S. 14-318.4.
- (3) Alcohol and Controlled Substances. The educator shall not be under the influence of, possess, use, or consume an alcoholic beverage or a controlled substance, as defined in G.S. 90-95, on school premises, at a school-sponsored activity, or when otherwise discharging the educator's professional duties, unless the educator has a prescription from a licensed medical professional authorizing such use. The educator shall not furnish alcoholic beverages or controlled substances to a student, except for the administration of medication prescribed by a licensed medical professional in accordance with the educator's professional duties.
- (4) Honesty. The educator shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of the educator's professional duties, including the following:
 - (a) statements or representations of professional qualifications;
 - (b) application or recommendation for professional employment, promotion, or licensure;
 - (c) applications or recommendations for college or university admission, scholarship, grant, academic award, or similar benefit;
 - (d) statements or representations of completion of college or staff development credit;
 - (e) evaluation or grading of students or school personnel;
 - (f) submission of financial or program compliance reports submitted to state, federal, or other governmental agencies;
 - (g) submission of information in the course of an official inquiry by the SBE or the educator's employing PSU into allegations of professional misconduct, provided that an educator shall be given adequate notice of the allegations and may be represented by legal counsel; and
 - (h) submission of information in the course of an investigation into school related criminal activity by a law enforcement agency, child protective services, or any other agency with the authority to investigate, provided that an educator may decline to provide information to law enforcement if such evidence could incriminate the educator in violation of the educator's rights under the United States Constitution or North Carolina Constitution.

- (5) Compliance with Criminal Laws. The educator shall not violate the criminal laws of this State, the United States, or any other state or territory under the jurisdiction of the United States.
- (6) Proper Remunerative Conduct. The educator shall not solicit current students or parents of students to purchase equipment, supplies, or services from the educator in a private remunerative capacity. An educator shall not tutor for remuneration students currently assigned to the educator's classes, unless approved by the local superintendent. An educator shall not accept any compensation, benefit, or thing of value other than the educator's regular compensation for the performance of any service that the educator is required to render in the course and scope of the educator's employment. This Rule shall not restrict performance of any overtime or supplemental services at the request of the PSU, nor shall it restrict the acceptance of gifts from students, parents, or other persons in recognition or appreciation of the educator's professional service, provided the gift is given and received freely, openly, and without expectation of favor or advantage to the donor in return.
- (7) Confidential Information. The educator shall keep confidential all personally identifiable information regarding students or their family members that the educator has obtained in the course of professional service, unless disclosure is required or permitted by law or is necessary for the personal safety of the student or others.
- (8) Rights of Others. The educator shall not willfully or maliciously violate the constitutional or civil rights of a student, parent or legal guardian, or colleague.
- (9) Required Reports. The educator shall make all reports required by Chapter 115C of the General Statutes.
- (10) Public Funds and Property. The educator shall not misuse public funds or property or any funds belonging to an organization affiliated with the school or PSU. The educator shall account for funds collected from students, colleagues, parents, or legal guardians of students. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.
- (11) Scope of Professional Practice. The educator shall not perform any professional duty or function for which licensure is required by this Chapter or by Chapter 115C of the General Statutes during any period in which the educator's license is suspended or revoked.
- (12) Abuse of Authority. The educator shall not directly or indirectly use or threaten to use any official authority or influence in any manner that discourages, restrains, coerces, interferes with, or discriminates against any subordinate or any licensee who in good faith reports or otherwise brings to the attention of a PSU, the SBE, or any other public agency authorized to take remedial action, any facts or information relative to the actual or suspected violation of any law or rule regulating the duties of persons serving in the public school system, including those established by this Section.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-307;
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