

## **What Is Unprofessional Conduct?**

As defined in Section 23 of the *Teaching Profession Act*, unprofessional conduct is conduct by an ATA member that exhibits any of the following characteristics:

- Is detrimental to the best interests of students, the public or the teaching profession.
- Contravenes the [Teaching Profession Act](#) or the [Code of Professional Conduct](#).
- Harms or tends to harm the standing of teachers generally.
- Leads to a conviction on an indictable offence.

A member who refuses to cooperate with an investigator appointed by the executive secretary may also be charged with unprofessional conduct.

Section 23(3) of the *Teaching Profession Act* prohibits the ATA from disciplining members for conduct related to collective bargaining, the administration of a collective agreement, any matter under the jurisdiction of the Labour Relations Board or any matter that arises under the employment clauses (Sections 77 to 85 and 92[1]) of the *School Act*.

Nor can the ATA discipline members for incompetence, a matter that falls under the authority of the Council on Alberta Teaching Standards (COATS). Information on COATS can be obtained from Marc Prefontaine, Director and Registrar, Teacher Development and Certification, Alberta Education, 44 Capital Boulevard, 10044 108 Street, Edmonton, Alberta T5J 5E6; tel: 422-6982; fax: 422-4199; e-mail: [marc.prefontaine@gov.ab.ca](mailto:marc.prefontaine@gov.ab.ca).

## **Code of Professional Conduct and Surveys**

Teachers are reminded to bear in mind the Code of Professional Conduct when filling out surveys. Some surveys contain questions wherein certain responses might either directly or indirectly, be considered an evaluation of a colleague or colleagues.

The Code of Professional Conduct requires teachers to inform colleagues of criticisms. With respect to those that contain questions directly or indirectly evaluating colleagues the following principles apply.

1. If a teacher is to criticize the professional competence of colleagues then a teacher is required to inform the colleague in question.
2. Leaving a response blank does not constitute a criticism.
3. Any survey that involves evaluation of colleagues is considered a report under the Code of Professional Conduct.
4. A survey where teacher responses are critical of a colleague must inform that colleague before forwarding the survey.

Feedback and evaluation are important. However teachers must use good judgement and bear in mind the Code of Professional Conduct when filling out surveys of any type where teachers may find themselves evaluating a colleague by completing the survey.

Questions should be directed towards school reps or SARO. (1-800-332-1280)

## **Code of Professional Conduct**

The Code of Professional Conduct stipulates minimum standards of professional conduct of teachers but is not an exhaustive list of such standards. Unless exempted by legislation, any member of The Alberta Teachers' Association who is alleged to have violated the standards of the profession, including the provisions of the code, may be subject to a charge of unprofessional conduct under the bylaws of the Association.

In relation to pupils

- 1 The teacher teaches in a manner that respects the dignity and rights of all persons without prejudice as to race, religious beliefs, colour, sex, sexual orientation, physical characteristics, age, ancestry or place of origin.
- 2 (1) The teacher is responsible for diagnosing educational needs, prescribing and implementing instructional programs and evaluating progress of pupils.

- (2) The teacher may not delegate these responsibilities to any person who is not a teacher.
- 3 The teacher may delegate specific and limited aspects of instructional activity to noncertificated personnel, provided that the teacher supervises and directs such activity.
  - 4 The teacher treats pupils with dignity and respect and is considerate of their circumstances.
  - 5 The teacher may not divulge information about a pupil received in confidence or in the course of professional duties except as required by law or where, in the judgment of the teacher, to do so is in the best interest of the pupil.
  - 6 The teacher may not accept pay for tutoring a pupil in any subjects in which the teacher is responsible for giving classroom instruction to that pupil.
  - 7 The teacher may not take advantage of a professional position to profit from the sale of goods or services to or for pupils in the teacher's charge.

In relation to school authorities

- 8 The teacher protests the assignment of duties for which the teacher is not qualified or conditions which make it difficult to render professional service.
- 9 The teacher fulfills contractual obligations to the employer until released by mutual consent or according to law.
- 10 The teacher provides as much notice as possible of a decision to terminate employment.
- 11 The teacher adheres to agreements negotiated on the teacher's behalf by the Association.

In relation to colleagues

- 12 The teacher does not undermine the confidence of pupils in other teachers.
- 13 The teacher criticizes the professional competence or professional reputation of another teacher only in confidence to proper officials and after the other teacher has been informed of the criticism, subject only to section 23 of the Teaching Profession Act.
- 14 The teacher, when making a report on the professional performance of another teacher, does so in good faith and, prior to submitting the report, provides the teacher with a copy of the report, subject only to section 23 of the Teaching Profession Act.
- 15 The teacher does not take, because of animosity or for personal advantage, any steps to secure the dismissal of another teacher.
- 16 The teacher recognizes the duty to protest through proper channels administrative policies and practices which the teacher cannot in conscience accept; and further recognizes that if administration by consent fails, the administrator must adopt a position of authority.
- 17 The teacher as an administrator provides opportunities for staff members to express their opinions and to bring forth suggestions regarding the administration of the school.

In relation to the profession

- 18 The teacher acts in a manner which maintains the honour and dignity of the profession.
- 19 The teacher does not engage in activities which adversely affect the quality of the teacher's professional service.
- 20 The teacher submits to the Association disputes arising from professional relationships with other teachers which cannot be resolved by personal discussion.
- 21 The teacher makes representations on behalf of the Association or members thereof only when authorized.
- 22 The teacher accepts that service to the Association is a professional responsibility.

Approved by the 1999 Annual Representative Assembly pursuant to section 8(f) of the Teaching Profession Act.

Please note:

Items 13 and 14 of the Code of Professional Conduct do not pertain to reporting to the Association on the possible unprofessional conduct of another member.

The Teaching Profession Act, section 24(3), requires members to report forthwith to the executive secretary on the unprofessional conduct of another member.

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