

## GUAM COMMISSION FOR EDUCATOR CERTIFICATION (GCEC)

### RULES GOVERNING THE STANDARDS OF PROFESSIONAL CONDUCT FOR GUAM EDUCATORS

#### 1.0 Title

- 1.01 These rules shall be known as the Guam Rules Governing the Standards of Professional Conduct for Guam Educators.

#### 2.0 Purpose

- 2.01 The purpose of the Rules Governing the Standards of Professional Conduct for Guam Educators is to define standards of professional conduct and to outline procedures for investigations and enforcement of the Standards.
- 2.02 The professional, ethical educator contributes to the development and maintenance of a supportive student-centered learning community that values and promotes human dignity, fairness, care, and the greater good and individual rights. These values are the ethical premises for the Standards of professional behavior and ethical decision-making established in this *Standards of Professional Conduct for Guam Educators*. By establishing Standards of ethical conduct, this code promotes the health, safety, and general welfare of students and educators and ensures the citizens of Guam a degree of accountability within the education profession.

#### 3.0 Definitions

For the purposes of these rules, the following terms mean:

- 3.01 **Child** means a person under the age of 18 years.
- 3.02 **Complaint** may be filed with the Guam Commission For Educator Certification (GCEC) by any interested party within one year from the date of the alleged misconduct. If the alleged misconduct is of a continuing nature then the complaint must be filed within one year from the last date on which the conduct occurred. Complaints involving sexual abuse or exploitation of a child or student may be filed up until three years after the student reaches 18 years of age.

Complaints filed with the Guam Commission For Educator Certification must be in writing with the name, address, a statement of the complaint with the facts supporting the allegation, and must be signed by the complainant (parent, educator, superintendent, principal, interested party) and notarized.

- 3.02.1 **Conviction** includes a plea of guilty or a plea of *nolo contendere* accepted by any Court, or a finding or verdict of guilty, regardless of whether an appeal of the conviction has been sought.
- 3.03 **Discipline** shall mean any of the following:
- 3.03.1 Private reprimand
  - 3.03.2 Public reprimand
  - 3.03.3 Suspension
  - 3.03.4 Revocation
  - 3.03.5 Surrender
  - 3.03.6 Supplemental Sanctions
- 3.04 **Dispositions** are the values, commitments, and professional ethics that influence behaviors toward students, families, colleagues and communities and affect student learning, motivation, and development as well as the educator's own professional growth. Dispositions are guided by beliefs and attitudes related to values such as caring, fairness, honesty, responsibility and social justice.
- 3.05 **Educator** is a teacher, administrator or other education personnel who has been issued an Educator Certificate by the Guam Commission For Educator Certification.
- 3.06 **Educator Certificate** refers to the certificate issued by Guam Commission For Educator Certification.
- 3.07 **Eligible Students** are those students 18 years or older who continue to attend school at the high school level.
- 3.08 **Harassment, Intimidation, or Bullying** means any gesture or written, verbal, or physical act that a reasonable person under the circumstances should know will have the effect of harming a pupil or damaging his or her property or placing a pupil in reasonable fear of harm to his or her person or damage to his or her property, or that has the effect of insulting or demeaning any pupil or group of pupils in such a way as to disrupt or interfere with the school's educational mission or the education of any pupil. "Harassment, intimidation, or bullying" includes, but is not limited to, such a gesture or written, verbal, or physical act that is reasonably perceived as being motivated by a pupil's religion, race, color, national origin, age, sex, sexual orientation, disability, height, weight, or socioeconomic status, or by any other distinguishing characteristic.  
**Cyberbullying** means the use of any electronic communication device to harass, intimidate or bully as defined in the above Paragraph.
- 3.09 **Immoral** conduct is conduct or behavior which is contrary to commonly accepted moral or ethical standards and endangers the health, welfare, safety or education of any student.

- 3.10 **Incompetency** is a pattern of inadequate performance of duties or the lack of ability, legal qualifications or fitness to discharge required duties, and which endangers the health, welfare, safety or education of any student.
- 3.11 **Intemperance** is a loss of self-control or self-restraint, which may result from excessive conduct.
- 3.12 **Mandatory revocations** include the following:
  - 3.12.1 Criminal Homicide (As defined in Title 9 Guam Code Annotated)
  - 3.12.2 Criminal Sexual Conduct (As defined in Title 9 Guam Code Annotated)
  - 3.12.3 Aggravated assault (As defined in Title 9 Guam Code Annotated)
  - 3.12.4 Kidnapping (As defined in Title 9 Guam Code Annotated)
  - 3.12.5 Solicitation of Children and Child Pornography (As defined in Title 9 Guam Code Annotated)
  - 3.12.6 Incest (As defined in Title 9 Guam Code Annotated)
  - 3.12.7 Indecent Exposure (As defined in Title 9 Guam Code Annotated)
  - 3.12.8 Stalking (As defined in Title 9 Guam Code Annotated)
  - 3.12.9 Child Abuse (Felony) (As defined in Title 9 Guam Code Annotated)
  - 3.12.10 Robbery (As defined in Title 9 Guam Code Annotated)
  - 3.12.11 Burglary (As defined in Title 9 Guam Code Annotated)
  - 3.12.12 Falsifying Official Records
  - 3.12.13 Forgery (As defined in Title 9 Guam Code Annotated)
  - 3.12.14 Theft (Felony) (As defined in Title 9 Guam Code Annotated)
  - 3.12.15 Fraud (As defined in Title 9 Guam Code Annotated)
  - 3.12.16 A Finding of INSANITY by any Federal or any Local Court
- 3.13 **Moral turpitude** includes the following:
  - 3.13.1 That element of personal misconduct in the private and social duties which a person owes to his / her fellow human beings or to society in general, which characterizes the act done as an act of baseness, vileness or depravity, and contrary to accepted and customary rule of right and duty between two human beings and endangers the health, welfare, safety or education of any student.
  - 3.13.2 Conduct done knowingly contrary to justice, honesty or good morals and endangers the health, welfare, safety or education of any student.
  - 3.13.3 Intentional, knowing or reckless conduct causing bodily injury to another or intentional, knowing or reckless conduct which, by physical menace, puts another in fear of imminent serious bodily injury.
- 3.14 **Negligence** is continuing or persistent action or omission in violation of a duty.

- 3.14.1 Duty may be established by law, by promulgated school rules, policies or procedures, by express direction from superiors or by duties of professional responsibility.
- 3.15 **Reinstatement** is restoring the rights, privileges and authority previously suspended or revoked.
- 3.16 **Reprimand** is a written admonishment from the Guam Commission For Educator Certification to the certificate holder for his or her conduct. The written reprimand cautions that further unethical conduct will lead to a more severe action and shall become a permanent entry in the licensure file of the educator.
- 3.17 **Revocation** is the permanent invalidation of any educator certification held by the educator.
- 3.18 **Sexual abuse or exploitation** shall mean the employment, use, persuasion, inducement, enticement or coercion of a child or student to engage in or assist any other person to engage in any sexually explicit conduct or a simulation of any sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming, of any sexually explicit conduct or other forms of sexual exploitation of children or students.
- 3.19 **Sexual misconduct** shall mean any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or a student regardless of the age of the child or student that is designed to establish a romantic or sexual relationship with a child or student. Such prohibited acts include, but are not limited to, the following:
- 3.19.1 Sexual or romantic invitations;
  - 3.19.2 Dating or soliciting dates;
  - 3.19.3 Engaging in sexualized or romantic dialogue (verbally, emails, or texting);
  - 3.19.4 Making sexually suggestive comments;
  - 3.19.5 Self-disclosure or physical exposure of a sexual, romantic or erotic nature;  
or
  - 3.19.6 Any sexual, indecent, romantic or erotic contact with the child or student.
- 3.20 **School-sponsored activity** is any event or activity sponsored by the school or school system which includes but is not limited to athletic events, booster clubs, parent-teacher organizations, or any activity designed to enhance the school curriculum, whether on school-campus or not or on off-island trips.
- 3.21 **Student** is any individual enrolled in a Guam school from pre-kindergarten through grade 12.

- 3.22 **Supplemental sanctions** shall mean private or public sanctions that focus on remediation or restitution, including, but not limited to, fees, prescribed coursework, evaluations, treatment plans, impaired educator programs or other corrective action plans.
- 3.23 **Surrender** shall mean the voluntary termination of a certificate whenever the surrender occurs at any time after the issuance of the certificate.
- 3.24 **Suspension** is the temporary invalidation of any educator certificate for a period of time specified by the Guam Commission For Educator Certification. The term of the certificate will remain the same.
- 3.25 **Warning** is a written communication from the Guam Commission For Educator Certification to the certificate holder that his or her conduct is unethical. The warning cautions that further unethical conduct will lead to a more severe action and shall become a permanent entry in the certification file of the educator.

#### 4.0 Standards of Professional Conduct

The Standards of Professional Conduct are set forth as follows:

- 4.01 **Standard 1: Legal Compliance** - An educator shall abide by all federal and Guam laws and statutes. Unethical conduct includes but is not limited to the commission or conviction of a felony or of any crime involving moral turpitude; of any other criminal offense involving the manufacture, distribution, trafficking, sale, or possession of a controlled substance, illegal or unauthorized drugs, or any other laws applicable to the profession.
- 4.02 **Standard 2: Conduct with Students** - An educator shall always maintain a professional relationship with all students, both in and outside the classroom. Unethical conduct includes but is not limited to:
  - 4.02.1 Committing any act of child abuse;
  - 4.02.2 Committing any act of child endangerment;
  - 4.02.3 Committing any sexual act with a student or soliciting such from a student;
  - 4.02.4 Engaging in or permitting harassment of or misconduct toward a student that would violate a federal or Guam law;
  - 4.02.5 Soliciting, encouraging, or consummating an inappropriate written, verbal, electronic, or physical relationship with a student;

- 4.02.6 Furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student;  
or
  - 4.02.7 Failing to prevent the use of alcohol or illegal or unauthorized drugs by students who are under the educator's supervision, including but not limited to the educator's residence or any other setting.
- 4.03 **Standard 3: Alcohol or Drugs** - An educator shall refrain from the use of alcohol or illegal or unauthorized drugs during the course of professional practice. Unethical conduct includes but is not limited to:
- 4.03.1 Being on school premises or at a school-related activity while under the influence of, possessing, using, or consuming illegal or unauthorized drugs; and
  - 4.03.2 Being on school premises or at a school-related activity involving students while under the influence of, possessing, or consuming alcohol. A school-related activity includes, but is not limited to, any activity sponsored by the school or school system (booster clubs, parent-teacher organizations, or any activity designed to enhance the school curriculum, off-island trips).
- 4.04 **Standard 4: Honesty** - An educator shall exemplify honesty and integrity in the course of professional practice. Unethical conduct includes but is not limited to, falsifying, misrepresenting or intentionally omitting:
- 4.04.1 Professional qualifications, criminal history, college or staff development credit and/or degrees, academic award, and employment history;
  - 4.04.2 Information submitted to federal, the Guam Department of Education, DODEA, other governmental agencies and Guam private schools;
  - 4.04.3 Information regarding the evaluation of students and/or personnel;
  - 4.04.4 Reasons for absences or leaves;
  - 4.04.5 Information submitted in the course of an official inquiry/investigation; and,
  - 4.04.6 Information submitted in the course of professional practice.
- 4.05 **Standard 5: Public Funds and Property** - An educator entrusted with public funds and property shall honor that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes but is not limited to:
- 4.05.1 Misusing public or school-related funds;
  - 4.05.2 Failing to account for funds collected from students or parents;
  - 4.05.3 Submitting fraudulent requests or documentation for reimbursement of expenses or for pay (including fraudulent or purchased degrees, documents, or coursework);

- 4.05.4 Co-mingling public or school-related funds with personal funds or checking accounts; and
  - 4.05.5 Using school property without the approval of school authorities or authorized designee.
- 4.06 **Standard 6: Remunerative Conduct** - An educator shall maintain integrity with students, colleagues, parents, patrons, or businesses when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes but is not limited to:
- 4.06.1 Soliciting students or parents of students to purchase equipment, supplies, or services from the educator or to participate in activities that financially benefit the educator unless approved by school authorities or authorized designee;
  - 4.06.2 Accepting gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest;
  - 4.06.3 Tutoring students assigned to the educator for remuneration unless approved by the school authority or authorized designee; and
  - 4.06.4 Coaching, instructing, promoting athletic camps, summer leagues, that involve students in an educator's school system and from whom the educator receives remuneration unless approved by school authorities or authorized designee.
  - 4.06.5 Conduct prohibited by Title 4 G.C.A. §15201, §15203, §15204, §15205, §15206.
- 4.07 **Standard 7: Confidential Information** - An educator shall comply with Guam and federal laws and school board policies relating to the confidentiality of student and personnel records, standardized test material and other information. Unethical conduct includes but is not limited to:
- 4.07.1 Sharing of confidential information concerning student academic and disciplinary records, health and medical information, family status and/or income, and assessment/testing results unless disclosure is required or permitted by law;
  - 4.07.2 Sharing of confidential information restricted by Guam or federal law;
  - 4.07.3 Violation of confidentiality agreements related to standardized testing including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, violating local school system or directions for the use of tests or test items; and

- 4.07.4 Violation of other confidentiality agreements required by Guam.
- 4.08 **Standard 8: Required Reports** - An educator shall file reports of a breach of one or more of the Standards of Professional Conduct for Educators, child abuse or any other required report. Unethical conduct includes but is not limited to:
- 4.08.1 Failure to report all requested information on documents required by the Commission when applying for or renewing any certificate with the Commission;
- 4.08.2 Failure to make a required report of a violation of one or more Standards of Professional Conduct for educators of which they have personal knowledge as soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures require reporting sooner; and
- 4.08.3 Failure to make a required report of any violation of Guam or federal law as soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures require reporting sooner. These reports include but are not limited to: murder; voluntary manslaughter; aggravated assault; aggravated battery; kidnapping; any sexual offense; any sexual exploitation of a minor; any offense involving a controlled substance, illegal, or unauthorized drugs; and any abuse of a student if an educator has reasonable cause to believe that a student has been abused.
- 4.09 **Standard 9: Professional Conduct** - An educator shall demonstrate conduct that follows generally recognized professional standards and preserves the dignity and integrity of the teaching profession. Unethical conduct includes but is not limited to:
- 4.09.1 Any behavior or conduct detrimental to the health, welfare, discipline, or morals of students;
- 4.09.2 Any conduct that impairs and/or diminishes the certificate holder's ability to function professionally in his or her employment position;
- 4.09.3 Knowingly and intentionally denying or impeding a colleague in the exercise or enjoyment of a professional right or privilege in being an educator;
- 4.09.4 Knowingly and intentionally distorting evaluations of colleagues;
- 4.09.5 Harassing, sexually harassing, intimidating, bullying and cyber-bullying a fellow employee;
- 4.09.6 Using coercive means or promising special treatment to influence professional decisions of colleagues; or
- 4.09.7 Threatening, coercing, or discriminating against a colleague who in good faith reports or discloses to a governing agency actual or suspected violations of law, regulations or standards.

4.10 **Standard 10: Testing** - An educator shall administer Guam mandated assessments fairly and ethically. Unethical conduct includes but is not limited to:

4.10.1 Committing any act that breaches Test Security; and

4.10.2. Compromising the integrity of the assessment.

## 5.0 Reporting

5.01 Educators should be aware of legal requirements and local policies and procedures for reporting unethical conduct. Complaints filed with the Guam Commission For Educator Certification must be in writing with the name, address, a statement of the complaint with the facts supporting the allegation, and must be signed by the complainant (parent, educator, superintendent, principal, interested party) and notarized.

5.02 The Commission notifies school and appropriate Guam officials of all disciplinary actions.

5.03 The Commission will make all decisions of final disciplinary actions imposing discipline, other than a private reprimand, available to the public on-line through the GCEC website. Suspensions and revocations are reported to national officials, including the NASDTEC Clearinghouse.

5.04 Reports will be accepted when this rules and regulations are enacted into law. Reports for prior incidences will not be addressed.

## 6.0 Disciplinary Action

The Guam Commission For Educator Certification; authority to discipline:

6.01 The Guam Commission For Educator Commission may suspend the educator certificate of any person for up to 5 years, after which time the certificate may be reinstated; may revoke the educator certificate of any person for up to 10 years, after which time the certificate holder must reapply for certification; may revoke permanently the educator certificate; or may impose any other penalty provided by law, if the person:

6.01.1 Obtained or attempted to obtain an educator certificate by fraudulent means.

6.01.2 Knowingly failed to report actual or suspected child abuse or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student.

- 6.01.3 Has proved to be incompetent to teach or to perform duties as an employee of the school or to teach in or to operate a private school.
  - 6.01.4 Has been guilty of gross immorality or an act involving moral turpitude.
  - 6.01.5 Has had an educator certificate sanctioned by revocation, suspension, or surrender in another state/jurisdiction.
  - 6.01.6 Has been convicted of a Misdemeanor or more serious crime.
  - 6.01.7 Upon investigation, has been found guilty of personal conduct that seriously reduces that person's effectiveness as an employee of the school.
  - 6.01.8 Has violated the Standards of Professional Conduct for the Education Profession prescribed by GCEC's Code of Ethics.
  - 6.01.9 Has otherwise violated the provisions of law, the penalty for which is the revocation of the educator certificate.
  - 6.01.10 Has violated any GCEC order.
  - 6.01.11 Has been the subject of a court order or plea agreement in any jurisdiction which requires the certificate holder to surrender or otherwise relinquish his or her educator's certificate. A surrender or relinquishment shall be for permanent revocation of the certificate.
- 6.02. The plea of guilty or *nolo contendere* in any court, the decision of guilty by any court, the forfeiture by the teaching certificate holder of a bond in any court of law, or the written acknowledgment, duly witnessed-of offenses listed below to the school superintendent or a private school principal shall be prima facie proof of grounds for revocation of the certificate as listed below in the absence of proof by the certificate holder that the plea of guilty, forfeiture of bond, or admission of guilt was caused by threats, coercion, or fraudulent means.
- 6.02.1. Obtained or attempted to obtain an educator certificate by fraudulent means.
  - 6.02.2 Knowingly failed to report actual or suspected child abuse or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student.
  - 6.02.3 Has proved to be incompetent to teach or to perform duties as an employee of the school or to teach in or to operate a private school.
  - 6.02.4 Has been guilty of gross immorality or an act involving moral turpitude.