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An Introduction to Teacher Immorality

By definition, teacher immorality occurs when educators fail to uphold their role as a model individual and citizen to students and violate the morals of a community (Alexander & Alexander, 2012). While it may seem unclear at first glance what demonstrates immorality, such behavior has become an increasingly frequent reason for employment termination. Since public school teachers are public employees, their expectations are inherently much greater than those of private enterprise. The teacher presumes a position of example, one in which is perceived as demonstrating standards and excellence:

[W]e note that statutes from colonial days forward recognize the unique position of teachers as examples to our youth and charge them to “exert their best endeavors to impress on the minds of children and youth committed to their care and instruction” the values basic to our society..., requiring school committees to have full and satisfactory evidence of a teacher’s moral character. This special role of teachers on impressionable and not fully tutored minds distinguished them from other public officials.¹

Consequently, educators who behave immorally are therefore not fit to uphold the position since those who are immoral in conduct are determined unable to represent and demonstrate our basic values appropriately to our cherished youth. Although teacher immorality is reasonably condemned in this sense, a complete and widespread understanding of immorality has yet been provided and accepted. Few, if any, have been significantly recognized for their explanation and review of immoral and moral conduct. However, John Martin Rich in his article *The Teacher and Immoral Conduct* has evaluated the notion of immorality effectively. According to Rich, in order to properly comprehend immorality, we must first distinguish between the terms *mores* and *morality* (Rich, 1986).

First, mores are the underlying principles that a group of people hold appropriate and acceptable. Varying across time and place, mores differ between cultures throughout history. Rich suggests that a diversity of mores have existed, ranging from the noblest of behaviors to slavery and genocide, each of

¹ Text from *Dupree v. School Committee of Boston*, 15 Mass. App. Ct. 535, 446 N.E2d 1099 (1983).

which reflected the characteristics and identity of the group and time. Understanding these differences of mores in time and place, the practice of slavery, while perceived as immoral in most societies today, can therefore be acknowledged to have been perceived as moral and just to Colonial and early American farmers. During this time, the ideals of the Founding Fathers, who struggled to gain independence, freedom, and personal liberty, established some of the mores relating to equality and social justice that would later be fundamental to the abolition of slavery in the 1800s.

Distinguishing morality from mores, Rich defines morality as a system of moral conduct and behavior based on the mores and principles of the group. In other words, this system is the recognizable processes of human interaction that promotes mutual welfare; whereas mores are the accepted principles, morality is the way in which groups implement and conduct accepted moral behavior. Today, for instance, the system of morality demonstrated in American schools and the expectations of teacher behavior represents our understanding of morality relating to education.

Our system, which in general prohibits immoral behavior and punishes those who commit such, is not an entirely homogeneous and static substance however. Immorality, much like any other societal issue, has faced differing interpretations and opinions across the states, especially regarding policy. As the United States is diversified with variances in race, culture, intelligence, and interests, so are the moral standards and understanding of immorality. For example, the geographical divide between the north and south regions of the United States illustrates the differences existing between two areas. While more democratic or liberal regions dominate the northeast, conservative ideologies prosper in the south. Firearms, although prohibited from school or public locations within both regions, spur far less controversy among the public in the south, whereas northern communities shadow the openness and acceptance of gun ownership. Understandings and assumptions of immorality are also, like firearms, differentiated between the north and south. Furthermore, our system of morality shifts and evolves over time, reflecting the changes within specific states through the enactment of legislature and the development and decisions of our court system.

Immorality means different things to different people, and its definition depends on the idiosyncrasies of the individual school board members. It may be applied so broadly that every teacher in the state could be subject to discipline. The potential for arbitrary and discriminatory enforcement is inherent in such a statute. A statute so broad makes those charged with its enforcement the arbiters of morality for the entire community. In so doing, it subjects the livelihood of every teacher in the state to the irrationality and irregularity of its judgments. The statute is vague because it fails to give fair warning of what conduct is prohibited and because it permits erratic and prejudiced exercises of authority.²

While legislature establishes law relating to immorality and teacher conduct, the judicial system interprets these laws to ensure that the public understanding and implementation of procedures protect the rights and liberties granted within the Constitution and are comprehensive in nature to the common person. Since the establishment of our judicial system, the courts have ensured those protections and understandings through evaluating state statutes for vagueness and uncertainty:

Our Constitution is designed to maximize individual freedoms within a framework of ordered liberty. Statutory limitations on those freedoms are examined for substantive authority and content as well as for definiteness or certainty of expression... As generally stated, the void-for-vagueness doctrine requires that a penal statute define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement³.

During the last several decades, some statutes regarding teacher immorality have been constitutionally challenged. For example, in a case from a federal district court in Alabama, teachers questioned the state's teacher immorality statute⁴ permitting teacher terminations for "immoral conduct" and "unbecoming and indecent behavior".⁵ John L. Carrol gave the opinion of the court, describing the statute as a "facially open-ended statute whose interpretation is subject to whim and caprice of those administering it." Such statute, while determined constitutional, was so only under the limited construction that the implementation and definition of the statute included a determination of whether the behavior deemed immoral led to a teacher being unfit to teach.

² *Burton v. Cascade School Dist. Union High School No. 5*, 353 F. Supp. 254, 255 (D.C. Or. 1973).

³ *Kolender v. Lawson*, 461 U.S. 352, 75 L. Ed. 2d 903, 103 S. Ct. 1855 (1983).

⁴ Alabama Code § 16-23-5 (1987).

⁵ *Linda Alford, et al. v. Thomas E. Ingram, Jr.*, 931 F. Supp. 768 (1996).

Courts that have found constitutional immorality statutes to have limiting construction, such as the Alabama case, have chosen to accept and apply the opinion of *Morrison v. State Bd. of Educ.*, 1 Cal. 3d 214, 461 P.2d 375, 82 Cal. Rptr. 175 (Cal. 1969) in demonstrating the determinations of an unfit teacher. *Morrison*, establishing comprehensive guidelines for school boards to determine immorality and a teacher's fitness to teach, presented a sufficient explanation:

In determining whether the teacher's conduct thus indicates unfitness to teach the board may consider such matters as the likelihood that the conduct may have adversely affected students or fellow teachers, the degree of such adversity anticipated, the proximity of remoteness in time of the conduct, the type of teaching certificate held by the party involved, the extenuating or aggravating circumstances, if any, surrounding the conduct, the praiseworthiness or blameworthiness of the motives resulting in the conduct, the likelihood of the recurrence of the questioned conduct, and the extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the teacher involved or other teachers.

Having established comprehensive statute in context to teacher morality, there have been various examples which have demonstrated types of conduct considered immorality. One such type of behavior is sexual misconduct. In *Harry v. Marion County School Board*, 203 W. Va. 64 (1998), the court found that sexual harassment, as presented in this case, did constitute immorality and therefore, with sufficient evidence and the authority of West Virginia statute delegated to the school board, held that the termination of the teacher's employment was reasonable. The opinion argued that the conduct of the teacher, which included making several sexual comments to many students and ignoring warnings against the behavior, has been considered immoral by state law and presented significant concern to the school board. Another case further demonstrates sexual misconduct as immoral behavior. Here, a teacher was occasionally witnessed making sexual comments and gestures towards other faculty. It was later revealed, according to the court opinion, that the teacher presented "[t]he perpetration of an aggressive or uncontrollable third degree sexual assault in the school premises with the evident purpose of sexual arousal." Considered immorality, such behavior constituted grounds for termination, further showing sexual misconduct as one type of immorality.

While sexual harassment has been the most prevalent type of immorality, behaviors relating to alcohol and drugs have kept pace. Such instances involve the production, distribution, and consumption

of alcohol and drugs by teachers. In *City School District of the City of New York v. Michael Campbell*, 20 A.D.3d 313, 798 N.Y.S.2d 54 (2005), the director of a program that targeted “at-risk” students and provided counseling for students with substance abuse problems was convicted of illegal possession of controlled substances and sentenced to complete a treatment program. The district, although permitted to reinstate the employee upon completing the program, terminated the employment contract. The court found, among other issues within the case, that the district’s termination was appropriate as reinstatement of the employee would be hypocritical in the interests to protect and provide moral support to the students. A case in Arizona, *Williams v. School District of Gila County*, 417 P.2d 376 (1966), demonstrates another instance of immorality involving alcohol. In *Williams*, disturbing the peace by being under the influence of intoxicants and attempting to fight, coupled with threatening remarks and use of a weapon constituted immorality. The decision of the school board in terminating the teacher based on the evidence of the situation was not made in an “arbitrary, irrational, unreasonable or irrelevant” manner and therefore was affirmed.

Other instances of immorality include unprofessional behavior demonstrated through the falsification of student documents to meet state and federal regulations. Such dishonesty was determined by a court in Washington to have no place in schools and illustrating immoral conduct.⁶ Also, an Arizona court⁷ found the behavior of a teacher who was aggressive and violent towards students outside of school to be immoral. In this case, the immoral behavior affected the fitness of the employee to teach and therefore deemed grounds for the termination of his contract.

As courts affirm and reverse cases questioning instances of immorality, our understanding of immoral conduct, what constitutes as immorality in various states, is continuously improving and shaping a more complete analysis. School districts, which must remain aware of the current and changing notions of morality, must implement policies and procedures that adequately acknowledge and respond to immoral conduct and the changes that may occur. Awareness of precedence in immorality provides for

⁶ *James Weems v. North Franklin School District*, 109 Wn. App. 767; 37 P.3d 354 (2002).

⁷ *Clause L. Winters v. Arizona Board of Education*, 207 Ariz. 173; 83 P.3d 1114 (2004).

district policy that anticipates future situations and properly establishes procedures to prevent and handle such instances. The case involving the dishonest teacher in Washington demonstrates one instance in which school district policy and procedure should acknowledge and anticipate immorality. The case, which reviewed unprofessional conduct and immorality as sufficient cause for termination, evaluated state statute relevant to the situation. Under Washington law,⁸ “[a]ny falsification or deliberate misrepresentation, including omission, of a material fact by an education practitioner is an act of unprofessional conduct.” Upon the decision of the court, school districts, specifically those in which employ less trusted and reliable faculty, may benefit from implementing programs which ensure comprehension and commitment to upholding moral behavior and expectations.

Pennsylvania, in an effort to effectively prevent and discipline unprofessional conduct such as in Washington, has established the Professional Standards and Practices Commission under the state’s education department⁹. The commission has created certification standards and provides a resource which records and makes the adjudications of teachers who violate founded regulations public. Evident through searching the commission’s records, Pennsylvania experiences and resolves dozens of violations each year. Since the commission is authorized to arbitrate certification revocation and employment termination, almost all instances of immorality are determined and completed at this level, avoiding the need and use of the courts. Establishing a professional standards commission has become common practice in many states, allowing efficient creation and awareness of regulations and resolving adjudications effectively.

Teacher Immorality is surely a complex topic in education. Those who violate the professional standards and practices established by a state fail to uphold the duties of an educator as described by the National Education Association;

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of the democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the

⁸ Wash. Admin. Code 180-87-050.

⁹ See the Professional Standards and Practices Commission Home Page.

guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.¹⁰

In order to follow this mission, educators must consider moral conduct as an important element in our daily experiences. One must consider his or her interactions with students, faculty, parents, and the community both within and out of school. Otherwise, one will fall victim to ignorance though immorality. Understanding immorality in the context of one's own life, therefore, is important in becoming a genuine educator of highest quality.

References

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¹⁰ See the National Education Association Code of Ethics.