

ARTICLE 67.1-03 PROFESSIONAL PRACTICES

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CHAPTER 67.1-03-01 CODE OF PROFESSIONAL CONDUCT FOR EDUCATORS

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67.1-03-01-01. Preamble.

The educator recognizes that education preserves and promotes the principles of democracy. The educator shares with all other citizens the responsibility for the development of educational policy. The educator acts on the belief that the quality of the services of the education profession directly influences the nation and its citizens. The educator promotes the worth and dignity of each human being and strives to help each student realize the student's potential as a worthy, effective member of society. The educator, therefore, works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. The educator measures success by the progress each student makes toward the realization of the student's potential as an effective citizen. The educator regards the employment agreement as a solemn pledge to be executed both in spirit and in fact in a manner consistent with the highest ideals of professional service. The educator accepts the responsibility to practice the profession according to the highest ethical standards. The educator strives to raise professional standards to improve service and achieve conditions which attract highly qualified persons to the profession.

The following code of professional conduct of the education standards and practices board governs all members of the teaching profession. A violation of this section constitutes grounds for disciplinary action which includes the issuance of a warning or reprimand or both, suspension or revocation of the license of the affected educator, or other appropriate disciplinary action.

History: Effective July 1, 1995; amended effective August 1, 2002.

General Authority: NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10

Law Implemented: NDCC 15.1-13-08, 15.1-13-10

67.1-03-01-01.1. Definitions.

For the purposes of this chapter:

1. "Board" means the education standards and practices board.
2. "Educator" means an individual licensed by the board.
3. "Grooming" means any of the following:
 - a. Engaging in a pattern of flirtatious behavior.
 - b. Making an effort to gain unreasonable access to, or time alone with, a student with no discernible educational purpose.

- c. Engaging in behavior that reasonably may be construed as involving an inappropriate or overly personal or intimate relationship with, conduct toward, or focus on a student.
 - d. Engaging in other individualized, special treatment not in compliance with generally accepted educational practices.
4. "Local education agency" or "LEA" means a local education agency and an educational building, facility, or program that employs educators licensed by the board which offers grades from kindergarten through grade twelve.
5. "Sexual conduct" means any of the following:
- a. Telling explicit sexual jokes and stories.
 - b. Engaging in sexual kidding or teasing.
 - c. Engaging in sexual innuendos or making comments with double entendre.
 - d. Inappropriate physical touching.
 - e. Using spoken, written, or electronic communication to importune, invite, participate with, or entice an individual to expose or touch the individual's own or another individual's intimate body parts or to observe the individual's intimate body parts via computer network or system, social media platform, telephone network, or data network or by text message or instant messaging.
 - f. Sexual advances or requests for sexual favors.
 - g. Physical or romantic relationships, including sexual intercourse or oral sexual intercourse.
 - h. Discussion of one's personal romantic or sexual feelings or activities.
 - i. Discussion, outside of a professional teaching or counseling context endorsed or required by an employing school district, of a student's romantic or sexual feelings or activities.
 - j. Displaying, sharing, or transmitting pornographic or sexually explicit materials.
 - k. Physical contact the student previously has indicated is unwelcome, unless the contact is professionally required (e.g. to teach a sport or other skill, or to protect the safety of the student or others).
 - l. Other than for purposes of addressing student dress code violations or concerns, referencing the physical appearance or clothes of a student in a way that could reasonably be interpreted as sexual.
 - m. Self-disclosure or physical exposure of a sexual, romantic, or erotic nature.
6. "Sexually explicit" means communication, language, or material, including a photographic or video image, relating to or describing sexual conduct, as defined by subsection 5.
7. "Student" means an individual enrolled in any LEA.

History: Effective July 1, 2025.

General Authority: NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10

Law Implemented: NDCC 15.1-13-08, 15.1-13-10

67.1-03-01-02. Principle I - Commitment to the student.

In fulfilling obligations to students, the North Dakota educator:

1. May not, without just cause, deny the student access to varying points of view;
2. Intentionally may not suppress or distort subject matter relevant to a student's academic program;
3. Shall protect the student from conditions detrimental to learning or to physiological or psychological well-being;
4. May not engage in physical abuse of a student or sexual conduct with a student and shall report to the education standards and practices board knowledge of such an act by an educator;
5. May not harass, discriminate against, or grant a discriminatory advantage to a student on the grounds of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation; shall make reasonable effort to assure that a student is protected from harassment or discrimination on these grounds; and may not engage in a course of conduct that would encourage a reasonable student to develop a prejudice on these grounds;
6. May not use professional relationships with a student for personal advantage or gain by soliciting, encouraging, or consummating an inappropriate written, verbal, electronic, emotional, or physical relationship with a student;
7. May not engage in sexual conduct with or make an effort to groom a student which results from the educator's affiliation with an LEA in an official capacity. It is not a defense to an alleged violation of this section that the student consented to the conduct. The prohibitions described in this section extend at least twenty-four months after the date of the student's graduation or the date the student otherwise ceases enrollment in an LEA.
8. Shall disclose confidential information about individuals, in accordance with state and federal laws, if a compelling professional purpose is served or when required by law; and
9. Shall accord just and equitable treatment to all students as they exercise their educational rights and responsibilities.

History: Effective July 1, 1995; amended effective August 1, 2002; October 1, 2020; July 1, 2025.

General Authority: NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10

Law Implemented: NDCC 15.1-13-08, 15.1-13-10

67.1-03-01-03. Principle II - Commitment to the profession.

In fulfilling obligations to the profession, the North Dakota educator:

1. Shall accord just and equitable treatment of all members of the profession in the exercise of their professional rights and responsibilities;
2. May not, on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical condition, family, social or cultural background, or sexual orientation, deny to a colleague a professional benefit, advantage, or participation in any professional organization, nor discriminate in employment practice, assignment, or evaluation of personnel;
3. May not sexually harass a fellow employee;

4. Shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves a compelling professional purpose;
5. Shall present complete and accurate information on the application for licensure and employment;
6. Shall present complete and accurate information on any document in connection with professional responsibilities;
7. Shall present evaluations of and recommendations for colleagues fairly, accurately, and professionally;
8. Shall cooperate with the board in inquiries and hearings and shall not file false complaints or shall not seek reprisal against any individuals involved with the complaint;
9. May not distort knowingly, withhold, or misrepresent information regarding a position from an applicant or misrepresent an assignment or conditions of employment;
10. May not breach a professional employment contract;
11. May not assign knowingly professional duties for which an educator's license is required;
12. May not accept a gratuity, gift, or favor that might influence or appear to influence professional judgement, nor offer a gratuity, gift, or favor to obtain special advantage; and
13. Shall exhibit professional conduct in safeguarding and maintaining the confidentiality of test materials and information.

History: Effective July 1, 1995; amended effective August 1, 2002; July 1, 2025.

General Authority: NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10

Law Implemented: NDCC 15.1-13-08, 15.1-13-10

67.1-03-01-04. Principle III - Commitment to the community.

In fulfilling these obligations to the public, the North Dakota educator:

1. Shall distinguish between personal views and the views of the employing LEA;
2. May not distort or misrepresent the facts concerning educational matter; and
3. May not interfere in the exercise of political and citizenship rights and responsibilities of others.

History: Effective July 1, 1995; amended effective August 1, 2002; July 1, 2025.

General Authority: NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10

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