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WHAT PROVISIONS HAVE BEEN MADE BY PROFESSIONAL
TEACHERS' ORGANIZATIONS FOR PROTECTING
AND DISCIPLINING THEIR MEMBERS?

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AND DISCIPLINING THEIR MEMBERS?

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TABLE OF CONTENTS

	Page
LIST OF TABLES	v
 Chapter	
I. THE PROBLEM: ITS BACKGROUND AND SCOPE	1
Introduction	1
Background of the Problem	2
Statement of the Problem	4
Definition of Terms	4
Need for the Study	5
Delimitations of the Study	8
Major Assumptions	9
Procedure	10
Review of Selected Related Literature	14
Organization of the Study	19
II. PROVISIONS MADE BY THE NEA FOR PROTECTING AND DISCIPLINING ITS MEMBERS	20
III. PROVISIONS MADE BY THE STATE AND TERRITORIAL AFFILIATES OF THE NEA FOR PROTECTING AND DIS- CIPLINING THEIR MEMBERS	34
Development of Written Personnel Policy Statements	35
Organizational Patterns and Achievements of Commissions or Committees	43
Statutory Provisions	82
IV. SUMMARY, CONCLUSIONS AND RECOMMENDATIONS	86
Summary	86
Conclusions	89
Recommendations	92
BIBLIOGRAPHY	96
APPENDICES	106

LIST OF TABLES

Table	Page
1. State and Territorial Education Associations to Whom Questionnaires Were Sent Listing Responses to Specified Questionnaire Items	115
2. Name and Date of Origin of Committee or Commission	119
3. Membership, Manner of Selection, and Tenure ...	121
4. Pattern of Membership	123
5. Number of Formal Investigations and Publicity Given Reports	125
6. Statements of Procedure and Personnel Policies	128

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CHAPTER I

THE PROBLEM: ITS BACKGROUND AND SCOPE

Introduction

Much has been written in recent years about teaching as a profession. Frequently criteria are listed by which the degree of professionalization of an occupation can be evaluated.

One criterion frequently mentioned is the extent to which members of a given vocation have developed a comprehensive organization to which a preponderant number of the members of that vocation belong. It is accepted that many small specialized organizations will be developed as subgroups within the comprehensive organization.

Members of a vocation must unite to form an organization that can speak with authority for the entire group before members of that vocation have an opportunity to develop and enforce ethical and vocational standards of the scope and nature required of a true profession.

Lieberman in the following statement discusses the development and nature of the comprehensive organization:

A comprehensive self-governing organization of practitioners. Groups as large as the professions must have some kind of orderly procedure to set the standards for entry into and exclusion from the profession, to promote high standards of practice, and to raise the social and economic status of the group. Professional organizations provide the machinery necessary to carry out these related functions.

In the absence of an organization which can enforce professional standards among the practitioners, each practitioner would soon be a law unto himself. Educational institutions would tend to disregard the standards of training for the professions if there were no permanent machinery to enforce such standards. The practitioners must organize to see that these things do not happen. It would be a mistake, however, to assume that the task of the professional organization is primarily to punish the unethical members or to advance selfish interests of the membership. Historically, the efforts to raise the levels of compensation for professionals have been the immediate reason for most of the lay criticism directed at professional organizations.¹

The National Education Association and its affiliates comprise the only educational group that approaches the type of comprehensive self-governing organization mentioned above.

Background of the Problem

The importance of teacher welfare, as it affects the number and quality of teachers, is being brought into sharp focus by the acute shortage of competent teachers. A preliminary search of the literature revealed documented

¹Myron Lieberman, Education as a Profession (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1956), p. 5.

investigations made for the National Education Association by the National Commission for the Defense of Democracy through Education and the Committee on Tenure and Academic Freedom that exposed unfair treatment of teachers in the widely scattered communities of the United States. These investigations also revealed that, in certain instances, teachers have acted in ways unbecoming to members of professional teachers' organizations.

The National Education Association has taken official notice of the need of teachers for protection from unfair treatment.

In 1941 the National Education Association organized the National Commission for the Defense of Democracy through Education and assigned to it specific responsibilities among which are: (1) To bring to the general public a fuller understanding of the importance of a better education for all of our people if our American democracy and way of life are to be maintained; (2) to defend teachers, schools, and the cause of education against unjust attacks and to investigate charges involving teachers, schools, educational methods and procedures, justly, fearlessly and in the public interest; (3) to work for educational conditions essential for the perpetuation of our democracy.¹

This statement implies that disciplining of members by professional teachers' organizations is a necessary corollary of protection.

A systematic search for materials issued during the past ten years was made of the following sources: Research

¹National Commission for the Defense of Democracy through Education, An Example of Some Effects of Undemocratic School Administration in a Small Community (McCook, Nebraska) (Washington, D. C.: National Education Association, 1947), pp. 1-35.

Bulletins, NEA; Review of Educational Research; Journal of Educational Research; Phi Delta Kappan; and Card and Micro-film Catalogues in the University of Oklahoma Library. These sources listed numerous reports of specific investigations made by the NEA Commissions, but, through omission, indicated a lack of general information about investigations made by state affiliates of the NEA. This initial search of the literature also failed to indicate any study made to give a composite picture of the activities of the NEA and its affiliates in these areas of teacher welfare.

Statement of the Problem

The problem was: What provisions had been made by the NEA and its state affiliates to protect and discipline their members?

If we assume that the NEA and its affiliates comprise a "comprehensive self-governing organization for practitioners," many provocative questions concerning the professionalization of teaching remains. The answer to one of these has been sought in the present study by evaluating the extent and nature of activities in the areas of protection and discipline engaged in by the NEA and its state affiliates.

Definition of Terms

For the purposes of this study the term "professional teachers' organizations" was used to designate the National Education Association and the state and territorial affiliates

of the NEA.

The term "for protecting and disciplining their members" when used, referred to all statements and activities specifically designed or initiated by these organizations to protect their members from unfair treatment and to insure professional conduct by their members, such as the organization of commissions or committees for this purpose, the statements of policy governing the membership and activities of members of these groups, and investigations of actual cases made by these agencies.

Need for the Study

In Relation to a Maturing Concept by the Individual Teacher regarding the Services Provided by Professional Teachers' Organizations

Many teachers are confused by the increasing number of voluntary groups organized by and for teachers. This fact was pointed out in a recent NEA publication.

As recruits enter the teaching profession, they face decisions as to which groups they should join. The decisions they make will influence their careers and the advancement of the profession. To make these decisions they need information about what the voluntary groups do for society, for the profession, and for their members. Yet this information may not be readily available.¹

Certainly, as already pointed out, there is a lack of information about what professional organizations

¹The Educational Policies Commission, Professional Organizations in American Education (Washington, D. C.: National Education Association and American Association of School Administrators, 1957), p. 7.

particularly state affiliates of NEA, are doing to protect and discipline their members. There is a need, then, for a study to bring together pertinent facts concerning the activities of professional teachers' organizations in these areas.

In Relation to a Maturing Concept by the Individual
Teacher as to What Actions Should Be Taken by
Professional Teachers' Organizations to
Protect and Discipline Their Members

Since a Code of Ethics for teachers is available in the NEA Handbook to all members of the association, it would appear to be a simple matter for any teacher to understand what constitutes ethical or unethical conduct and to regulate her professional activities in such a manner that they would stay within the limits defined as ethical by the code. Would it not seem sufficient, then, to say that the NEA and its state affiliates should protect the teacher whose conduct is ethical and discipline the teacher whose conduct is unethical? The following statement points out the fallacy in this line of reasoning:

To be effective and workable, a code of ethics must be more than words on paper. Like a government constitution, it comes fully alive only when interpreted and construed as specific questions arise. Thus, both the understanding and improvement of a code of ethics depend on the development of a body of interpretations.¹

In much the same way, written objectives of a

¹National Education Association, Opinions of the Committee on Professional Ethics (Washington, D. C.: the Association, 1956), p. 5.

committee or commission mean little until they have been translated into action. This study, by collecting and analyzing actions taken by such groups, should provide the teacher with a better understanding of the way in which professional teachers' organizations function in discharging the specific responsibilities of protection and discipline.

In Relation to a Maturing Concept by Professional
Teachers' Organizations as to What Constitutes
Professional Teacher Attitudes and Actions

Perhaps the sensitive nature of activities to protect teachers from unfair treatment or to discipline them for unethical conduct, explains the slowness with which progress has been made in instituting such activities. A study of the literature revealed that frequently teachers hesitate to co-operate with commissions or committees formed to study their complaints. For a teachers' organization to act promptly and effectively to protect a member from unfair treatment or to administer discipline, that organization must have a mature concept of the privileges and responsibilities of the professional teacher. A knowledge of what other professional teachers' organizations are doing to protect and discipline their members should help each organization to improve its own practices.

In Relation to a Maturing Concept by the General
Public as to What Constitutes Professional
Teacher Attitudes and Actions

Lack of information in this area by the general

public is understandably very great. At the same time, in a public school system based on popular support, the public must have a well-developed concept of what constitutes professional teacher attitudes and actions if they are to support the professional teacher. A concise picture of what state and national teachers' organizations are doing in this field should aid in improving public understanding of this problem.

Delimitation of the Study

Sources of Data

The study was concerned with the critical analysis and interpretation of data secured from the following sources: first, materials received directly from the National Education Association and each of its state and territorial affiliates including, in addition to answers to specific questions, reproduced materials enumerating the duties, responsibilities, and methods of procedure, personnel policies formulated, and reports of cases investigated by the various professional relations commissions or committees; and second, pertinent facts gathered by means of a thorough search of the literature dealing with the professionalization of the vocation of teaching.

Implications

The implications as to the extent and specific ways

in which teachers have been protected from unfair treatment and have been disciplined for unethical conduct, have been limited primarily to actions taken by the NEA and its affiliates and have been concerned only incidentally with actions taken by other groups such as employing school systems and certification authorities. The implications of the activities have, likewise, been limited to the areas of protection and discipline and will not necessarily apply to the broad field of teacher welfare.

Major Assumptions

1. It was assumed that the National Education Association with its state and territorial affiliates was recognized as the major professional organization for teachers in the United States.

2. It was assumed that desired information concerning provisions made by professional teachers' organizations for the protection and disciplining of their members, could be secured by the survey method from the executive-secretaries of the state and territorial affiliates of the NEA, and by contacting various officials of the NEA.

3. It was assumed that professional teachers' organizations should accept responsibility for the continued professionalization of teaching and that protection and discipline were two facets of that responsibility.

Procedure

Method of securing data.--The survey, supplemented by critical analysis of the information concerning organization, policies, and activities of commissions or committees reported, was the principal method used to secure data. This method was supplemented by correspondence with individuals concerned with the problem; securing from state and national association officials, by request, documents such as official reports of committee or commission investigations and proceedings; and a study of the literature related to the problem.

Construction and use of survey instrument.--Various standard survey instruments were considered for securing information relative to activities carried on by the NEA and its affiliates to protect teachers from unfair treatment or to insure ethical conduct by teachers. After considering the various methods available, the questionnaire was selected as one satisfactory instrument for gathering some of the desired data. Since there was no questionnaire available capable of serving the purposes of this study, a questionnaire¹ was constructed to secure the needed information.

In the construction of the questionnaire the following questions were used as guides:

¹A copy of the questionnaire is included in Appendix B.

1. What form of question or request for information, or combination of these, will secure the information required to complete the study?
2. To whom shall the questionnaire be sent?
3. How can an adequate number of responses be secured?

In answering the first question, a combination of "yes-no" and "unstructured" forms, and requests for specific reproduced materials not available in the general literature were used. The following statement contained helpful suggestions for constructing the "yes-no" form of questions:

This form consists of a statement to be answered categorically as yes or no, right or wrong, or to be judged true or false. It is essentially a form in which only one of the possible alternates is explicitly stated. . . .

To meet the standards of objectivity, a statement must be so precise in phrasing and so universal in application that it requires no additional qualifications and admits of no possible exceptions. This requirement tends to limit the applicability and validity of items of this type since many responses cannot be answered truthfully as being entirely 'black or white,' but must be described in some shade of 'gray.' Even qualifying the responses as being 'usually yes' or 'usually no' does not avoid a degree of ambiguity.¹

Although some unstructured items were considered essential to secure certain information, it was realized that replies to these questions might be difficult to secure. Rummel voiced this objection to the unstructured item in

¹J. Francis Rummel, An Introduction to Research Procedures in Education (New York: Harper and Brothers, 1958), p. 91.

these words:

The unstructured item requires a respondee to do hard, reflective thinking and would necessitate a lengthy discussion on his part. In the process he might inadvertently omit some of the activities just because he did not happen to think of them at the time. Since he probably has nothing personal to gain immediately from answering these questions, and probably is a stranger to the research worker making the investigation, the chances of his answering the questionnaire could be very slight.¹

Since the study concerned only the NEA and its state and territorial affiliates, and since information for the NEA was readily available either in the general literature or by correspondence directly from various NEA officials, the second question was resolved by deciding to send the questionnaire to each of the sixty-four executive secretaries of the state and territorial affiliates of the NEA.

The third question, "How can an adequate number of replies be secured?", had to be answered satisfactorily if the study was to be successfully completed. The answer to this question was made much easier by the fact that the study itself was of considerable interest to both the NEA and its affiliates. Because of the interest to the NEA, Richard B. Kennan,² Secretary, Commission for the Defense of Democracy through Education, consented to mail the questionnaires from his office and to include a covering letter

¹Ibid., pp. 94-95.

²A copy of Richard B. Kennan's covering letter is included in Appendix A.

over his signature. The interest of the affiliates of the NEA was indicated by the fact that Ferman Phillips,¹ Executive-Secretary of the Oklahoma Education Association, permitted a letter over his signature recommending the study to be included with the initial mailing. Although second and third request letters were mailed and evidently secured several returns, the nearly unanimous response was probably due primarily to the interest of the NEA and its affiliates in the study.

Treatment of data.--In most cases, answers to "yes-no" questions were arranged in tabular form. Although replies to the unstructured items frequently did not lend themselves to the above procedure, when feasible, related replies were grouped. Some replies to unstructured items, as would normally be expected of replies to this form of question, were given individual treatment. Reproduced materials, not available in the general literature, returned with the questionnaires were analyzed for common content, and, to the extent possible, items common to several of the state associations were grouped and treated as a unit. This material revealed a number of practices and procedures so unique that they required individual treatment.

¹A copy of Ferman Phillips' intermediate letter is included in Appendix A.

Review of Selected Related Literature

The only study found that was even remotely related to the present study was one begun by C. Harold Edwards in 1953 and now in the process of final revision. Edwards' study was on "The Role of the State Associations in Preventing and Meeting Attacks Upon the Schools." Although the above study was incomplete and therefore could not be reviewed, it was possible to determine from the materials furnished by Edwards that the two studies differed greatly in scope and emphasis.

From the general literature materials were found in three areas that were particularly pertinent to this study.

The first area included materials dealing with the professionalization of teaching. As books, articles, and addresses dealing with this subject are entirely too numerous to review in detail, only a selected few will be discussed.

That the degree of professionalization achieved by teachers is being questioned, and that no universally accepted criteria exist for evaluating a profession, was discussed by one educator in a recent address.

The task set for us today is one with frightening implications. It implies that there may be legitimate doubts about the validity of our claim to recognition as a profession. It seems to question that the nature of our service, our qualifications for this service, and the manner of our performance merit this recognition. It seems to suggest that we may be guilty of perpetrating a hoax, of practicing 'a conspiracy against the laity,' and therefore of being little better than the

charlatans which real professionals so intensely abhor. Could it be that connotations of reproach and condemnation lately given the word 'educationist' might have been prompted by this opinion? We might note in passing that the term 'educationist' is a proper designation and completely complimentary, affirming, as it does in its true meaning, the validity of our qualifications and our efforts. . . .

'What it takes to be a real profession.' The use of the word 'real' in this context suggests that consideration is not limited to theoretical and strictly logical aspects but that realities of situations as well may properly be involved in determining the criteria of a profession. It suggests that the same criteria may not necessarily be applicable to all professions or, to put it differently, that an occupation or area of service may qualify by unique criteria. This view opens a number of empirical possibilities and may be disturbing to those who insist upon uniformity and absolutes in such matters, or who accept the dogma of divine right.

But it is just as well that we recognize this view because, in the literature on professionalism, in the history of the so-called professions as distinguished from a host of vocations and occupations, one finds equivocation as to the precise limits, characteristics, and meanings. The definitions, while similar in general, seem to reflect a great deal of empiricism and interpretation by the maker of the definition. A 'John-sonesque' definition is possibly as valid as one approved unanimously by the synod of the medicos, or the law or the clergy, or even of practitioners in a certain highly individualistic occupation much older and considerably different from these.¹

Lieberman discusses the formation of professional associations and the controls exercised by these on their members.

Every important study of the professions emphasizes the importance of the professional organization. The professional organization provides the machinery by which the members of an occupational group can do collectively what is impossible for them to do individually. . . .

The emergence of professional organizations. How and

¹D. Ross Pugmire, "Making a Profession of Educational Administration," Address to the American Association of School Administrators, St. Louis, Missouri, February 23, 1958.

why do professional organizations come into existence? The following pattern applies for the most part to all the leading professional organizations.

First, there is an ongoing number of persons who possess expertness in some occupation. These individuals find themselves handicapped because lay people cannot distinguish them from the incompetent or from those who use the occupational title without any qualifications whatsoever. Some means must be found to enable the public to distinguish the capable from the incapable and the scrupulous from the unscrupulous. An association, limited to those with demonstrated competence, is formed. Membership is the badge of competence.

In their early stages of development, these associations often exclude persons for reasons other than incompetence. Later they tend to drop criteria not relevant to professional competence. Both of these tendencies are still evident, even in the oldest and most respected professions. . . . Nevertheless, there is now a trend in these and other professions to eliminate the use of nonprofessional criteria to exclude persons from the professional organization.

When the professional organization is first created, it may lack public recognition. Many practitioners, qualified and unqualified, may be outside its ranks. A movement usually develops not only to admit all of the qualified but to raise the standards of the unqualified to professional levels. This movement usually results in expansion of membership in the professional organization.

In order to protect their reputation, the practitioners gradually set up rules of conduct which define the proper relationships between practitioners and clients and among the practitioners themselves. At first, these rules may be nothing more than pious statements of desirable conduct. Over a period of time, lack of enforcement comes to be recognized as a professional problem. Eventually the membership sets up machinery to enforce high standards of professional conduct in order to preserve the gains made in public esteem and professional autonomy.¹

The second area pertaining to this study in which the general literature contains a considerable amount of material is that of professional conduct by teachers.

¹Lieberman, op. cit., pp. 257-258.

Although there are many "codes of ethics" for teachers, the one best known and most universally accepted by teachers in the United States is the one formulated by the National Education Association. Although the complete code is too lengthy for inclusion, the five principles upon which it is based are as follows:

First Principle: The primary obligation of the teaching profession is to guide children, youth, and adults in the pursuit of knowledge and skills, to prepare them in the ways of democracy, and to help them to become happy, useful, self-supporting citizens. The ultimate strength of the nation lies in the social responsibility, economic competence, and moral strength of the individual American. . . .

Second Principle: The members of the teaching profession share with parents the task of shaping each student's purposes and acts toward socially acceptable ends. The effectiveness of many methods of teaching is dependent upon cooperative relationships with the home. . . .

Third Principle: The teaching profession occupies a position of public trust involving not only the individual teacher's personal conduct, but also the interaction of the school and the community. Education is most effective when these many relationships operate in a friendly, cooperative, and constructive manner. . . .

Fourth Principle: The members of the teaching profession have inescapable obligations with respect to employment. These obligations are nearly always shared employer-employee responsibilities based upon mutual respect and good faith. . . .

Fifth Principle: The teaching profession is distinguished from many other occupations by the uniqueness and quality of the professional relationships among all teachers. Community support and respect are influenced by the standards of teachers and their attitudes toward teaching and other teachers. . . .¹

¹National Education Association of the United States, NEA Handbook (Washington, D. C.: the Association, 1957-58), pp. 68-70.

The third area of interest to this study in which the general literature contains some pertinent material is that dealing with actions taken by professional teachers' organizations to protect members from unfair treatment or to discipline members guilty of unethical conduct. Most of this material consists of printed reports of investigations for the NEA either by the Defense Commission, or the Committee on Tenure and Academic Freedom, or investigations carried on jointly by the NEA units and a commission of a state association. One object of this study was to secure reports from state associations of activities which they had initiated and completed without a great deal of help from the national association. The extent to which this objective was achieved is discussed at some length in a later chapter of the study. It is apparent that the Defense Commission is interested in encouraging local solutions of local problems.

Some of the best work of the Defense Commission has been done as a 'trouble-shooting' agency. It gives firsthand assistance to professional organizations and to individuals where there are school problems of intensive nature. In cases of this kind, the Defense Commission endeavors to give all the help practicable, but believes that its most important obligation is to encourage local and state associations to solve each problem as near the site of the difficulty as possible.¹

The reports of investigations by NEA units provided an important source of reference material for this study.

¹Jennie L. Davis, "Defense of Teachers," NEA Journal, XLIV (December, 1955), p. 565.

Organization of the Study

In Chapter II information relating to the provisions of the NEA for protecting and disciplining its members is treated.

In Chapter III the data concerning the provisions of the state and territorial affiliates of the NEA for protecting and disciplining their members is presented.

A summary of the study, conclusions, and recommendations are presented in Chapter IV.

Following the chapters, as indicated above, are a selected Bibliography, listing some of the more pertinent reference materials used in the study, and Appendices which include a copy of the questionnaire and other related materials.

CHAPTER II

PROVISIONS MADE BY THE NEA FOR PROTECTING AND DISCIPLINING ITS MEMBERS

Since disciplining of its membership--self-discipline, so to speak--by any organization requires a widespread understanding among the membership as to what constitutes ethical conduct, and in addition, a highly developed sensitivity among the members with regard to the desirability of such conduct, it is understandable that results in this area must be preceded by an intensive program of education. This same program of education with regard to ethical standards is perhaps just as important to the organization desiring to protect its members from unfair treatment; however, most members of organizations accept the concept of protection much more readily than they do the concept of discipline.

The following is a brief examination of the record of the NEA's endeavors to assist its members to form, understand and accept a code of ethics.

Currently there is no single code applicable to all public school teachers. The code of the National Education Association technically is binding only on its

membership. While many teachers believe there should be one governing code, the decentralized organization of the profession into state and local education associations throughout the country makes such general application impractical at this time. . . .

The original NEA Code, adopted in 1919, grew out of a recommendation of the Committee on Ethics for the Profession which had been appointed in 1924. The Committee consisted of fifty-six members of the Association employed in various types of positions in elementary and secondary schools and colleges. In large part the Code was based on the results of a questionnaire sent to more than 3000 NEA members. It contained 21 ethical principles. The Committee recommended that the Code be used by teacher-education institutions and that all state teachers associations establish ethics committees to interpret its provisions, investigate violations, and promote its use by teachers. Amendments were effected in 1939 and 1941 which dealt primarily with the power of enforcement.

By 1950 it was believed that the existing Code was obsolete in some respects. At the request of the Ethics Committee, the NEA Research Division sent to a random selection of 4000 members a questionnaire similar to the one used in 1928. A representative response was obtained which confirmed the belief that a revision of the Code was warranted. A preliminary draft was submitted in 1951 to some 4000 members of the Association, including the NEA officers, members of the Representative Assembly, members of NEA committees, and officers of state education associations. The final draft of the proposed Code was recommended by the Ethics Committee and adopted by the Representative Assembly in 1952.

NEA CODE

The Code establishes five principles; they deal with the teacher's obligations to students, to parents and homes, to school and community, to employer, and to professional associates. Under each principle certain specific obligations are set forth.

ACTIVITIES OF NEA

The NEA Committee on Professional Ethics is composed of five members and currently includes a superintendent of schools, a principal, two classroom teachers, and a faculty member of a school of education. Its purposes and functions as laid down by the Representative Assembly of the Association are to study the Code and make recommendations for improving it, to publicize and promote its use by members of the profession, and to render opinions interpreting its provisions. The Committee is also

authorized to hold hearings in cases of alleged violation and to make recommendations for disciplinary action to the Executive Committee of the Association.¹

In another area the NEA has been active in endeavoring to create a professional and social climate that would, among other results, make the protection and discipline of its members more effective.

When the Representative Assembly of the National Education Association met in Buffalo in July, 1946, the teaching profession in the United States, in certain important respects, needed strengthening. The movement to improve the standards of teachers, which began with the establishment of the Normal Schools during the 'Great Awakening' of the Nineteenth Century, seemed to have lost some of its impetus. . . .

The action taken at Buffalo was modest enough: The NEA Representative Assembly created a new commission of the Association, called it the National Commission on Teacher Education and Professional Standards, and charged it with carrying on a continuous program for the profession to elevate its standards--standards of selection, preparation, certification, and in-service growth of teachers, as well as standards for institutions preparing teachers.

This action was, however, important, for it was the first move of the profession of teaching to take charge of its own affairs. The idea of doing so was not new. Probably every devoted career teacher who ever lived had wished, at one time or another, for a brotherhood of teachers, firmly closed against the incompetent. Horace Mann had told the Association in 1858, '. . . all the high hopes which I do avowedly entertain of a more glorious future for the human race, are built upon the elevation of the teacher's profession and the enlargement of the teacher's usefulness.'

Indeed, the major address read to the very first meeting of the National Teachers Association (the NEA) in 1857 was a call by William Russell for state and national teachers organizations to secure 'the distinct recognition of teaching as a profession,' by taking responsibility for examining and attesting to the competence

¹National Education Association, Opinions of the Committee on Professional Ethics (Washington, D. C.: the Association, 1956), pp. 65-67.

of all members.

However, the creation of the National TEPS Commission in 1946 was the first really organized effort, by official action of a major part of the profession, to act together to elevate professional standards. As such, the National TEPS Commission represented, and continues to represent, the determination of the more than 600,000 members of the National Education Association and the more than 1,000,000 members of the affiliated state education associations to create a true profession of teaching. . . .

The enormous size and diversity of this nation, and its tradition of state and local control of education, make it unquestionable that wise decisions and effective action must be developed in concert, but relatively independently, in the several states and local communities. Moreover, NCTEPS has no power of its own. It has power and voice only as it is able to reflect the opinions and the will of the American teachers. Thus its mission, really, is to stimulate cooperative action--through conferences, studies, publications--which tends to involve every member of the profession. The continuous study and opinion forming by all members of the profession regarding the standards the profession must adopt and enforce.¹

The National Commission on Teacher Education and Professional Standards has also been active in the area of "Personnel Policies for Permanent Members of the Profession."²

The above commission gave wide distribution to excerpts from speeches delivered during the Washington Conference in 1957 in a pamphlet entitled "Personnel Policies for Schools of the Future."

Although no attempt was made to include all of the

¹The National Commission on Teacher Education and Professional Standards, Manual for State and Local TEPS Commissions (Washington, D. C.: NEA, 1955), pp. 5-7.

²NEA Handbook, op. cit., p. 103.

provisions of the NEA for activities designed to elevate the professional development of teachers to the point where they would demand not only protection but also discipline, enough was included to indicate that these provisions were numerous, had been developing more or less continuously since the early days of the NEA, and are at the present being intensified and expanded. It is also obvious that much remains to be done before teachers themselves, to say nothing of the public in general, accept a generally applicable code of professional attitudes and conduct to the extent that they welcome both protection and discipline based on the criteria developed in the "code."

The following statement would indicate that discipline of teachers who are unethical in attitudes and practices is merely a dream of the future.

While various programs are under way at the national, state, and local levels to encourage observance of codes of ethics, there has been no concerted effort toward enforcement through disciplinary action. Since the adoption of the NEA Code in 1929, only one member has been removed for violating its provisions. It is not known to what extent the various state and local associations have enforced their codes through disciplinary proceedings, but it is highly unlikely that more than a few have taken such action.

The absence of a record of disciplinary action is not a serious reflection on the status of ethical practices in the profession. Undoubtedly the overwhelming number of public school teachers are fulfilling their professional obligations apart from formal code requirements. The profession is made up largely of people dedicated to their work who, because of their character and training, can be relied upon to adhere without coercion to self-imposed standards compatible with good ethical practices.

There are, of course, some teachers who fail to adhere to accepted standards. However, in connection with its program of rendering interpretative opinions, the NEA Committee on Professional Ethics has found that a substantial number of alleged violations are due to thoughtless action or to lack of knowledge of accepted professional practices. Thus an important function of the NEA Committee is education in these areas through publication of opinions construing the Code.

Leaders in the profession generally agree that national, state, and local associations look forward to the time when disciplinary action will be taken against those members whose conduct reflects adversely on the public schools. The program of the NEA Committee on Professional Ethics is designed in part to this end. It is believed that the current study program and the building up by the Committee of a body of opinions construing the Code are desirable first steps. However, the primary consideration in developing these programs on ethics is neither disciplinary action nor promotion of the teacher's individual welfare. Rather it is professional growth.¹

Working within the broad concept of professional ethics discussed above are the Tenure Committee and the Defense Commission of the NEA, both of which are empowered to make investigations. The division of responsibility between these two units is described briefly as follows:

The Tenure Committee acts in cases of dismissal, particularly when there is a possibility of a hearing. The Defense Commission acts in cases which involve broad principles or where bigotry, intolerance or other large issues are involved which go beyond questions and problems involving tenure.²

In 1957 the Professional Ethics Committee was

¹Opinions of the Committee on Professional Ethics, op. cit., p. 69.

²National Education Association, Annual Report of the Committee on Tenure and Academic Freedom, Presented to the Delegate Assembly of the National Education Association, New York City, 1954, p. 7.

empowered to make investigations.

On September 19, 1942, the Executive Committee adopted the following suggestions on procedure to be used by all committees and commissions making investigations for the National Education Association:

A. Objectives

1. Development of public understanding and support.
2. Permanent correction of conditions which cause unjust treatment.
3. Assistance to the individuals found to be unjustly treated.
4. Prevention of further unjust treatment of employees.

B. Basic Rules

1. Except in cases of marked importance to the teaching profession, investigation should be made wherever possible at the request, with the consent of, or in consultation with the state education association or the local NEA association involved.
2. In deciding which cases to investigate first, consideration should be given to those in which the discharged teachers are members of the NEA.
3. Public opinion is often the deciding factor in settling cases; therefore, every effort should be made in the conducting of investigations to win public approval by the dignity, unity, fairness, and regard for the public interest by the committee.
4. Care should be taken to avoid the investigation of cases in which the teachers involved are unworthy of support or in which the merits of the case are not clear.
5. Partiality or bias or pre-judgment should be guarded against.
6. Before any case is investigated, a preliminary inquiry should be made to determine its probable merits and the possibilities of bettering conditions. In making this inquiry, the employing officials should be consulted as well as the teachers involved.
7. The investigation should be judicial, thorough and professional. The report should be based on facts. The recommendations of the committee should ordinarily be submitted to the employing officials for their information before the release of the report. In any case, the report should be submitted to the

parties involved before or at the time the report is released to the public.

C. Preliminary Inquiry

1. An impartial preliminary inquiry should be made, without publicity, to ascertain the probable facts. Care should be exercised to prevent the appearance of bias or of pre-judging the case.
2. If the inquiry indicates definite unjust treatment of the teachers involved and if the teachers are worthy of professional support, then, if circumstances justify it, a determined but confidential effort should be made to negotiate a just settlement.
3. If a settlement cannot be obtained promptly and it appears that an investigation has a reasonable chance of accomplishing one or more of our objectives, then, with the consent of either the state education association, or the local NEA affiliated association, a formal investigation should be planned in accordance with the information at hand. In cases of marked importance to the teaching profession, an investigation may be made without the request of either the state or local affiliated association.

D. The Investigation

1. The investigation should consist of (a) gathering the facts, (b) evaluating the facts, (c) formulating and issuing the report.
 - (a) Although factual material and signed statements must be obtained and records must be investigated, yet the most vital and difficult part of the investigation is the gathering of oral evidence in the community where the injustice occurred. This part of the investigation (the hearing) should be conducted by three or more members of the investigating committee. The chairman of the committee should be in charge or in the absence of the chairman, an acting chairman should be designated. Before starting the hearings, the committee should agree upon the procedure and the functions of each member. Care must be exercised to conduct the hearing judicially. A careful record of the hearings should be kept. The objective of the hearings should be to obtain reliable and full information. Individual members of the committee should not discuss the case privately nor make individual investigation without the knowledge and consent of the committee. The chairman should be responsible for interviews

with the press or press releases or statements of the individuals involved. A sufficient time should be spent in the community to secure full information and to avoid the appearance of haste or superficiality. All parties involved in the case should be given the opportunity to be heard individually and without the presence of auditors from the opposition. Efforts should be made to secure the opinions and co-operation of local editors, leaders of civic organizations, and other leading citizens. The views of leading members of the teaching profession should be obtained in a manner that will not injure them.

- (b) After the investigations the committee should weigh the facts, draw careful conclusions, and formulate specific recommendations. Differences of opinions should be reconciled inside the committee if possible, but should not be made public except after notice to the committee and only through a minority report filed with the chairman and released by him at the time of the issuance of the committee report.
- (c) After the report has been formulated, it should be submitted to all members of the committee for approval before release. The report should be released by the chairman at such time and in such manner as will best aid in the solution of the case. The report should be judicial and based on evidence. In every case copies of the report should be submitted to the employers and employees involved, either prior to public release or at the same time. Where preliminary inquiry is made in person by fewer than three members of the committee, any publicity should be given with great caution and should even then be made as the personal reaction, based on evidence, of the individual and not of the committee.

E. Local and Immediate Needs

Local and immediate needs can never be met by any set of rules. The ultimate procedure must depend on the study and judgment of the particular committee in charge of the investigation.¹

¹National Education Association, Suggested Procedure for NEA Investigations (Washington, D. C.: the Association, 1942), pp. 1-3.

Of the four objectives listed in the above "suggestions on procedure," the last three would seem to relate to the responsibility of the NEA to protect its members. None of the objectives indicate any recognition of the responsibility of the NEA to use investigations in any way to discipline its members. Under Item C, Preliminary Inquiry (2), it was stated that "... if the teachers are worthy of professional support, then, if circumstances justify it, a determined but confidential effort should be made to negotiate a just settlement."

Since reports of investigations received from the NEA indicated that assistance was frequently not asked for until one or more teachers had been dismissed, it may be assumed that the unethical teacher had already been disciplined, and the NEA Commission or Committee confirms that discipline when they refuse to carry on a formal investigation. The question still remained however, "Should the unethical teacher be investigated and appropriate disciplinary action be taken by the NEA?" If this question were answered in the affirmative, the answer would lead to another question, "What discipline could be enforced by the NEA?" Apparently censure in the report of the investigation, and/or removal from membership in the NEA were the only alternatives available.

A study of reports of investigations by both the Tenure Committee and the Defense Commission indicated that,

in cases involving teachers on opposing sides of a controversy, at least a limited evaluation of the conduct of the teachers involved was made. Excerpts from two investigations should be sufficient to illustrate this point.

From a report of an investigation made by the Tenure Committee the following statement was taken:

Previous to the fall of 1950, there had been no criticism of the two principals of the school by the county superintendent. During Mr. Bevis' first year in the superintendency he had stated to the trustees that Mr. Tipton had given him 100% cooperation. The warning given the principals in the spring of 1950 that if there was the least sign of non-cooperation between them both would be dismissed without an endeavor to find out who was at fault, was not based on the services they had rendered as co-workers in the building, but upon Mr. Bevis' opinion that the two men would not work well together.

When Mr. Bevis was questioned why he had felt the men could not get along together in the new building, he replied that in principals' meetings the two men had often shown differences of opinion in their principles of education and school policy.

A healthy difference of opinion in regard to procedures is not necessarily a disadvantage to a school system. Differing opinions, considered thoughtfully, and intelligently, are frequently a decided advantage.

During the year, Mr. Bevis had given no sign of dissatisfaction with the school. He had made no complaint to the principals. Whatever dissatisfaction he had felt or whatever criticisms he may have heard from supervisors and parents were not discussed with the principals.¹

A much stronger statement evaluating the conduct of a teacher was found in a report of investigation by the Defense Commission.

¹National Education Association, Dismissals in Fort Myers, Florida, Report Prepared by the Committee on Tenure and Academic Freedom (Washington, D. C.: the Association, 1951), p. 20.

In the opinion of the Committee, Johnson, in recommending the use of his own textbooks in the city of Chicago, violated the code of ethics of the teaching profession. The Committee further believes that it is the duty of a superintendent in the selection of textbooks to recommend in each case the best books obtainable and that since he cannot be a fair judge of the quality of his own books, he should scrupulously avoid recommending such of his own textbooks as are on sale in the open market and should confine his recommendations of such books to those from which he cannot make a financial profit either directly or indirectly.¹

In cases such as those mentioned above, the investigating committee or commission was forced by the nature of the controversies to make comparative evaluation of the activities of teachers on both sides of the issue. There can be no doubt but that such evaluations in effect constitute disciplinary action, even though this may not necessarily be the objective of the investigating unit.

The activities of the NEA in the area of protection of its members have been spectacular and successful to the point that these activities are generally well known. It has already been pointed out in suggested procedure for investigations that most of the objectives specifically provide for the protection of the NEA member.

The summary of the activities of the Tenure Committee during 1956-1957 gave some indication of what this committee had achieved in the area of protection.

¹National Education Association, Certain Personnel Practices in the Chicago Public Schools, Report Prepared by the National Commission for the Defense of Democracy through Education (Washington, D. C.: the Association, 1945), p. 47.

. . . During the year 29 school personnel in 16 states requested assistance from the Committee because they thought they had been unjustly treated. Four other situations referred to the Committee affected many persons within the school system. The Committee considered all the cases and gave assistance when possible.

The Committee issued a report on trends in teacher tenure through legislation and court decisions.¹

Further activities of the NEA for the protection of its members are listed in a pamphlet by the Defense Commission.

Since 1940 the Defense Commission has . . .
 ALERTED the profession through the Defense Bulletin and other publications.
 INVESTIGATED scores of school crises and issued reports of cases of major importance such as Chicago, Houston, and Kansas City, Missouri.
 PREPARED articles, booklets, information kits and other materials analyzing and answering charges made against teachers, textbooks, schools and related agencies.
 REVEALED the nature of the resources and the programs of organizations and individuals attacking public education.
 AIDED numerous individuals and both civic and education organizations in their efforts to assist and strengthen the schools.
 PROVIDED staff for the NEA Committee on Tenure and Academic Freedom, the Committee on Professional Ethics, and the Citizenship Committee.
 PROMOTED education for intergroup understanding and human brotherhood.
 ORGANIZED many conferences to win support for education.²

The NEA through the Professional Ethics Committee and the National Commission on Teacher Education and Professional Standards has done much to create a broad framework of ethical standards and procedures by which the professional

¹NEA Handbook, op. cit., p. 112.

²National Education Association, What Is It? Prepared by the National Commission for the Defense of Democracy through Education (Washington, D. C.: the Association, 1957), p. 1.

conduct of its members could be evaluated and improved.

This framework of ethical standards and procedures formed, so to speak, the boundaries within which the Tenure Committee and the Defense Commission could freely operate. These two bodies have been active and effective since their inception in the area of protection of NEA members. Provisions for disciplining members have consisted mainly of refusing to investigate the charges of a teacher considered unworthy, and of including in reports of investigations evaluative statements with regard to the conduct of teachers who are included on opposing sides of a controversy. In 1957 the Professional Ethics Committee was empowered to make investigations and to recommend disciplinary action against a member for violation of the Association's Code of Ethics.

CHAPTER III

PROVISIONS MADE BY THE STATE AND TERRITORIAL AFFILIATES OF THE NEA FOR PROTECTING AND DISCIPLINING THEIR MEMBERS

From the sixty-four executive-secretaries of state and territorial affiliates of the NEA to whom questionnaires were mailed, returns were received from sixty-two. This represented a return of nearly ninety-seven per cent. The returns varied greatly in completeness. Thirty of the returns included both the questionnaire and other materials requested, thirty of the returns consisted of questionnaires only, and two returns included materials but not the questionnaires.

In the broad area of ethics and professional standards which alone can form the framework within which investigating commissions or committees can operate, it would appear that the state and territorial associations have made, and are continuing to make, considerable progress. Certainly most of the state associations have adopted the NEA Code of Ethics, and the following statement shows how rapidly state Teacher Education and Professional Standards Commissions

have been formed:

One of the first actions of the new National TEPS Commission was to call upon the state education associations affiliated with the NEA to create state TEPS Commissions parallel in purpose and function to the National Commission. As time went by, more and more of the state associations responded. Today, only two states do not have a state TEPS commission as such, or do not have state Advisory Councils on Teacher Education and Certification.¹

Development of Written Personnel Policy Statements

The replies to Question No. III (Table 6)² on the questionnaire used in this study, "Has a statement, bulletin, or pamphlet been prepared by your organization relating to adequate personnel policies for teachers?", were almost equally divided between yes and no. This would indicate that, in the vital field of personnel policies, many of the NEA affiliates have not adopted written policy statements.

The copies of written personnel policy statements returned in response to the questionnaire indicate that such statements generally fall into one of the following groups: first, those statements of policy designed to be used uniformly as a personnel policy statement by all of the schools of a state; and second, those statements of policy

¹Manual for State and Local TEPS Commissions, op. cit., p. 6.

²The questionnaire and all tables referred to in this chapter are included in the Appendices.

designed to be used as handbooks or guides by the various school districts of the state in the formulation of local personnel policy statements.

The first group would include the personnel policy statement of one association which states:

The statements on the following pages were formulated by a Committee representing the Iowa Association of School Boards, the Iowa State Education Association, the State Department of Public Instruction, and the Iowa Institutional Teacher Placement Association. Their purpose is to guide school board members, teachers, school administrators, and placement officers in their working relationships with each other by pointing up some of the more desirable administrative practices and procedures which are used in conducting the affairs of our schools.¹

This policy statement then discusses the responsibility of teachers, school boards, superintendents, and placement officers in the areas of employment practices, in-service relationships, and re-employment relationships.

Another more detailed personnel policy statement which would be included in the first group affirms:

The following Code of Fair Employment Practices was approved by the Delegate Assembly of the Idaho Education Association on April 15, 1950.

It was approved by the Idaho School Trustees' Association at its annual meeting at Boise on March 24, 1951.

With the approval of both of these organizations thus given, it is assumed that this code hereafter will govern practices in the public schools and public education institutions in the state of Idaho.²

¹Iowa Education Association, Practical Personnel Policies, A Report of the Iowa School Personnel Policies Committee (Des Moines: the Association, 1956), p. 2.

²Idaho Education Association, Code of Fair Employment Practices for the Teachers and Boards of Education of Idaho (Boise: the Association, 1955), p. 2.

After discussing at some length the various employment relationships this policy statement included the problem of dismissal.

Procedure for Dismissal--Should there develop the apparent necessity for the termination of a contract with a teacher before the expiration of such contract, there shall be provided:

a. By Trustees (acting through their administrative staffs):

(1) A formal notification, in writing and signed by the administrator or by the clerk of the board of trustees, of the intention to terminate such contract.

(2) A clear and unmistakable statement, included as part of such notice, of the reasons for the termination of such contract.

(3) Grounds for such dismissal to be solely, gross incompetency in instructing or maintaining order; immoral behavior; flagrantly unprofessional behavior; proven insubordination and non-cooperation; practices inconsistent with the American form of government; or refusal to comply with school laws or regulations of the State Board of Education or of the employing school district.

(4) Provision for a hearing, if desired by the teacher, at which the teacher shall have full opportunity for defense against the charges, to be represented by counsel, and to face any person who has made allegations detrimental to his or her character.

(5) The recording in full of the proceedings of such hearings in the minutes of the board of trustees' meetings.

(6) The rendering of a decision upon the issue within ten days after such hearing, such decision to be recorded with a record of votes of the members of the board of trustees, in the minutes of the board of trustees' meetings.

(7) If, in the opinion of the administrator of the board of trustees, a teacher should be suspended pending such hearing and decision, this may be done; provided, that if the final decision be not against the teacher, he or she shall suffer no loss of pay for the period of suspension.

(8) If the results of such hearing and decision should clear the teacher of any charges made, the proceedings shall be expunged from the record of proceedings of the board of trustees.¹

¹Ibid., p. 6.

One policy statement that would appear to be designed as a handbook or guide for local school districts states:

The Oklahoma Education Association recognized that the increasing complexity of the educational pattern and the preoccupation with the resulting problems have led to neglect of personnel procedures and relationships. This has produced friction and misunderstanding. Following the recommendation of the Executive Committee of the OEA, a committee on personnel procedures was established. It was the duty of this committee to explore the sources of friction in personnel relationships; to suggest procedures which might eliminate or prevent such friction; to propose a code of personnel procedures and general policies which could be used as a guide for any school which wished to formulate specific policies.¹

As a framework for actions to protect and discipline members the statement, among other items, discusses tenure policies and contractual obligation.

TENURE POLICIES

Schools exist for children and children's interests are best served by teachers of intelligence, training, and experience who, unmolested by fear or unjust and unwarranted removal, are permitted to devote themselves to their profession. Problems of tenure arise from the lack of a written plan of employment which fails to provide the following:

1. RE-EMPLOYMENT RELATIONSHIPS

a. For teachers:

- (1) Earliest possible notification of intention not to be a candidate for re-election.
- (2) Acceptance of proffered contracts within a maximum of thirty days.
- (3) Request for release, prior to entering into service under such contracts, to be based solely upon demonstrable professional or financial advantage.
- (4) Adherence to such contracts if conditions make impossible the granting of a release by Board of Education.

b. For board of education:

¹Oklahoma Education Association, Good Personnel Policies, A Report of the Committee on Personnel Policies (Oklahoma City: the Association, 1955), Preface.

- (1) Notification (except under unavoidable conditions) not less than thirty days prior to re-employment period of intention not to re-employ.
- (2) Clear and unmistakable statement of reasons for intention not to re-employ.
- (3) Specific reasons for intention not to re-employ, such as the ability of the teacher to instruct; the moral behavior of the teacher; non-professional conduct; practices inimical to the continuance of the democratic system of government; non-compliance with the school laws of Oklahoma or the regulations of the State Board of Education or of the employing school district, etc.
- (4) Provision, if desired by the teacher, for a defense against the claims made against such teacher, in a hearing before the board of education; the teacher to be eligible to be represented by counsel, and at such hearing to meet any person who has made any allegations detrimental to his or her character.

2. PROCEDURE FOR DISMISSAL

Should there develop the apparent necessity for the termination of a contract with a teacher before the expiration of such contract, there should be provided by the board of education acting through its administrative staff:

- (1) a formal notification in writing, signed by the administrator or by the clerk of the board of education, of the intention to terminate such contract;
- (2) a. clear and unmistakable statement included as a part of such notice of the reasons for the termination of such contract. Grounds for such dismissal might be gross incompetency in instructing or maintaining order; immoral behavior; flagrantly unprofessional behavior; proven insubordination and non-cooperation; practices inconsistent with the American form of government; or refusal to comply with school laws or regulations of the State Board of Education or of the employing school district;
 b. provision for a hearing, if desired by the teacher, at which the teacher should have full opportunity for defense against the charges, to be represented by counsel, and to be confronted by any person who has made allegations detrimental to his or her character;

- (3) The recording in full of the proceedings of such a hearing in the minutes of the board of education meetings;

The rendering of a decision upon the issue within ten days after such hearing, such decision to be recorded with a record of votes of the members of the board of education, in the minutes of the board of education meeting. If, in the opinion of the administrator or of the board of education, a teacher should be suspended pending such hearing and decision, this may be done. If the teacher is exonerated, he or she shall suffer no loss of pay for the period of suspension. If the results of such hearing and decision should clear the teacher of any charges made, the proceedings should be expunged from the record of the board of education.

The suggestions for a satisfactory employment and termination relationship are based upon surveys of problems arising in school systems which have no clearly defined and well understood policy. These are offered as a guide to assist in the formulation of a written policy, adapted to the local school program.

CONTRACTUAL OBLIGATION

A statement of personnel policies should be specific on the subject of contractual obligations between teachers and the board of education and may include requirements on the part of both parties such as the following:

Teacher:

1. To perform faithfully all terms of contract in force.
2. To give earliest possible notice of intention not to be a candidate for re-election.
3. To adhere to contracts unless granted release by the board of education.
4. After signing a contract, to request a release only under special conditions.

Board:

1. To perform faithfully the terms of existing contracts except those altered by mutual consent.
2. To give notification not later than March 1st of intention not to re-employ.
3. To set a time limit for acceptance or rejection of the contract.
4. To release a teacher from terms of a contract when an opportunity is offered for professional advancement.

Contract terms should be simple, professional, and as dignified as are commensurate with the importance of teaching service. Contracts should not contain restrict-

ive clauses that are not appropriate in a business agreement between honorable and mature adults.

There must be a clear and unmistakable statement of the reasons for adjudging services to be unsatisfactory.

Any contract may be terminated by mutual consent of the teacher and the board of education.¹

Another statement of personnel policy issued to assist local school districts in the formulation of specific policies included the following pertinent discussion of unethical practices:

Conduct generally considered to be unethical by members of the profession, and to be avoided by one and all, includes: the dismissal, or recommendation for dismissal, of a teacher without opportunity for a hearing; failing to recommend a teacher for advancement for fear of losing his services; accepting money in return for helping a teacher to obtain a position; failing to defend a teacher who has been unjustly accused; using sick leave for purposes other than those designated; discussing a pupil's deficiencies in a manner that causes him or his parents embarrassment; encouraging or permitting pupils to make derogatory remarks about other teachers; showing partiality in the classroom; undermining the school administration; being habitually late to classes; assuming duties not delegated; conducting examinations dishonestly; divulging confidential information to unauthorized persons; using one's position as a sounding board for personal bias or gain; applying for a position for which one is unqualified; underbidding on salary; and failing to adhere to commitments of employment.²

The most highly specialized handbook received was developed by the Ohio Education Association. This statement of personnel policies was, in fact, a manual which by state-

¹Ibid., pp. 6-9.

²New York Education Association, Handbook on Personnel Practices for Teachers, A Report of the Ethical Practices Committee (Albany: the Association, 1957), p. 60.

ment and by illustration assisted the local school in the formation of specific personnel policies. This statement stressed the importance of written policies:

Written Policies Pay Off

One recent survey showed, for example, that school boards which possessed written policies out-performed boards without written policies in 15 different ways. They made a greater effort to understand their own functions, duties and responsibilities, and had a better understanding of the purposes and objectives of modern schools. They generally displayed both tact and firmness. They played a direct part in improving the public relations of their school systems.

A school system which was experiencing a severe teacher shortage adopted new written policies and, after the policies had been in operation for about three years, found that it had a surplus of job applicants. The word had spread that this school system was a desirable place in which to work.

The idea of getting school policies down in writing is not new. Policy is made at every meeting of the school board.

What is new is the manner in which most effective policies are being developed to produce the kind of results which have stimulated all the current interest.

In its most primitive form, written school policy exists only in the minutes of the school board. Such policy may be very incomplete, even contradictory, but it is policy just the same. Some school systems try to operate on this basis.

In an effort to fill up the gaps and to get something down in black-and-white which would be available to employees, some superintendents have drafted their own interpretation of school policies and submitted them to their boards for adoption.

However, both the hopeful do-it-yourself attempts by administrators and the Topsy-like method of developing policy via accumulated board minute references have left much to be desired in the way of results.

Unfortunately, when written policy exists only in board meeting minutes, no one, including board members, superintendent or employees, can be sure just what the board's policy may be in many areas at a given time.

And no matter how efficient a job the superintendent may have done in drafting policy for the board's approval, it is inevitable that the board members will tend to regard the product as being the work of the

superintendent rather than their own.¹

It is possible for Codes of Ethics and Personnel Policy Statements to be used as vehicles through which lip service can be paid to an ideal without the association making any serious attempt to do something tangible about achieving the ideal. The remainder of this chapter deals with provisions made by the state and territorial affiliates of the NEA to protect and discipline members, using an adopted code of ethics and a statement of personnel policies as a framework within which to interpret such activities.

Organizational Patterns and Achievements of Commissions or Committees

Question No. I (Table 1)¹ of the questionnaire, "Do you have a commission or a committee of the State Education Association which has as its major responsibility the task of conducting inquiries and making investigations of alleged unfair treatment of, or alleged unethical conduct by, members of the profession?", was the key question. From the sixty-two responses received, it was determined that thirty-six of the state associations did have such commissions or committees, and that twenty-six did not have such commissions or committees. Four of the associations answering "no"

¹Ohio Education Association, School Personnel Policies, A Report of The Commission on Teacher Education and Professional Standards (Columbus: the Association, 1956), pp. 5-6.

²See Appendix C.

explained that special committees were appointed as need for investigations arose. Of the sixty-two replies received, then, nearly sixty per cent indicated that they did have commissions or committees which had as their major responsibility the task of conducting inquiries and making investigations of alleged unfair treatment of, or alleged unethical conduct by, members of the profession.

Replies to Question No. I-A (Table 2),¹ "What name is given to this group?", made a "Joseph's Cloak" with regard to variety. Influence of names of NEA commissions and committees was seen in names of state association groups. The titles included such words as Defense, Tenure, Ethics, Welfare, Personnel, Professional Standards, and numerous others.

Answers to Question No. I-B (Table 2), "On what date was this group formed?", yielded the information that most of these commissions and committees were organized within the past thirteen years, with three of them having been formed in 1958.

In response to Question No. II (Table 6), "Is there a statement enumerating the duties, responsibilities, and method of procedure for this commission or committee?", twenty-five replies were affirmative, eight negative, and two were qualified to the extent that they were considered

¹ All tables are included in Appendix C.

indefinite.

Materials returned by the various state associations in most cases enumerated quite clearly the "duties, responsibilities, and method of procedure" for a given commission or committee. The following statement apparently outlined the philosophy of one such commission:

Willingness and ability to assume responsibility for the conduct of its members has been called one of the marks of a true profession. The Personnel Standards Commission is the teaching profession's agency in California to meet this responsibility--disciplining members for unprofessional conduct . . . protecting its members against false accusations. . . . assisting its members in fulfilling their own obligations to pupils, parents, community, and the profession itself as defined in the Code of Ethics for California Teachers. This study is one of the efforts of California teachers through their professional organizations, to aid school personnel facing problems of friction and conflict to diagnose and plan their future course of action in the interests of the children they are dedicated to serve.¹

Another state association has spelled out in more detail the duties and responsibilities for its commission.

Professional Relations is defined as that system of conduct among the certificated members of the Teaching Profession that will establish and promote competence, dignity and effectiveness of the members of that profession. Good professional relations depends on competent, well-trained educational personnel who are secure in employment. The organized teaching profession has a dual responsibility: it must serve the welfare of its members and protect them against unfair or discriminatory treatment and protect the welfare of children and the public by disciplining those of its members who are guilty of unethical behavior or incompetence.

¹California Teachers Association, Electioneering Ethics, A Report Prepared by the Personnel Standards Commission (San Francisco: the Association, 1958), p. 3.

In considering ethical practices on the part of the members of the teaching profession, the Commission wishes to emphasize the principles set forth in the Code of Ethics of the OEA. Basic also are the principles established in the OEA publication, 'Good Personnel Policies,' official NEA publications and other accepted principles relating to effective personnel relationships.

The major responsibility of the Commission is to receive requests by appropriate persons or groups for official investigations, review such requests and make decisions concerning whether or not official investigation is necessary. When an investigation is deemed necessary, the Commission shall proceed to make such investigations, advise with interested parties, attempt to mediate a situation if this seems both feasible and possible, and report its findings in referred cases of unethical practices, unfair dismissals, non-reemployment, and demotions of teachers and other certificated personnel.¹

The duties and responsibilities of a "Tenure-Ethics Committee" are described as follows:

A Tenure-Ethics Committee, operating under the West Virginia Education Association, has been established for the protection of both the teacher and the employer.

Duties of Committee

1. Interpret the Code of Ethics when inquiry is made.
2. Have oversight in all questions arising in connection with tenure rights and ethical standards.
3. Arrange for investigations or hearing of any reported infraction of the Code of Ethics or the Teacher Tenure Law, subject to the following regulations:
 - A. Application for review of a case shall be made directly to the Executive-Secretary of the West Virginia Association by the teacher involved, or by the executive committee of a county education association, or by a group of ten or more teachers of a said county or institutions, or by a board of education. There shall accompany this application the sum of twenty dollars (\$20) to be kept on deposit by the WVEA until (1) the application is rejected, in which event money will be refunded, or

¹"Professional Relations Commission," Recommendations submitted by Glenn R. Snider, Chairman of the Professional Relations Commission, amended by the Executive Committee, and approved by the Board of Directors, OEA, 1957. (Mimeographed.)

- (2) a full inquiry made and case adjudged by the Tenure-Ethics Committee. If findings of the Committee are in favor of the appellant, said money will be returned; if not it will be applied to cost of inquiry.
- B. Upon receipt of application, a preliminary check will be made by a WVEA staff member or members of Tenure-Ethics Committee and a report of same submitted as the basis for this Committee's decision as to whether said case warrants a full investigation.
- C. The Tenure-Ethics Committee shall have the authority to honor or reject any or all applications. However, the right of appeal to the Executive Committee of the West Virginia Education Association shall be extended to all appellants.
4. The committee is duly authorized to make investigations and hold hearings. If in the considered judgment of the committee, it is found that an infraction of the legal or ethical rights has been made by either employer or employee, the committee upon a unanimous vote of the members present, may recommend that the Executive Committee take or authorize said committee to take any one or a combination of the following actions: (a) expel from membership in the West Virginia Education Association, (b) request the annulment of certificate, (c) request board to place teacher under probation, (d) request county board to reassign to the position or reemploy, (e) order the committee report to be made public, or (f) authorize the carrying of case to court.
5. All findings and recommendations of the Tenure-Ethics Committee, resulting from an investigation, shall be reported to and approved by the Executive Committee of the West Virginia Education Association before a final report is transmitted to the interested parties.

Appellant's Obligation

1. In cases of legal infraction:
The Tenure-Ethics Committee will conduct investigations and hearings ONLY after the appellant has met the basic legal requirements set forth in the statutes regulating employment, dismissal, and other legal rights of teachers. . . . Before the appellant seeks the services of the Tenure-Ethics Committee, said appellant should, if a teacher, (a) in case of termination of contract, have been granted or denied a hearing by the board, (b) in case of dismissal, filed an appeal with the state superintendent of schools if the board was not unanimous in its decision. In the instance of

a county board of education, it should have (a) acted on a majority vote of full membership of board, (b) given teacher due notification of act, stating cause or causes, and (c) granted a hearing to said teacher.

In all other legal rights cases not involving employer-employee relations, the appellant may appeal directly to the Association for advice of legal counsel.

2. In cases of breach of ethics:

The Tenure-Ethics Committee will conduct investigations and hearings only in those cases when a complaint is made by the Executive Committee of the county education association or upon petition signed by at least ten teachers in that county or institution of higher education who are qualified members of the West Virginia Education Association, or upon the unanimous vote of a state or county board of education. Under this provision the word 'teacher' also includes supervisory and administrative staffs of the public schools and institutions of higher education.¹

In the above statements of duties and responsibilities of these groups, the last also includes certain procedures--all include responsibilities for both protection and discipline of members. Geographically these statements come from associations located respectively in the western, central, and eastern sections of the United States.

As mentioned above, the last statement, which was from West Virginia, included not only references to the duties and responsibilities of its committee but also suggestions for procedures. Because of the organization of this statement, it was not feasible to separate these areas. It is interesting to note that the actions which the Tenure-Ethics

¹West Virginia Education Association, Tenure and Ethics, A Handbook Prepared by the Tenure-Ethics Committee (Charleston, West Virginia: the Association, 1949), pp. 22-27.

Committee may recommend to the Executive Committee include the following which appear to be disciplinary in nature: to expel from association membership, to request annulment of certificate, to request county board to re-assign teacher, and to request board to place teacher on probation. The other two actions which the Tenure-Ethics Committee may recommend to the Executive Committee could be used to either protect or discipline a member of the association. These are (1) to order committee report to be made public and (2) to authorize carrying the case to court.

Only a few statements of procedure by associations included recent revisions. The following statement is particularly timely since it included revisions made in 1957:

Operational Procedure

The Commission is empowered and directed to consider referred cases . . . as they are requested by:

1. Any recognized unit or department of the OEA at the local, district, or state level, including the Executive Committee of OEA.
2. Any member of OEA may appeal directly to the Professional Relations Commission through the Secretary of the commission after any unit or department of OEA has declined to act in his behalf.
3. Any person not actively engaged in educational work may appeal directly to the commission through the secretary of the commission concerning members of the profession.

It shall be imperative that teachers, other professional, certified personnel or those who request an OEA investigation be available for interviews by the commission if an investigation is to be conducted.

All requests for investigation shall be made in duplicate on forms provided through the secretary of the commission. The Screening Committee shall determine the need for further study of each case it considers and the procedures which it will follow in the conducting of the investigation which it authorizes. (Such procedure may

include preliminary impartial investigations by a qualified investigator appointed by the commission or Screening Committee, the use of questionnaires, conferences with persons involved, etc.)

Pertinent information or material used in the conducting of an investigation shall be filed as a part of the records to be kept by the Secretary of the Commission.¹

The above statement is of particular importance to this study primarily because of its recent origin. Items 2 and 3, for example, have been added to make the services of the Professional Relations Commission more easily available to those in need of these services.

The Montana Education Association, in addition to a statement of general policies regarding investigations, has issued the following statement regarding "Procedure for Investigating Dismissal Cases."

So that MEA members will know what steps to take in the event of unfair dismissal, the following procedures have been outlined:

1. A teacher having an unfair dismissal complaint against a school district should present it in writing to the Local MEA Unit for investigation.
2. The Local Unit should investigate and report its findings, with recommendations, to MEA headquarters.
3. If the Local Unit fails to act within 15 days of receiving the written complaint, the teacher should present the complaint to MEA headquarters. The state association will then request the Local Unit to investigate and report. If there is no Local Unit, the teacher should contact MEA headquarters directly.
4. MEA will investigate only cases recommended for action by Local Units (however, in case of unfavorable action by the Local Unit, any MEA member shall have the right to appeal his case directly to MEA headquarters), cases where the Local Unit fails to act on the teacher's request, or cases where legal contracts have been

¹"Professional Relations Commission," op. cit.,
p. 2.

broken where no Local Unit exists. The Board of Directors will not be obligated to accept any financial responsibility where these procedures are not followed.

5. It is recommended that difficulties be reported to the MEA office before they reach serious proportions, if that can be anticipated. Sometimes "outside" help and advice can head off or minimize the seriousness of local problems.¹

California is unique in that it does have a law granting certain powers to the organized teaching profession in that state. This law, which does have implications affecting the operation of the CTA Personnel Standards Commission, is discussed at some length in a later section of this chapter. The following statement of procedure, however, is pertinent to the study of procedure in general:

Investigation and reporting on problems of alleged unprofessional conduct or of serious faculty or community conflict is the main instrument for enforcement of the Code. The commissions do not initiate studies. Requests are considered from local chapters, governing boards, and individual member who has been charged with unprofessional conduct, or, under some circumstances, a responsible citizens committee.

Upon receipt of such a request, staff members conduct preliminary inquiries, mainly to learn the nature of the problem, to make sure that all local resources to solve the problem have been exhausted, and to estimate the potential service which a study might contribute to schools, community, and the teaching profession. This information aids the commission in determining whether or not to conduct a complete study. If the request is accepted further investigation is conducted by staff personnel, who also make all arrangements for a hearing, schedule interviews, and conduct the hearing itself.

Although the entire commission may sit at the hearing, the more frequent practice is to appoint a hearing

¹"Policies Regarding Investigations," Report of the Ethics Committee to the Montana Education Association, Helena, Montana, 1956.

panel which includes at least one member of the commission and two to four others whose position, background, and experience would best qualify them to analyze the particular problems involved in the case, arrive at sound conclusions, and prepare helpful recommendations.

The panel members participate in preparation and adoption of the report. In practice, the other commission members accept the work of the panel in respect to findings, but take active part in determining the conclusions and recommendations which are based on those findings.

Forty such studies have been conducted during the past five years. Other procedural details are included in the Hearings Policy Pamphlet.

It is recognized that some of these procedures and policies would be altered as the Commission undertakes studies of competency and fitness as well as professional conduct. However, it is not intended that this Commission would attempt to duplicate the due process hearings conducted by the Courts. Methods and procedures used will be those deemed necessary for a professional group to reach an opinion on questions of competency, fitness and professional conduct.¹

The above excerpts relative to statements enumerating the duties, responsibilities, and methods of procedure for commissions or committees, indicate that some state associations, at least, have included in their statements responsibilities for both protecting and disciplining members. This was not true of all reports. Some statements, generally those which had not been revised recently, included only the concept of responsibility for protection of members. With regard to procedure, all statements studied provided for investigation of complaints. The statements indicated, though, that some committees or commissions had much more freedom to make investigations than did others. Some groups, for example,

¹California Personnel Standards Commission, "Statements of Objectives and Procedures of the Personnel Standards Commission," California Teachers Association, 1955. (Mimeographed.)

were allowed to make investigations only upon request by a local unit of the state organization, while others were permitted to use discretion in making an investigation even when requested by an individual. There was also much variation in the latitude given the various groups in publicizing their findings. The statements of procedure which were received support the conclusion that the degree of freedom available to the various commissions or committees of the various state associations in discharge of their responsibilities varied greatly.

In response to Question IV (Table 3),¹ "What is the basis and method of selecting members of the commission or committee?", the following information was obtained: Twenty of the replies stated that members of the group were appointed by the president of the state education association. Only two of the returns stated that members were appointed by the executive-secretary of the state association. Five answers were to the effect that members of their commission or committee were appointed jointly by the president and executive-secretary of the state association. In four instances members were appointed by the board of directors of the state organization. In two associations members were elected or appointed by districts. This rough grouping of replies in reality implies more uniformity in methods of selecting commission or committee members than was apparent from the individual responses.

¹The questionnaire and all tables are included in the Appendices.

Certainly, though, appointment by the president with the approval of a designated association group was the most commonly accepted method.

Information supplied by answers to Request No. V (Table 4), "List current membership of group designating the department or division of the state organization represented by each," indicated that membership of commissions or committees was drawn primarily from the following groups which are listed in order of frequency: classroom teachers, principals, superintendents, employees of state associations, and members of college or university faculties. Some variations from the above were noted. Idaho reported that "two are members of the Teacher Welfare Committee, two are school trustees appointed by the President of the State Trustees' Association, and one is selected at large by the above four who is neither a trustee nor a teacher." It would appear, then, that most members are drawn from various departments of the state organization with the obvious intention of representing as many departments as possible. In a few instances some members are drawn from groups which do not belong to the state association.

Answers to Question No. V (Table 3),¹ "What is the length of term of committee members?", suggested that, while length of membership ranged from one to seven years, most associations favored a three-year term. In at least two

¹See Appendices B and C.

instances the length of term was given as "indefinite."

Although Question No. VII, "Who are the present officers of group?", was included only in order to secure these names as sources of additional information, responses to this question merited brief mention. Thirty-two of the thirty-six state associations having such groups supplied the names requested. Three returns omitted this question. One reply tersely stated, "Not for public information." Here for the first time in this study an answer to a questionnaire item brought to light hesitancy to disclose information relating to investigations.

In response to Question No. VIII (Table 5),¹ "Has the commission or committee carried on any formal investigations?", twenty-six associations indicated that they had carried on formal investigations.

Question No. VIII-A (Table 5), "If the answer to the above question was yes, how many investigations have been made?", was designed to determine the frequency of formal investigations by the state associations. Of those giving specific answers, Oregon and California led the list having made seventy-two and fifty-one investigations respectively. Most of the other associations indicated that they had made from one to ten investigations each.

Answers to Question No. VIII-B (Table 5), "Were reports written concerning the findings of these investiga-

¹See Appendices B and C.

tions?", disclosed that twenty-one of the associations made written reports of some or all of their investigations.

In Question No. VIII-C (Table 5), "If the answer to the above question was yes, what provisions were made for informing the profession or the lay public concerning these investigations?", the perplexing and sensitive question concerning publicity of findings of investigating groups is raised. Some state associations indicated that they varied the kind and amount of publicity to suit the merits of the particular case under investigation. The answer supplied by the New Mexico Education Association illustrates this conclusion. Referring to the three investigations made by the New Mexico Educational Personnel Policies Commission, the answer to the above question read, "One was published in our association journal. Two were reported orally to the Executive Committee and written summaries filed with association records. These were not publicized." In this instance then, one report was published at length in the December, 1954, issue of the New Mexico School Review, while the other two cases were not publicized. Some of the associations indicated that they generally supplied copies of the report to principals in the case and to others upon request. One association answered, "Report made only to the Executive Committee of the Association (to date)." This answer seemed to suggest that additional publicity was being considered. The California answer best stated the case for the associations that gave rather wide publicity to their cases. This answer read, "Reports were presented (read) to

the requesting organization and released to all interested parties including the press."

Considering the fact that several association pronouncements stated that public opinion was the greatest force in the protection and discipline of members, this question of publicity of findings of investigating groups is naturally receiving much consideration by the various state associations. At the same time it is also obvious that the kind and amount of publicity given individual cases within an association varied considerably, and that the kind and amount of publicity generally given findings of investigations varied greatly from association to association.

As reports of specific investigations are discussed later in this chapter, the responses to Question No. VIII-D, "List investigations for which reports were written. (Please list also dates of written reports.)", were of primary importance in indicating the trend of association investigations. Dates for investigations given by the various associations indicated that the preponderant number of investigations had occurred since 1948, and that the number of investigations had increased rapidly since 1956.

Reports of investigations returned by the various associations were divided into the following groups for discussion: Communism, transfer, electioneering ethics, contract termination, forfeiture of association support by actions during a controversy, and professional competency. Some investigations included information pertinent to two more of these groups.

Communism

Two contrasting investigations of teachers charged with being Communists are summarized by one association.

A radio commentator's blast that a teacher newly employed in a high school was a communist or communist sympathizer brought requests from the teacher, the superintendent, and the governing board that the charge be investigated.

A thorough investigation was conducted in the community where the teacher formerly had served. Even those who had supplied the commentator with his information asserted that their charges were based solely on the teacher's membership in the United World Federalists. A further check was made on the teacher's background from the time of her attendance at Mission High School in San Francisco through her college and teaching years. It was found that she had never belonged to any organization or participated in any program even mildly tinged with communist affiliations. The Commission issued a report documenting these findings which ended the controversy and problems in the district in which she now is employed.

This report was branded by the commentator as a whitewash, though he made no effort to check the Commission's findings. In view of his continued attack, on the recommendation of the Commission the CTA financed the teacher's slander suit against the commentator and radio station which resulted in a verdict of \$55,000 in punitive damages.¹

General faculty and community turmoil was precipitated by the dismissal of a coach and social studies teacher. The two men were notified that they would not be re-employed at 3:00 p.m. on May 15. They had received no prior criticism or warning. The official notification was not posted until 6:00 p.m. and would not have been delivered until after the May 16 board election had the local newspaper not forced officials to release the information. The teachers association and a citizens committee requested an ethics commission study. This request later was supported by the governing board. The board refused to state specific reasons for dismissal except that there was dissatisfaction with their classroom performance and that the dismissal was based on a belief that their leadership in the faculty and community was not wholesome.

During the preliminary investigation CTA representatives learned that the FBI had been interested in the so-

¹California Personnel Standards Commission, Personnel Standards Commission Studies, Case No. B1 (San Francisco: California Teachers Association, 1957), p. 9.

cial studies teacher and that there was a record of past activities which threw serious question on his loyalty. The Commission was requested by these law enforcement officials to make no use of this information but to base any report it issued solely on the teacher's conduct in the community where he had been employed for two years.

The Commission's study showed that much of the board's information regarding the two men had been erroneous, that administrative confusion in the high school had resulted in their receiving blame for incidents in which others were properly responsible, and that dissatisfaction with the coach was based largely on statements he was alleged to have made during the board election campaign. In its original report the Commission recommended reinstatement of both teachers. Immediately after the study, however, the Commission received detailed information regarding the communist activities of the social studies teacher and his wife over a long period of time. A representative of the Commission met with the governing board at an informal meeting at which the teacher was confronted with the information then available. He was notified that the Commission would withdraw its support and make a statement to that effect at a public board meeting later that week. The teacher supplied the board with a letter stating that he was no longer interested in the position and withdrew his application for renewal of his teaching credential. He is no longer in the teaching profession.¹

Transfer and Demotion of Teachers

One investigation which comes under this heading is the one concerned with "The Socorro Case" of New Mexico. Excerpts from this case published in The New Mexico School Review, read as follows:

The Socorro Case--Involving Wholesale Transfer and Suspension of Teachers through Political Pressure. . . .
Action of the State Board of Education, October 26, 1954.

Dismissal Socorro County Teachers:

After study of the New Mexico Education Association survey and discussion of the Socorro County problem, the State Board views with deep disfavor the deplorable conditions and power-politics existing in the Socorro County School system which have caused the county board to disrupt the educational program by the transfer, or suspension, of fourteen teachers. This is detrimental to good

¹Ibid., Case No. B3, p. 10.

educational practice, causing the children to suffer, and the State Board commends the decision of Judge Scoggin in restraining this action.

This particular unfortunate incident is merely a reflection of deep underlying causes which have retarded progress in needed school reorganization of Socorro County as recommended by the State Board last spring.

Action of the Executive Committee of the New Mexico Education Association, October 26, 1954.

Upon motion made, duly seconded and passed unanimously, the Executive Committee commended the Committee of the Educational Personnel Policies Commission for the unselfish and energetic investigation made of the Socorro County Schools;

Further, the Executive Secretary was instructed to publish the investigative report in the New Mexico School Review and to otherwise publicize the report widely in New Mexico.¹

Electioneering Ethics

The question as to what constitutes professional actions and attitudes by teachers with regard to participation in elections is met squarely by one investigation.

On October 21 the Board of Directors of the Pasadena Education Association endorsed the Board of Education's request, and asked also that the Commission investigate thoroughly the activities of PEA members in the June 7 election.

The Board of Education and the PEA were notified on October 28 that the Personnel Standards Commission (formerly State Ethics Commission) of the CTA had accepted the requests. The Commission's executive appeared before the Board on November 12 to explain procedures and policies.

At the November 12 meeting, the Commission executive pointed out that the invitations had been interpreted to mean the requested study was to be aimed at:

1. establishing the facts regarding teacher participation in the board election of June, 1957;
2. evaluating each phase of teacher participation in respect to accepted principles of professional conduct;
3. Identifying those instances which constitute infractions of standards already defined by the Personnel Standards Commission as essential to the maintenance of respect for the teaching profession;

¹"The Socorro Case," New Mexico School Review (December, 1954), pp. 20-21.

4. recommending disciplinary action in cases of infraction sufficiently serious to indicate that correction is unlikely without punitive steps;

5. utilizing the findings of this study to assist in developing additional guides for teacher conduct in political campaigns so that misunderstandings and abuses can better be avoided. . . .

2. Campaign Materials

In its 1954 interpretative statement on teacher participation in political activities, the Personnel Standards Commission stated:

'Use of school time, materials or facilities for political activities is a misuse of public funds and an abuse of public trust. . . . distributing campaign literature in the school could be termed political activity in this sense.'

The PEA executive secretary, some patrons, a few principals, and many building representatives violated this principle by distributing CSGE election materials in school buildings. A few representatives assiduously avoided doing so, and some principals prevented it. Distribution through school facilities contributed materially to the infractions of pupil involvement committed in two of the five cases reported, perhaps more.

3. Pupil Involvement

Application 1-10 of the Code of Ethics for California Teachers states that the professional teacher 'does not use his classroom privileges and prestige to promote partisan politics. . . .'

In none of the cases reported was it apparent that the teacher was attempting to influence the pupils as a means of political action. Two teachers used pupils to perform the clerical function of addressing cards which the teachers were going to mail. The relative seriousness of the two incidents is reflected by the difference between involving all members of a class at school and of permitting one boy, whose parents were in accord with the process, to participate. Neither can be condoned, although the second teacher could have avoided this violation technically merely by delivering the cards to the parents instead of to the pupil.

The teacher whose pupils accidentally distributed the cards can be criticized for carelessness and be extended sympathy as the victim of the at-school system of distributing campaign materials. . . .

4. Solicitation of Campaign Funds -

To the extent that teachers gave and accepted campaign contributions at school, they exercised poor judgment and violated the precepts already stated. The Commission cannot agree that the mention of an opportunity to contribute constitutes 'solicitation.' These comments were violative of reasonable standards, however, to the same extent as

all other references to the campaign during school time and in school buildings.

So far as the Commission could determine, no staff member was solicited personally for contributions in meetings or in any school by any representative of the PEA. The individual activities of the one City College instructor constituted the only personal solicitation of teachers by a district employee reported to the Commission. . . .

Summary

Pasadena teachers exercised their civil rights and fulfilled their professional obligation in supporting the principles in which they believed and the candidates who seemed to represent those principles. They acted largely within the traditions of Pasadena City Board of Education elections, but the increased enthusiasm led to errors in judgment and to a few unethical acts.

In this atmosphere it is difficult to condemn individuals for past acts where direction and precedent were lacking, but it is highly important that these mistakes be the basis for a greater wisdom which will preclude future errors.

The major products of the Board of Education hearings on these activities were renewed feelings of fear, resentment and frustration within the staff. Publication of transcripts enabled the many to experience vicariously the humiliation suffered by the few who were called to the hearings.

Reopening of this issue to mete out punishment to each teacher and principal who made an error of judgment or who failed to observe the protective principles of ethics can only disrupt further the morale and effectiveness of an outstanding staff.

The fuzzy line of demarcation between staff functions, organizational activities, and political action as it existed in Pasadena, and the problems this uncertainty created are delineated here for the guidance of teachers throughout the state.¹

Contract Termination

Contract termination, and this term is used in the sense that it means also failure to renew a contract, was one of the more frequent occurrences which caused a request for an investigation to be made. The following case summaries re-

¹California Personnel Standards Commission, "Electioneering Ethics," Unpublished Report to the California Teachers Association, 1958, pp. 7, 21-24.

vealed some of the issues usually involved in such controversies.

Two cases considered by the committee during the year emphasized the need for the profession to give serious consideration to the problem of objectively determining the professional competence of a person practicing teaching. The Iowa TEPS Commission has recommended that county and local education associations discuss this problem during 1957-58.

A teacher was discharged by a school board during the first semester. The teacher appealed the action of the local school board to the county superintendent and sought the assistance of the ISEA Professional Relations Committee.

During ten years of teaching experience the individual had taught in eleven different school systems. The committee could not find any record of successful teaching experience. Consequently, the committee declined to assist the individual in his appeal.

Committee members counseled the individual that he should give serious consideration as to whether he should attempt to continue in the teaching profession. The counsel seemed to fall on 'deaf ears.'

The county superintendent upheld the action of the local school board.

In a related case a person who had been refused an initial certificate sought the assistance of the committee. The individual had graduated from college without taking any work in professional education. Apparently he had not been successful in other work and sought to enter the teaching profession. He obtained a teaching position with the understanding that he would complete some work by correspondence and receive a temporary certificate. He began teaching, but it became apparent to his supervisors that he was not suited to teaching. The institution where he completed his work for a degree refused to recommend him for a teaching certificate.

In both of these cases the individuals brought all pressures they could muster to bear on individuals who had to make decisions as to whether they could continue in the teaching profession. The cases illustrate a need for the teaching profession to give consideration to the setting up of a committee similar to that authorized by other professional groups to review the professional competence of potential members or practicing members of the teaching profession.¹

¹Iowa Professional Relations Committee, "A Summary of Case Studies," Unpublished Report to the Iowa State Education Association, 1957, pp. 4-5.

Committee on Tenure and Ethics

A member of our profession teaching his second year with a provisional contract became involved in circumstances that led to a decision by the board not to renew his contract for the year 1952-53. He appealed to the state association and the Tenure-Ethics Committee was authorized to make an investigation. The investigation was made in August after satisfactory arrangements had been made with all parties concerned. The committee recognized at the onset that our legal code was not likely involved because the appellant had completed his contract term and had no rights of contract. Evidence obtained at the hearing substantiated the appellant's claim that irregular and unethical practices on the part of the members of the board and at least one other non-school person were responsible for his loss of position.

All information supported the appellant as to his capabilities and the performance of his school duties. Nevertheless, the board, acting within its legal rights, refused to reemploy this person.

The Tenure-Ethics Committee felt very deeply that the teacher was a credit to the profession and that he should be reemployed. Nevertheless, the board refused to yield. The association was asked to come to the aid of the appellant by seeking a satisfactory teaching position for him, and this was accomplished through offers from at least four counties. Letters were sent to the individual board members, the county superintendent, to the appellant, and to lay leaders who had taken an active interest in the investigation. These letters pointed out ethical practices that the committee thought were involved:

(1) that directives or orders to employees be made as the result of formal board action, (2) that no individual board members have the ethical or legal right to issue orders that have not cleared previously through official board action, (3) that policies and directives of the board are best carried out through regular channels--namely the county superintendent, (4) that a non-school person has no right at any time to issue a directive to an employee, (5) that a policy or directive should first be adopted by the board and then issued.¹

Another investigation concerned the failure of a Board of Education to re-employ six teachers. The following excerpts from the conclusions reached by the investigating commission evidence awareness by the commission that the profes-

¹"Report of Committee on Tenure and Ethics," West Virginia Education Association, 1952-53, pp. 61-62.

sion is responsible for both the protection and discipline of its members.

The evidence is clear that the only reason provided the six teachers for their dismissal at the time of notification was 'non-cooperation.' The Commission believes that all of the six teachers should have been provided at the time of dismissal with:

1. A clear and detailed statement of reasons for intention not to re-employ.
2. Adequate opportunity for a hearing before the board of education at which time every opportunity was afforded them to refute the statement of reasons for their dismissal. Since No. 1 above was missing, then this was not possible.

If professionally prepared teachers, who are admittedly competent practitioners, can have their employment terminated without being provided the reasons therefor, then security for able teachers anywhere is threatened. The absence of a tenure law in Oklahoma is no excuse for this kind of treatment. This is a violation of sound personnel practice.

The teachers should have been provided with a fair hearing before the Board of Education prior to actual notice of dismissal. . . .

There are many conditions existing in the Midwest City Schools to indicate that the administration and Board of Education have not been unaware of teacher welfare. It is evident, however, that the large teaching staff has not been sufficiently involved in the formulation of many policies which profoundly affect their security and welfare. An adequate written statement of such policies is lacking. Greater concern on the part of the Board of Education and the administration in the development of more nearly complete personnel policies with the involvement of the teaching staff would make a significant contribution to strengthening of the educational program and the security of the teaching staff in Midwest City. . . .

The Commission is convinced that most of the plaintiff teachers, while not openly resisting administrative efforts in the Country Estates School did not cooperate with the administration as fully as they should have. Some degree of passive resistance to operational procedures was evidently present, thus making more difficult the task of the principal in the school. The dismissed teachers must, therefore, assume their share of the responsibility for the situation which developed in the Country Estates School. . . .

It is understandable that an impasse was reached at the Country Estates School in 1956-57, where the principal

stated that he did not go directly to teachers with or about major problems but simply told them what to do and that his 'door was always open.' The teachers, on the other hand, stated that the principal was not approachable and psychologically available to them. Such a situation leads only to fear and distrust unless corrected. It was not corrected at Country Estates. The responsibility is chiefly that of the administration for creating a situation in which teachers feel free to discuss problems. It should accept the responsibility for going directly to teachers for discussion of problems about which misunderstandings have occurred.

. . . The administration and board of education had a legal right to transfer the vice-principal of Country Estates Elementary School to another position in the system providing it was a position for which he was qualified. The vice-principal, however, had a right to know the reason or reasons for his transfer. If such information was not made available to him he then had a right to appeal to the board of education concerning the matter without prejudice to himself. . . .

Teachers should have the opportunity to be accepted as equally competent with principals, supervisors, and special teachers. This is based upon the assumption that through training, the teacher is an intelligent professional individual whose ideas and suggestions merit the same consideration as any other group concerned with the school program.

There is much evidence to indicate that the Central Administrator of the Midwest City Schools had instructed the principal to effect substantial changes in the administration and operation of the school and its program in September of 1956. Almost immediately efforts were made to initiate some of these changes without either informing teachers or involving them in the alteration of the policies previously in existence.

Merely 'telling' teachers about changes in school practice and policy without their full understanding and staff participation is a highly questionable practice in school administration today. . . .

A so-called 'loyalty oath' was written and circulated in the schools and among teachers of the school system. This written statement over the signature of the president of the Midwest City Classroom Teachers' Association was circulated among the schools for voluntary signatures immediately preceding the vote of the members of the organization on the request for an investigation of the alleged unfair dismissal of six school teachers by the Midwest City Board of Education. This statement was worded in such a way as to label disloyal to the admin-

istration any teacher who might vote for the request for an investigation and was handled, in part, through channels which were not official.

Practices such as these could eventually destroy the integrity of classroom teachers' organizations and contribute substantially to the disintegration of the teaching profession and the substitution of 'fear' for independent participation on the part of members of such groups. . . .

There is some evidence to show that many of the teachers in the Country Estates School did not make a sincere effort to properly interpret the new policies during 1956-57 to parents with children in school. Teachers in the school had a right to disagree through proper channels with such policies but after expressing such disagreement should have cooperated with them for the duration of the school term. . . .

There is evidence that some teachers abused the off-period time provided for them in the day's schedule. Evidence shows, however, that the teachers did eat with the children. This in no way reduces the desirability of such a period for the teacher if he is to do an effective job of working with children. Rather it places squarely on the shoulders of both administration and the teacher the responsibility of mutually evolving a schedule of activities and teaching which will permit the achievement of this objective. Elementary teachers have great demands placed on them because of continuous contact with the children throughout the day. They should be provided with some relief from this responsibility.

Efforts at Mediation

After the Commission launched its investigation in this case the situation seemed appropriate for mediation of the problem under the auspices of the Commission. This was particularly true in view of statements made to the Commission by the Board of Education, the Superintendent of Schools and the teachers concerned.

Steps were, therefore, taken to create a situation in which teachers could be reemployed under conditions which would be professional for all concerned without recrimination. It appeared that these steps would meet with success until the chairman of the Committee was informed by the Superintendent of Schools that the Administration was willing to interview the teachers but that such interview must be carried on without the auspices of the Commission and under conditions established by the Administration. The Commission then withdrew as a mediation agency.

Summary

1. The investigation revealed insufficient grounds for the non-reemployment of the protesting teachers.
2. It further revealed that inadequate procedures accompanied the non-reemployment.
3. It was established that the differences could probably have been resolved as the result of effective professional effort.
4. The investigation revealed the lack of an adequate written statement of personnel policies.¹

The conclusions of an investigating group concerning the non-reemployment of a coach indicated that the teacher was not always supported in such findings. The following is an excerpt from the commission report of this investigation.

The committee recognizes that the board of directors is the legally constituted authority for the operation of the schools and has both the right and obligation to dismiss for cause.

After carefully weighing all of the testimony given at the hearings the committee finds that the board observed all of the legal requirements and also acted in good faith in refusing to renew the contract of Mitchi Hecomovich. This conclusion is based on the following points:

Mr. Hecomovich was unwilling to accept suggestions and criticisms when offered for the purpose of improving the school program.

The conduct of the coach at games was objectionable to many members of the community and was a poor example to students.

Swearing and the use of abusive language can never be tolerated in a teaching situation.

For a number of years the administration had found it necessary to send someone to the games to temper the coach's conduct during the games and between the halves.

The prolonged opportunity for the improvement which has been given Mr. Hecomovich has not resulted in the amount of improvement in program planning, teaching efficiency and self-control which the board considered

¹The Professional Relations Commission of the Oklahoma Education Association, "Midwest City Investigation" (Oklahoma City: the Association, 1957), pp. 3-8.

necessary to warrant continuation of his contract.¹

In contrast to the above report, the following statement of conclusions reached by a commission do strongly support a member of the state association.

The board of the Ashfork school district has presented no evidence that Superintendent McFate is guilty of mishandling school district funds. The members of the board have cited no special instances of such mishandling; and therefore, the following conclusions have been reached.

The Ashfork school, under the administration of Superintendent McFate, has provided the school children of the community a sound and outstanding school program and has at the same time gradually provided the people of Ashfork with an opportunity to build a more stimulating and cultured community. There is no evidence whatsoever that the people of ashfork have been denied a full dollar value in buildings, school equipment and services for each dollar that they have invested in the Ashfork school.

In light of the fact that the faculty which served under Superintendent McFate unanimously came to his support when his dismissal became known--and in light of the fact that Superintendent McFate won and held the approval and loyalty of many of the parents of the children who attended the Ashfork school--and in light of the fact that Superintendent McFate's achievement as a school administrator in Ashfork has been praised by numerous persons, both those within and without the teaching profession, including the High School Visitor of the North Central Association of Colleges and Secondary Schools--and in light of the fact that no member of the Ashfork school board has given any specific evidence which points to any serious failure upon the part of Superintendent McFate to handle financial records in a manner not generally acceptable and up to the standards of record-keeping in small school districts throughout the state--IT IS, THEREFORE, the opinion of members of the Arizona Defense Commission that the Ashfork school board, in dismissing Superintendent McFate, has followed a narrow interpretation of its legal and moral responsibility.

¹WEA Investigating Committee, "Report of the WEA Investigating Committee at White Salmon, Washington" (Seattle: Washington Education Association, 1956), p. 4.

It is a further conclusion of members of the Commission that the Ashfork school board in dismissing Superintendent McFate acted in violation of accepted professional procedures and of standard professional practice:

1. By failure to give full recognition to the fact that their powers as a school board are derived from the people of the school district--inasmuch as they failed to give consideration to a petition, representing a large fraction of the citizens of Ashfork.
2. By failure to set up any fair and definite procedure to be used in those cases in which an administrator or teacher is denied reemployment and, in effect, dismissed from service.
3. By failure to renew a contract without any prior notice, explanation or opportunity to remedy alleged shortcomings.
4. By promoting the spread of rumor by refusing to make honest and forthright explanations of the actions of the school board, thereby tending to destroy professional morale among the members of the faculty.

In light of these conclusions the Arizona Defense Commission condemns the dismissal procedures of the members of the board of the Ashfork school district.

Such irregular dismissal practices tend to undermine the morale of members of the teaching profession and to discourage entrance into the profession of desirable candidates, thereby contributing to a shortage of competent teachers and creating a situation which is rapidly becoming a national calamity.¹

Forfeiture of Association Support by Actions during Controversy

Most investigations indicated that all parties to a controversy usually became so involved that before differences were settled, most of them were guilty of at least some unbecoming conduct. The following summaries of investigations illustrate situations in which teachers originally meriting strong support of their association commit acts of

¹Arizona Defense Commission, "Without Warning" (Arizona Education Association, 1949), pp. 9-10.

indiscretion which cause the association to withdraw its support.

Demotion of an elementary principal by a 3-2 board action contrary to the superintendent's recommendation precipitated this study. Teachers in the school served by the demoted principal petitioned the city teachers association to request action by the State Ethics Commission (now Personnel Standards Commission).

The community had undergone a series of bitter school fights with heavy casualties among highly qualified educational leaders who were dismissed or resigned in disgust. Study showed that weak administration had caused (or been caused by) board assumption of administrative function, with each board member often giving directions and orders to building principals and making public statements or commitments on school issues without general board consideration. . . . The original report supported the principal and recommended his reinstatement along with numerous reforms in methods of board operation.

Before the report was released, the principal used the graduation ceremonies of his own school as an occasion to personally blast the three board members who had voted his demotion. On the basis of this unethical performance, the Commission withdrew its support for the principal and recommended that he resign from the system entirely. . . .¹

A probationary teacher became alarmed that he had been given no observation or evaluation by his junior high school principal during the spring semester of his second year in the district. He was convinced that this violation of district policy was a threat to his security and should be punished. He protested to the superintendent, to the board and to the professional relations committee of his association. In response to these protests, the superintendent, director of instruction, and principal visited the teacher's classroom in December and made evaluations in which he was severely criticized in many areas for the first time. The teacher demanded specific suggestions for improvement in each area as provided in district policy. Instead, he was transferred to the other junior high school for the second semester to teach subjects in which he did not consider himself adequately prepared. He asked his

¹California Personnel Standards Commission, op. cit., Case No. Sl, 1957, p. 1.

pupils to notify their parents of this action so that they could express their views to the administration. When he was denied a hearing by the board, he requested an Ethics Commission study.

The administration was criticized for according too little significance to personnel evaluation in light of district policy, and for postponing observation and evaluation to December even after the issue was raised. It was obvious that the eventual transfer was made to ease the friction until the teacher could be dismissed, not to assist him toward meeting district standards. However, the teacher's involvement of his pupils in his own defense, was said to be in such direct violation of ethics of the profession that it destroyed any support the association might have given him. . . .¹

Professional Competency

One association in a booklet listing cases studied illustrates, by an actual occurrence, some problems involved.

A secondary teacher, aged 59, had been regarded generally as incompetent over a period of years. The governing board was preparing for dismissal on grounds of incompetency and dishonesty but indications that the teacher planned to make the dismissal a public controversy by vindictive and recriminating statements to the press led the city teachers association to request ethics commission intervention.

Evidence of unethical activities which were disturbing to the school and the community were reported. Probability of public controversy was averted when the teacher adhered to the Commission's recommendation that she resign effective at the end of the school year and accept a nonteaching assignment for the balance of the year.²

The intent of Question No. VIII-E,³ "What actions, if any, resulted from these investigations?", was to determine the effectiveness of investigations. Written statements

¹Ibid., Case No. CC4, p. 25.

²Ibid., Case No. SS7, p. 32.

³See Appendix B.

by three chairmen of state association commissions were included to supplement the questionnaire returns.

Questionnaire returns for this question fell somewhat consistently into two groups: first, brief statements giving the respondent's general evaluation of the results of investigations made by his association; and second, replies which itemized results for each of a number of investigations made.

Replies included in the first group generally agreed that their investigations brought beneficial results. One reply stated, "In the majority of cases recommendations of the Commission were followed." Not all of the replies in this group indicated the commission or committee recommendations were followed to such an extent. Another respondent evaluated results of an investigation in the following word, "The two-lane provision was removed from the salary schedule. However, punitive action seems to be directed to the same teacher at this time. The committee will be taking further steps to study and recommend action."

Another evaluation indicated that the recommendations of the investigating committee were only partly followed; "Mrs. . . . was not continued, but the school board has not fired the superintendent. This might well have happened if (the state association) had not intervened." One ambiguous response merited mention because of the implication it suggested. This brief reply read, "That is a matter of judg-

ment." The most obvious implication appeared to be that individuals considering the results of investigations from different vantage points would probably differ considerably in their conclusions. The delicate problem of human relations is inherent in any group undertaking, and especially is this so in an investigation. Particularly might this be so if the issues hinge around administrator-teacher conflicts or differences, and the investigation is extremely critical of one or the other.

The second group of replies, those which itemized results for each of a number of investigations made, although more specific, were in general agreement with respondents in the first group. As a rule they stated that the results of investigations were beneficial. In specific cases, however, they indicated that results were not all that had been desired. The following is one of the more optimistic returns, "Board had to reimburse superintendent. This case went to District and Supreme Courts. Our association carried the ball all the way." Another respondent stated his evaluation in these words, "The . . . Case decided the right of a Pro. (probationary) teacher to a statement of reasons. The . . . Case put six teachers back on the job. Each case has established added prestige and stature to the Defense." A more restrained reply said, "In . . ., correction of conditions and institution of desirable personnel policies and practices. . . . too early to state positively. There are indications that

desirable changes are being effected." Another reply indicated that discipline as well as protection resulted from an investigation. ". . . Board reinstated principal for rest of year, after which he voluntarily resigned and secured better position. . . . Superintendent of Schools, censored by committee; resigned and left state. Some teachers reinstated." Another less positive statement, but one that refers only to correction of unethical practices, said by way of evaluation, "The committee has had several situations brought to its attention and has carried out a rather informal investigation and reported the findings back to the individuals and to the state association headquarters. The results of the investigations have been to correct cases of unethical practice among members of the profession."

The above responses were of necessity, because of limited space in the questionnaire, rather brief. To supplement these condensed evaluation, three chairmen of state commissions were asked to state at greater length their opinions relative to the results of investigations in their states.

Glenn R. Snider summarizes his evaluation of investigations made by the Oklahoma Commission in the following statement:

During the first few years of its existence the Professional Relations Commission of the OEA was relatively inactive largely because many members of the organized profession in Oklahoma were not aware of its existence and purposes. In 1954, however, the Commission made its

first investigation of alleged unfair treatment of teachers in the state, and this investigation was followed by two others in the next two years, all of the investigations being conducted in very small schools in Oklahoma. Some distribution of the reports of these investigations was made but the profession still seemed largely unaware of the existence of the Commission.

In 1957 an investigation was made of the alleged unfair dismissal of six teachers in the Midwest City School System, one of the largest school systems in the state. Much newspaper publicity of this case occurred prior to the actual conduction of the investigation and many Oklahoma teachers learned of the investigation and the findings of the Commission. Before the final report was written and released, the dismissed teachers were employed in the Oklahoma City School System, the adjacent school district, and it may be said that the investigation sustained the professional reputations of these teachers and placed the blame upon the Midwest City school authorities for failure to follow accepted professional procedures in the dismissal of the teachers.

In my judgment the Midwest City investigation showed for the first time that the OEA through its Professional Relations Commission was prepared to vigorously protect and, if necessary, discipline members of the profession who were guilty of unprofessional conduct. Many copies of the report of the Commission have been distributed to the members of the profession in Oklahoma indicating a concern and interest in the case, and newspaper publicity was provided for the major findings of the Commission.¹

The preceding evaluation was significant in several respects. In general it agreed with the returns from executive-secretaries of state associations in stating that results of investigations were beneficial. Perhaps more significant, however, was the fact that the most recent investigation made by this state association concerned one of the largest school systems in Oklahoma. To make the human

¹Statement by Glenn R. Snider, Chairman, OEA Professional Relations Committee, April 10, 1958.

relations problem even more difficult, this investigation disclosed that the administration and the teachers involved were on opposing sides of the controversy. In finding that the administration was largely at fault, this commission demonstrated that, contrary to charges sometimes made against state association commissions, it was not dominated by school administrators. It should also be noted that the last investigation was given wide publicity, although this was probably due to the insistent demands of the press that the findings of the commission be made public.

The following statement by a commission chairman came from Arizona.

It is my belief that Commission action during the past six years has resulted in significant action on two fronts. Since 1950 when Arizona's Continuing Contract Law was enacted, the Commission has been instrumental in obtaining two court decisions which strengthen the Continuing Contract Law. In the case of Hopkins Vs. the Board of Education of the Tempe Union High School, the Supreme Court of the State of Arizona in 1953 laid down the general rule of strict compliance with contract termination procedural requirements. This ruling, in effect, definitely assures the right of a probationary teacher to receive written notice that his contract has not been renewed, and the notice must include a reason or reasons for dismissal.

It may be well to note that the Commission composed of five classroom teachers, two principals, and two superintendents attempts to operate within an atmosphere to encourage the confidence of teachers, administrators, boards of education, and the community. The Commission considers its first responsibility to be toward members of the profession; however, it acts when and only when a written request is submitted by the person or persons involved. All records of the Commission are held in strict confidence. No publicity is allowed without the permission of the Executive Committee of the Arizona Education Association.

It is interesting to note that within the past three years, requests for investigations have been received from teachers, local professional organizations, administrators, school boards, and in one instance from citizens within the community. In every case, the official report of the investigation has been issued only to the individuals in the community who were directly concerned. As a result of careful and thorough action and of professional conduct by the Commission, much of the early lay suspicion toward the Commission has been dissipated. It now appears that the Commission's services are welcomed by both teachers and citizens in most of the communities in Arizona. . . .

It is my opinion that any form of continuing contract or tenure law will not be received well by the citizens of a state unless members of the profession are willing to spend the time to set up an effective commission whose duties will be to help police the professional ranks and to assist in furthering the goals of education in each community.¹

The above evaluation indicated that Arizona reports were given a minimum of publicity. An interesting topic was mentioned in the statement that not only are commissions needed after the passing of tenure legislation, but that such legislation would not be well received by the citizens of a state unless such a commission did exist. It should also be noted that, according to this statement, the Arizona Commission did not have any ex-officio members.

Since the California Teachers Association has been very active in the areas of protection and discipline, the following statement is particularly pertinent.

. . . The past year (1957-58) has been marked by a significant increase in the number of areas in which responsible district or county professional relations

¹Statement by Elbert D. Brooks, Chairman, Arizona Defense Commission, June 12, 1958.

committees have demonstrated ability to study and settle difficult and delicate problems previously drawing on the services of ethics commissions. . . .

The last two responsibilities of the Commission--enforcement of the Code of Ethics, and defense of ethical teachers, have been met in the process of forty or more investigations of local problems, conducted at local request. Each of these investigations has resulted in a Commission report which summarizes testimony given at the hearing, draws conclusions, and provides the concerned parties with background, information, and recommends procedures for resolving the issue. . . .

Effectiveness of the investigations may be statistically evaluated through data showing district reaction to the recommendations of the hearing panel. More abstract, but impressive evidence of effective Commission service is indicated by the fact that the work of the Commission continues to be respected and in demand--a situation which has resulted in an expansion of its activities and obligations.

Accumulated data show that of forty-two major studies since 1949, in nearly all cases, guide lines recommended for solution of the problems and for avoiding their recurrence have been followed. . . .

Five teachers and four administrators have been removed from the profession by these studies. Five have been kept in the profession who otherwise would have left through inability to find employment or through disgust. One was lost through credential revocation when the factors which led to CTA support were not admissible as evidence in the legal hearing.

Equally firm indications of effective service are documented by expressions of respect and appreciation for studies conducted by the Commission, and by the necessity for adjustments in Commission activity which have involved changes in investigative and hearing techniques, establishment of inter-organizational relationships, and acceptance of additional obligations to meet professional and local needs. . . .

After studying the California program and consulting with the P.S.C. secretary, Ohio teachers have adopted an ethics program patterned after that developed by C.T.A. Five other state teachers' organizations have supplied their committees with P.S.C. materials as they prepare for similar action, and one other has sought consultative guidance from this commission.¹

¹Statement by Ruby Ferguson, Chairman, California Personnel Standards Commission, June 12, 1958.

This statement was in agreement with the other two in that it concluded that investigations had been beneficial. Another fact was also stressed, that in efforts to protect and discipline members, the California Association had become the model for a number of other associations.

Suggestions from the various state association executive-secretaries for the strengthening of the commissions or committees were requested. Question No. VIII-F, "What, in your opinion, is needed to improve the effectiveness of this commission or committee?", was included in the questionnaire to secure these suggestions.

Some of the more representative suggestions were:

Legal counsel which has not been approved by the Executive Committee of the organization. (to date)

Legal recognition of the Association as the initiating agent for investigations.

The Committee, at the present time, has no members, only a chairman. There should be at least seven members of the committee. This is the 'primary and most urgent need' for improvement and in effectiveness. Establishment of specific policies for handling particular cases is a second most important need. A third need is that of a legal counselor, or a retainer's fee, to handle cases and provide advice on the legal aspects for consideration.

Use of the committee as a completely impartial group which can find facts and suggested action which will be respected by both members of a controversy. This is impossible as long as the committee is wholly composed of educators.

Need cooperation from the Superintendents' or Administrators' group and the School Board Association in the state in order to achieve the effective action that is necessary to reach truly professional status.

Need a fair dismissal law; arbitration machinery.

Need tenure law state wide. The continuing contract has given no real equity in the position.

Too unwieldy. Takes too long to put the machinery into operation.

More direct active concern by the parent NEA Commission. In this state there has been a successful 'political brainwash' which has caused repeal of the continuing contract law and substitution of annual contracts with all the freedom to abuse teachers for political, partisan, and personal reasons such a legal status leaves to local boards.

More assistance from headquarters staff personnel; more time available for such work. Either legally recognized prerogatives for such a commission and its work or a cooperative set-up with the State School Boards' Association which would add its influence to reports issued.

The Committee might be vested with the power to investigate unethical acts of teachers as well as unfair acts against them.

Although, as is usually true of replies to unstructured questionnaire items, the above replies do not fall snugly into any pattern, certain tendencies were indicated. Certainly some of the respondents believed that additional staff, including legal counsel, was needed. At least one respondent felt the need for a state law giving legal authority to the "association as the initiating agent for investigations." Other replies suggested that members from school board organizations and lay groups be added to the commission to encourage additional public support. Several replies from states not having tenure laws suggested that such laws would strengthen their groups. Only one respondent

suggested more interest and concern "by the parent NEA Commission." This answer raises the question as to what NEA group is referred to: Is it the Defense Commission, Tenure, Committee, or Ethics Committee?

Question No. IX, "What provisions, if any, exist in the laws of your state vesting power or authority in the organized teaching profession for protecting and disciplining its members?", was the last questionnaire item.

Since California was the only association reporting that its state had such legal provisions, the summary of "Statutory Provisions" included with the questionnaire returns is included in some detail.

Statutory Provisions

Section 1870-(9) C.C.P.:

Inconformity with the preceding provisions, evidence may be given upon a trial of the following facts:

9. The opinion of a witness respecting the identity or handwriting of a person, when he has knowledge of the person or handwriting; his opinion on a question of science, art, or trade, when he is skilled therein:

Section 1871 C.C.P.:

Whenever it shall be made to appear to any court or judge thereof, either before or during the trial of any action or proceeding, civil, criminal, or juvenile court, pending before such court, that expert evidence is, or will be required by the court or any party to such action or proceeding, such court or judge may, on motion of any party, or on motion of such court or judge, appoint one or more experts to investigate and testify at the trial of such action or proceeding relative to the matter or matters as to which such expert evidence is, or will be required, and such court or judge may fix the compensation of such expert or experts for such services, if any, as such expert or experts may have rendered, in addition to his or their services as a witness or witnesses, at such amount or amounts as to the court or judge may seem reasonable.

In all criminal and juvenile court actions and proceedings such compensation so fixed shall be a charge against the county in which such action or proceeding is pending and shall be paid out of the treasury of such county on order of the court or judge. In all civil actions and proceedings such compensation shall, in the first instance be apportioned and charged to the several parties in such proportion as the court or judge may determine and may thereafter be taxed and allowed in like manner as other costs.

Nothing contained in this section shall be deemed or construed so as to prevent any party to any action or proceeding from producing other expert evidence as to such matter or matters, but where other expert witnesses are called by a party to an action or proceeding they shall be entitled to the ordinary witness fees only and such witness fees shall be taxed and allowed in like manner as other witness fees.

Any expert so appointed by the court may be called and examined as a witness by any party to such action or proceeding or by the court itself; but, when called, shall be subject to examination and objection as to his competency and qualifications as an expert witness and as to his bias. Such expert though called and examined by the court, may be cross-examined by the several parties to an action or proceeding in such order as the court may direct. When such witness is called and examined by the court, the several parties shall have the same right to object to the questions asked and the evidence adduced as though such witness were called and examined by an adverse party.

The court or judge may at any time before the trial or during the trial, limit the number of expert witnesses to be called by any party.

Section 1872 C.C.P.:

Whenever an expert witness gives his opinion, he may, upon direct examination, be asked to state the reasons for such opinion, and he may be fully cross-examined thereon by opposing counsel.

Sections 13521 - 13533.5 Education Code:

13521 "No permanent employee shall be dismissed except for one or more of the following causes:

- (a) Immoral or unprofessional conduct.
- (b) Commission, aiding, or advocating the commission of acts of criminal syndicalism, as prohibited by Chapter 188, Statutes of 1919, or in any amendment thereof.
- (c) Dishonesty.
- (d) Incompetency.

- (e) Evident unfitness for service.
- (f) Physical or mental condition unfitting him to instruct or associate with children.
- (g) Persistent violation of or refusal to obey the school laws of the State or reasonable regulations prescribed for the government of the public schools by the State Board of Education or by the governing board of the school district employing him.
- (h) Conviction of a felony or of any crime involving moral turpitude.
- (i) Violation of Section 275 of this code or conduct specified in Section 1024 of the Government Code, added by Chapter 1412 of the Statutes of 1947.
- (k) Knowing membership by the employee in the Communist Party.

13549 When any employee who has been served with notice of the governing board's intention to dismiss him demands a hearing, the governing board shall have the option either (a) to rescind its action, or (b) to file a complaint in the superior court of the county in which the school district or the major part thereof is located, setting forth the charges against the employee and asking whether or not the charges are true, and if true, whether or not they constitute sufficient grounds for the dismissal of the employee, under the provisions of this code, and for judgment pursuant to its findings.

13552 If the judgment determines that the employee may be dismissed, the governing board may dismiss him upon entry of the judgment. Otherwise the employee may not be dismissed as the result of the charges or of any charges which could have been made or heard at the hearing.

13553 If the cause is incompetency due to physical or mental disability, in lieu of dismissal the judgment may require the employee to take a leave of absence for only such period as may be necessary for rehabilitation from the incompetency. The leave of absence shall not exceed two years. During the leave of absence, the employee shall be entitled to the benefits authorized by this code to employees of school districts absent from their duties on account of sickness.

13556 Either the employee or, the governing board may appeal from the judgment to the District Court of Appeal

or Supreme Court.¹

The above law gives legal recognition to the teaching profession as expert witnesses in dismissal cases involving competency, fitness and professional conduct of members.

¹California Personnel Standards Commission, Statutory Provisions (San Francisco: California Teachers Association, 1956). (Mimeographed.)

CHAPTER IV

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

Summary

The NEA has formed four agencies each charged with some fairly well defined area of responsibility for protecting and disciplining its members. These are Committee on Tenure and Academic Freedom, Committee on Professional Ethics, National Commission for the Defense of Democracy through Education, and the National Commission on Teacher Education and Professional Standards.

The early interest of NEA in tenure problems was demonstrated when in 1919 a committee was assigned responsibility for working in this area. In 1944, a Committee on Academic Freedom, formed in 1935, was merged with the Tenure Committee. The Committee on Tenure and Academic Freedom has been particularly successful in the promotion of tenure legislation. This is illustrated by the fact that in 1920 only five states recognized the principle of permanent tenure, while in 1957 thirty-three states, Alaska, Hawaii, and the District of Columbia had all passed some type of tenure legislation. In 1952 this committee issued an outline of

personnel policies essential for good schools. This committee has made numerous investigations of cases involving alleged unfair dismissal of school personnel.

The Committee on Professional Ethics was formed in 1924. Its primary functions were to study the NEA Code of Ethics and make recommendations for improving it, to promote the understanding and use of the Code by members of the profession, and to render opinions construing its application. In 1951 the NEA bylaws were amended to give the Committee on Professional Ethics authority to investigate individuals charged with unethical practice, and to recommend to the Executive Committee of the NEA disciplinary actions against members found in violation of the Code of Ethics. In addition to numerous other activities, this committee distributed thousands of copies of the NEA Code of Ethics and published a set of opinions designed to aid members of the profession in understanding more clearly the application of the Code to their daily activities.

The National Commission for the Defense of Democracy through Education was formed in 1941. Generally it has made investigations of cases in which broad educational issues were involved. Under the leadership of Richard Barnes Kennan, who became secretary of the Commission in 1947, this agency has done much to meet the successive waves of attack against American education in the post-war years. Activities of the Commission have included investigations, initiation of

conferences, and the identification of groups demonstrating unreasoning antagonism against American education. Although the Commission has been more concerned with principles than with individuals, these activities have, in many instances, resulted in protection to individual teachers.

The National Commission on Teacher Education and Professional Standards was established in 1946. Under the leadership of its executive-secretary, T. M. Stinnett, the National Commission has been very successful in promoting the formation of local TEPS commissions in state associations. By 1955 there were forty-nine such agencies. Much of the work of the National TEPS Commission has been concerned with improvement of standards of the profession which only indirectly relates to the protection and discipline of teachers. It has performed signal service, however, in assisting the state associations and local school districts in the formulation of personnel publications. The Twelfth Annual National Conference sponsored by the National Commission on Teacher Education and Professional Standards held at Washington, D. C., 1957, dealt entirely with the problem of personnel policies. These activities do warrant the inclusion of the TEPS Commission in any discussion pertaining to protecting and disciplining teachers.

Thirty-six of the state associations stated that they had commissions or committees charged with the responsibility for the protection and discipline of their members.

Of this number twenty-six had conducted formal investigations, but returns indicated that only seven of the associations had carried on sustained and effective activities even in the area of protection of members. Only four associations returned reports of one or more investigations each in which the disciplining of a member was the principal objective of the investigation.

In the broad area of ethics and professional standards it appeared that all of the state associations had expended some effort and achieved at least a minimum of progress. The disparity of achievement between associations, however, was astounding. Many of the associations indicated weakness in the formulation of personnel policy statements. Only nineteen of the association returns indicated progress either in developing an official statement of personnel policies or in the assembling of a handbook to be used by school districts in developing individual statements of personnel policies. The study showed that at least seven of these nineteen associations did not make a clear distinction between a code of ethics and a statement of personnel policies.

Conclusions

1. The NEA, working through four agencies, has developed a thoughtful and well balanced approach to the problem of protection and discipline of members.
2. Provisions made by the NEA for the protection of

members have been tested over a considerable period of time and proved effective.

3. Provisions made by the NEA specifically for the disciplining of members were of such recent origin that their effectiveness could not be evaluated. Both the NEA and the state associations have been far more effective in the protection of their members than in their discipline.

4. There is a growing concern in the state associations relative to their responsibility in the areas of protection and discipline of members which is evidenced by an increasing amount of activity in these areas.

5. The results of the work of state association commissions and committees charged with the responsibility for the protection and discipline of members have contributed to the further professionalization of teaching.

6. Further development of state association activities in the areas of protection and discipline of members would contribute much more to the building of the professional growth of teachers.

7. Much confusion exists in the state associations regarding the delegation of responsibilities necessary for protecting and disciplining their members.

8. Most state associations have been reluctant to publicize findings of the commissions or committees. Whether the reasons for this reluctance stem from organizational politics or from more valid professional considerations is

not known.

9. Classroom teachers' organizations are represented on commissions or committees more frequently than are other groups, but in most instances classroom teachers do not comprise a majority of the membership of these agencies.

10. The method for determining membership of the commissions or committees varied greatly from association to association; however, appointment by the president with the approval of a designated association group was the most commonly accepted method.

11. The influence of names of NEA commissions and committees was seen in names of state association agencies. The titles included such words as Defense, Ethics, Welfare, Personnel, and Professional Standards. This indicated much confusion and disagreement on semantics which is not desirable.

12. Legal counsel is not available to the great majority of state association commissions or committees.

13. Only one state association, California, returned materials indicating that its state had legal provisions vesting power or authority in the organized teaching profession for the protection and discipline of members.

Recommendations**Recommendations for the Protection and Discipline of
Members by Professional Teachers' Organizations**

1. The NEA should give continued study to the need for further clarification of the responsibilities of each of its commissions or committees charged with responsibility of some phase of the protection and discipline of its members. Such a study should give particular emphasis to the problem of disciplining members.

2. All state associations having commissions or committees in these areas should review carefully the NEA organization for protecting and disciplining members with a view to the possibility of improving their own organizational structure.

3. An intense cooperative effort should be made by the NEA and its affiliates to make more uniform the objectives, procedure, and names of commissions or committees charged with the responsibility for the protection and discipline of teachers.

4. All state associations not having commissions or committees charged with the responsibility for protecting and disciplining members should study thoroughly the NEA organization for the conduction of these activities and should request assistance from NEA in forming such commissions or committees as speedily as possible.

5. The NEA should offer specific assistance in

establishing and defining duties of commissions or committees in states which do not have such agencies.

6. All associations having out-of-date statements of objectives and procedures of commissions or committees should revise these statements in the light of current knowledge regarding the place of the protection and discipline of members in the activities of professional teachers' organizations.

7. Professionally prepared persons should be available on the staff of the state associations for utilization by the committees or commissions responsible for protecting and disciplining members.

8. Each state association not now having such a statement should prepare and distribute to its membership a handbook on personnel policies patterned after NEA publications. Professionally prepared persons should be available on the staff of the state associations to assist school systems in the development of professional personnel policies.

9. Legal counsel should be provided for the use of all committees and commissions charged with the responsibility for the protection and discipline of members.

10. Written reports of the findings of investigations of all commissions or committees should be made, and copies of these reports should be sent to the NEA and to all state associations.

11. State associations should carefully consider the

ethical and professional considerations involved in the nature of the publicity to be provided for the reports made of the various kinds of investigations.

12. State associations should review carefully the distribution of members on commissions or committees and should particularly consider the desirability of having a majority of members representing classroom teachers' groups.

13. Associations should explore the desirability of promoting state legislation that would vest authority in the organized teaching profession for the protection and discipline of its members.

Recommendations Pertaining to the Need for Additional Research

1. The study indicated a need for further investigation to determine the effects of tenure legislation on the work of commissions or committees charged with the protection and discipline of association members.

2. A profitable study would be that of contacting the chairmen of committees or commissions to determine the correlation between their responses and the responses of executive secretaries of the associations.

3. There is apparent need for intensive case studies to determine the effects of investigations on the persons involved.

4. Another promising topic for further investigation is that of determining the effects of various factors such as

geography, economy, and population on the progress of associations in the areas of protection and discipline of members.

Further Implications

Provisions by professional teachers' organizations in the area of protection of members have a considerable history and are therefore rather well developed. Provisions by these groups for the discipline of members are of more recent origin and are not so well developed. Associations forging ahead in the latter area must be able and willing to experiment intelligently as they endeavor to make progress. Because the welfare of a member may be seriously affected by disciplinary actions, associations should provide every safeguard to protect the member from ill considered actions. At the same time, since the welfare of the entire teaching profession and the public that it serves are adversely affected by the attitudes and conduct of the unethical member, associations must assume increased responsibility in this area. Most state associations and the NEA should give high priority to the matter of developing more adequate provisions for the disciplining of their members.

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APPENDIX A

COVERING LETTERS

National Education Association

COMMISSION FOR THE DEFENSE OF DEMOCRACY THROUGH EDUCATION



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ADAMS 4-4033

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Assistant Secretary

BERNICE C. BRIGHAM
Administrative Assistant

April 11, 1958

Dear Colleagues:

The NEA Defense Commission has been interested in securing more detailed information as to how state associations protect and discipline their members. We need to have such information to help us plan the work of the Defense Commission so that it will be most useful to the state and local affiliated associations and our members.

The enclosed questionnaire should bring information of value to professional associations as well as the Defense Commission. Mr. Cates has agreed to furnish each person who replies with a report of the tabulation of the replies as soon as possible after the replies are received. We hope you, or someone in your office, will complete the questionnaire and return it to Mr. Cates before May 1.

Enclosed also is a note from the Executive Secretary of the Oklahoma Education Association and a stamped, self-addressed envelope for your reply.

A sprightly springtide to you and your staff!

Cordially yours,

Richard B. Kennan
Secretary

RBK:eg
enclosures

OKLAHOMA EDUCATION ASSOCIATION



Telephone JACKSON 4-8426

323 E. Madison

Oklahoma City 5, Oklahoma

Dear Colleague:

The enclosed questionnaire designed to gather information relative to the activities of professional teachers organizations for the protection and disciplining of their members, is in my opinion, both timely and pertinent.

We, as Executive Secretaries of State Associations, by cooperating with this study can help fill a void in the general literature relating to State Association activities to further the professional status of our members through the exercise of the functions of protection and discipline.

I recommend the study and will greatly appreciate your cooperation in promptly completing the questionnaire and returning as many of the requested materials as are available.

Sincerely yours,

F. W. Phillips
Executive Secretary
Oklahoma Education Association

APPENDIX B

THE QUESTIONNAIRE

QUESTIONNAIRE

ON

WHAT PROVISIONS HAVE BEEN MADE BY PROFESSIONAL
TEACHERS' ORGANIZATIONS FOR PROTECTING
AND DISCIPLINING THEIR MEMBERS?

The term "Professional teachers' organizations" is used in this study to designate the National Education Association and the state and territorial affiliates of the NEA.

- I. Do you have a commission or committee of the State Education Association which has as its major responsibility the task of conducting inquiries and making investigations of alleged unfair treatment of, or alleged unethical conduct by, members of the profession?
Yes____, No_____.

If the answer to the above question was yes, please answer the following questions.

A. What name is given to this group?_____

B. On what date was this group formed?_____

- II. Is there a statement enumerating the duties, responsibilities and method of procedure for this commission or committee? Yes____, No_____.

If the answer to the above question was yes, please attach such statement, if available, to this questionnaire.

- III. Has a statement, bulletin, or pamphlet been prepared by your organization relating to adequate personnel policies for teachers? Yes____, No_____.

If the answer to the above question was yes, please include this material, if available, with the questionnaire.

- IV. What is the basis and method of selecting members of the commission or committee?

A. Appointed by the president of the state organization._____

B. Appointed by the executive-secretary of the state organization. _____

C. Appointed jointly by the president and executive-secretary of the state organization. _____

D. Other _____

V. List current membership of group designating the department or division of the state organization represented by each.

A. _____

B. _____

C. _____

D. _____

E. _____

F. _____

G. _____

H. _____

I. _____

J. _____

K. _____

L. _____

M. _____

N. _____

O. _____

VI. What is the length of term of committee members? _____

VII. Who are the present officers of group?

Chairman: Name _____

Address _____

Secretary: Name _____

Address _____

Staff Contact: Name _____

Address _____

VIII. Has the commission or committee carried on any formal investigations? Yes_____, No_____.

A. If the answer to the above question was yes, how many investigations have been made? _____

B. Were Reports written concerning the findings of these investigations? Yes_____, No_____.

C. If the answer to the above question was yes, what provisions were made for informing the profession or the lay public concerning these investigations?

D. List investigations for which reports were written. (Please list also dates of written reports.)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

Please enclose copies of these reports of investigations with questionnaire.

E. What actions, if any, resulted from these investigations?

F. What, in your opinion, is needed to improve the effectiveness of this commission or committee?

IX. What provisions, if any, exist in the laws of your state vesting power or authority in the organized teaching profession, for protecting and disciplining its members?

Please return this questionnaire with any attached materials to:

Eugene F. Cates
Building 1001
North Campus
Norman, Oklahoma

(Name of Respondent)

(State Education Association)

(Address)

APPENDIX C
TABULAR MATERIAL

TABLE 1

STATE AND TERRITORIAL EDUCATION ASSOCIATIONS TO WHOM
QUESTIONNAIRES WERE SENT LISTING RESPONSES
TO SPECIFIED QUESTIONNAIRE ITEMS

Name of Association	I*			IX**
	Yes	No	No Response	
Alabama (Ala. Educ. Assn.)		x		?
Alabama (Ala. State Teachers Assn.)	x			None
Alaska		x		?
Arizona	x			None
Arkansas (Ark. Educ. Assn.)		x		?
Arkansas (Ark. Teachers Assn.)			x	
California ¹	x			
Colorado	x			None
Connecticut	x			?
Delaware		x		?
District of Columbia	x			?
Florida (Fla. Educ. Assn.)	x			None
Florida ² (Fla. State Teachers Assn.)	x			
Georgia (Ga. Educ. Assn.)		x		?
Georgia (Ga. Teachers & Educ. Assn.)			x	

TABLE 1--Continued

Name of Association	I*			IX**
	Yes	No	No Response	
Hawaii	x			None
Idaho	x			None
Illinois		x		None
Indiana	x			None
Iowa	x			?
Kansas	x			None
Kentucky	x			None
Louisiana (La. Teachers Assn.)		x		None
Louisiana (La. Educ. Assn.)	x			None
Maine	x			None
Maryland		x		None
Massachusetts		x		None
Michigan		x		None
Minnesota	x			None
Mississippi (Miss. Educ. Assn.)		x		?
Mississippi (Miss. Teachers Assn.)		x		?
Missouri	x			?
Montana	x			None
Nebraska		x		None

TABLE 1--Continued

Name of Association	I*			IX**
	Yes	No	No Response	
Nevada		x		?
New Hampshire		x		None
New Jersey	x			None
New Mexico	x			None
New York	x			None
North Carolina (N. C. Educ. Assn.)		x		None
North Carolins (N. C. Teachers Assn.)	x			None
North Dakota	x			None
Ohio	x			None
Oklahoma (Okla. Educ. Assn.)	x			None
Oklahoma (Okla. Assn. of Teachers)		x		?
Oregon	x			None
Pennsylvania	x			?
Puerto Rico		x		None
Rhode Island	x			None
South Carolina (S. C. Educ. Assn.)		x		?
South Carolina (Palmetto Educ. Assn.)		x		None
South Dakota		x		?
Tennessee (Tenn. Educ. Assn.)		x		?

TABLE 1--Continued

Name of Association	I*			IX**
	Yes	No	No Response	
Tennessee (Tenn. Educ. Congress)		x		None
Texas (Tex. State Teachers Assn.)		x		None
Texas (Teachers State Assn. of Tex.)	x			?
Utah	x			None
Vermont	x			None
Virginia (Va. Educ. Assn.)		x		None
Virginia (Va. Teachers Assn.)	x			None
Washington	x			None
West Virginia	x			None
Wisconsin	x			None
Wyoming		x		None

*Do you have a commission or committee of the State Education Association which has as its major responsibility the task of conducting inquiries and making investigations of alleged unfair treatment of, or alleged unethical conduct by, members of the profession?

**What provisions, if any, exist in the laws of your state vesting power or authority in the organized teaching profession, for protecting and disciplining its members?

¹Panel of expert witnesses authorized by legislature whose testimony is admissible in cases involving tenure.

²Charter and Constitution give some opportunity to discipline membership.

TABLE 2
NAME AND DATE OF ORIGIN OF COMMITTEE OR COMMISSION

State	Name of Committee or Commission	Date of Origin
Alabama	Teacher Welfare Committee	1954
Arizona	Defense Commission	1947
California	Personnel Standards Commission	1947
Colorado	Ethics of the Profession Committee	1958
Connecticut	Ethics Commission	Not Given
District of Columbia	Educational Policies, Ethics, and Professional Relations	1955
Florida	Personnel Problems Committee	1956
Florida	Personnel Problems Commission	1955
Hawaii	Personnel Problems Commission	1946
Idaho	Fair Employment Practices Code Commission	1949
Indiana	Ethics Committee	Not Given
Iowa	Professional Relations Committee	1946
Kansas	Professional Practices Committee	1949
Kentucky	Tenure and Academic Freedom Committee	1954
Louisiana	Pupil-Teacher Committee	1945
Maine	Committee on Teacher Welfare	1948
Minnesota	Ethics Committee	1957
Missouri	Committee on Teacher Education and Professional Standards and Ethics	1922

TABLE 2--Continued

State	Name of Committee or Commission	Date of Origin
Montana	Ethics	1956
New Jersey	Welfare Committee	1938
New Mexico	Educational Personnel Policies Commission	1952
New York	Ethical Practices Committee	1947
North Carolina	Committee on Tenure and Academic Freedom	1954
North Dakota	Professional Welfare Committee	1947
Ohio	Personnel Standards Commission	1958
Oklahoma	The Professional Relations Committee	1949
Oregon	Ethics Commission	1951
Pennsylvania	Commission on Ethics, Rights, and Competence	Not Given
Rhode Island	Welfare Committee	1941
Texas	Committee on Teacher Welfare	Not Given
Utah	Ethics Committee	1956
Vermont	Professional Security and Ethics Committee	1958
Virginia	Special Investigative Committee of the Executive Committee	1955
Washington	WEA Ethics Commission	1950
West Virginia	Tenure and Ethics Committee	1947
Wisconsin	Welfare Committee	Not Given

TABLE 3
MEMBERSHIP, MANNER OF SELECTION, AND TENURE

State	Number of Members	Manner of Selection of Members*						Length of Term (Years)
		a	b	c	d	e	f	
Alabama (ATA)	15			x				Indefinite
Arizona	8	x						1
California	7				x			7
Colorado	6	x						1
Connecticut ¹								---
District of Columbia	---							---
Florida (FTA)	8				x			2 & 3
Florida (FEA)	---	x						1
Hawaii	5	x						3
Idaho	5	x						3
Indiana	5			x				5
Iowa	3						Ex. Bd. Members	Varies 1 - 3
Kansas	3				x			6
Kentucky	---	x						4
Louisiana (LEA)	13			x				4
Maine	5	x						3
Minnesota	10					x		2
Missouri	12		x					3
Montana	6	x						2
New Jersey	6	x						3
New Mexico	9		x					---
New York	7	x						1
North Carolina (NCTA)	---			x				Indefinite
North Dakota	7	x						---

TABLE 3--Continued

State	Number of Members	Manner of Selection of Members*						Length of Term (Years)
		a	b	c	d	e	f	
Ohio	7	x						5
Oklahoma (OEA)	12	x						3
Oregon	7	x						3
Pennsylvania	13					x		4
Rhode Island	31	x						1-2-3
Texas (TSAT)	---			x				---
Utah	4				x			3
Vermont	6	x						3
Virginia (VTA) ²		x						2
Washington	6	x						3
West Virginia	7	x						3
Wisconsin ³	11	x						

*a. Appointed by President or State Education Association.

b. Appointed by Executive Committee.

c. Appointed jointly by President and Executive-Secretary.

d. Appointed by Board of Directors of State Organization.

e. Elected or appointed by districts.

f. Others: (see above).

¹One member from each county elected--one state-employed educator, and one additional member at large. County members serve for three years.

²Three district presidents and five executive committee members elected at large.

³Length of term determined by the president of the association.

TABLE 4
PATTERN OF MEMBERSHIP

State	Current Distribution of Membership						
	State Assn.	College	Superintendent		Prin.	Cl.Tchr.	Other
			City	County			
Alabama (ATA)	3	2			7	1	2 Supervisors
Arizona			3			5	
California		1	2		1	1	1 Supervisor 1 Child Welfare
Colorado		1			3	1	1 Co-ordinator
Connecticut ¹							
District of Columbia							
Florida (FEA)							Recognized responsible members
Florida (FTA)	2				2	4	
Hawaii	2					2	1 Retired Teacher
Idaho ²							
Indiana			1		1	3	
Iowa							3 Ex. Bd. Members
Kansas							3 Retired Teachers
Kentucky							
Louisiana (LEA)	3				3	6	1 Supervisor
Maine			2			3	
Minnesota		2				7	1 Technical Tchr.
Missouri	2	3	1	1	2	3	
Montana							
New Jersey	1		1		1	3	
New Mexico		1	3			5	
New York			1		1	5	

TABLE 4--Continued

Current Distribution of Membership							
State	State Assn.	College	Superintendent		Prin.	Co. Tech.	Total
			City	County			
North Carolina(NCTA)							
North Dakota		1	2	1	1	1	1 Rural Teacher
Ohio	1		1		2	3	
Oklahoma (OEA)	3	1	1	1	2	3	1 Rural Teacher
Oregon ³			1		2	4	
Pennsylvania							1 Member from each Convention Dist.
Rhode Island							
Texas (TSAT)							
Utah			1			2	1 Rep. Bd. Trustees
Vermont			1		1	4	
Virginia (VTA)	5						3 District Pres.
Washington							
West Virginia		2			2	3	
Wisconsin			2	1	1	7	

¹Explained in footnote of Table 2.

²Two are members of Teacher Welfare Committee, two are school trustees appointed by President of State Trustees' Assn., and one is selected at large by the above four who is neither a trustee nor a teacher.

³A ratio of 3 administrators to 4 teachers must be maintained on the Commission.

TABLE 5
NUMBER OF FORMAL INVESTIGATIONS AND PUBLICITY GIVEN REPORTS

State	No. of F.I.*	Were Reports Written		Provisions Made for Informing Profession or Lay Public**					
		Yes	No	a	b	c	d	e	f
Alabama	3	x							Report made to Exec. Comm. of Assn.
Arizona	7	x							Published reports
California	51	x				x	x		
Colorado	12	Some							?
District of Columbia	0								
Florida (FEA)	2	x						x	
Florida (FTA)	9	x							News letters sent to Co. Pres. and Bd. Members
Hawaii	10	x							Report made to Comm. of Public Instr. and/or ter- ritorial legislature
Idaho	6	x		x					
Indiana ¹	1	x							Copy of recommendation sent to local school board
Iowa	?	Some							?
Kansas	1	x							?
Kentucky	8	x		x					
Louisiana (LEA)	0								
Maine	1-2 a		x		x				
	yr.								
Minnesota	0								
Missouri	0								

TABLE 5--Continued

State	No. of F.I.*	Were Reports Written		Provisions Made for Informing Proveession or Lay Public**					
		Yes	No	a	b	c	d	e	f
Montana	10	x		x					Reports sent to Bd. Dir., given to press.
New Jersey	15-20 a yr.	x						x	Generally written only in comm. minutes.
New Mexico	3	x			x (1)			x (2)	Written summaries filed with Ascn. records.
North Carolina (NCTA)	3	x						x	
New York	2	x		x					Report to Bd. Dir.
North Dakota	1	x					x		Report by committee.
Ohio	0								
Oklahoma (OEA)	4	x		x		x			
Oregon	72	x		x					Frequently parts of reports released to local press.
Pennsylvania	?								?
Rhode Island	?		x						?
Texas (TSAT)	?								?
Utah	7	x						x	Reports to Bd. and sent to semi-annual meetings of House of Delegates
Vermont	0								
Virginia (VTA)	0								
Washington	6	x				x			Reports to Bd. Dir.

TABLE 5--Continued

State	No. of F.I.*	Were Reports Written		Provisions Made for Informing Profession or Lay Public**					
		Yes	No	a	b	c	d	e	f
West Virginia	20	x			x		x (1)		In one case each WVEA mem- ber in the county re- ceived a copy of complete report
Wisconsin	6	x							None

*F.I.: Formal Investigations

- **a. Principals in the case.
 b. Published in State Association publications.
 c. Presented on request.
 d. Newspaper reports
 e. Not for publication.
 f. Others (see above).

¹Indiana's one investigation was listed as informal. A copy of the recommendations was included in the annual report of the committee made to the convention delegate assembly.

ANNEX C

STATEMENT OF THE STATES AND TERRITORIES

State			III**	
	Yes	No	Yes	No
Alabama (ALA)	.		x	
Arizona	.		x	
California	.		x	
Colorado	.			x
Connecticut	.		.	
District of Columbia	.		.	
Florida (FLA)	.		x	
Florida (FLA)		x		x
Hawaii	.			x
Idaho	.		x	
Indiana		x		x
Iowa	x		x	
Kansas	x			x
Kentucky	x			x
Louisiana (LEA)		x		x
Maine	x			x
Minnesota		x		x
Missouri		x		x
Montana	x		x	
New Jersey	x		x	
New Mexico	x		x	

TABLE 6--Continued

State	II*		III**	
	Yes	No	Yes	No
New York	x			x
North Carolina (NCTA)	x		x	
North Dakota	x			x
Ohio	x		x	
Oklahoma (OEA)	x		x	
Oregon	x			x
Pennsylvania	?		x	
Rhode Island		x		x
Texas (TSTA)	x		?	
Utah	x		x	
Vermont	x			x
Virginia (VTA)		x		x
Washington	x		x	
West Virginia	x		x	
Wisconsin		x		x

*Is there a statement enumerating the duties, responsibilities, and method of procedure for this commission or committee?

**Has a statement, bulletin, or pamphlet been prepared by your organization relating to adequate personnel policies for teachers?