



DATE: February 18, 2021

TO: Employers of Educators
Preparers of Educators
Other Interested Parties

FROM: Paul A. Shaw, Director of Educator Ethics

RE: Guide on reporting “Vaping” activities

The Georgia Professional Standards Commission has experienced an increase in complaints pertaining to educators “Vaping” (using vaping materials/vapor products). The following is meant to be a guide for school systems to determine what is or is not reportable to the Commission pertaining to educators’ “Vaping” activities.

In determining if a “Vaping” matter is reportable to the Commission, one must consider the specific facts of each individual case.

The following are examples of when a “Vaping” matter **is reportable** to the Commission.

- If the “Vaping” material is an illegal substance (such as marijuana/THC/etc.), then a report should be made to the Commission. Note that Code of Ethics (COE) Standard 3 (Alcohol or Drugs) holds, in pertinent part, that an educator “...shall refrain from the use of alcohol or **illegal** or **unauthorized drugs** during the course of professional practice...” Note that tobacco/nicotine is not considered a drug for the purpose of COE Standard 3.
- If the educator provides “Vaping” material to a student, then a report should be made to the Commission. Note that COE Standard 2 (Conduct with Students) holds, in pertinent part, that “...furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student...” is prohibited. Also note that COE Standard 9 (Professional Conduct) holds, in pertinent part, that “...behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students...” is prohibited.

The following are examples of when a “Vaping” matter **is not reportable** to the Commission.

- If the educator possessed/consumed “Vaping” materials on school grounds that were tobacco/nicotine flavored or some other (legal) flavored substance, and if the described “Vaping” materials were not provided to students, then a report need not be made to the Commission. Note that the Commission is aware that Georgia law 16-12-171 does hold, in pertinent part, that it shall be unlawful for any individual to knowingly use a vapor product within a school safety zone, but, at present, a violation of that criminal law is a misdemeanor, and that particular misdemeanor is not considered a crime of moral turpitude. As such, it does not reach the threshold for a violation of COE

Standard 1 (Legal Compliance) because it is not a felony, misdemeanor of moral turpitude, controlled substance, or sexual offense crime.

School Systems are encouraged to develop regulations/policies regarding Vaping by employees and/or students to guide them while on school campus or during school activities and functions. Policies should be clearly written and legally defensible.

Nothing in these guidelines is meant to prohibit any ethics report to the Commission. Specific facts on individual cases may vary beyond the examples in these guidelines, so please contact the Ethics Division if you have questions. Contact the Ethics Division at: ethics@gapsc.com or (404) 232-2700.