



## Ethical Decision-Making Framework Exercise

Review your assigned Scenario:

1. Using the data that was gathered in Learning Activity 1, the Ethics Decision-Making Worksheet and the key legal terms handout to determine the best courses of action to create and maintain a healthy Instructor / Cadet relationship for your group assigned scenario.
2. Provide at least two possible outcomes for the scenario. Discuss the pros and cons of each of your decisions. Consider the following during your discussion:
  - a. What action produces the most good and the least harm?
  - b. What action respects everyone's rights and dignities?
  - c. What action treats everyone equally—or if not equally, then at least proportionately and fairly?
  - d. How would I want to be treated?
  - e. What kind of person will I be if I act or do not act in this situation?
3. Prepare to facilitate a 3-4 minute discussion with the class about the decisions you have made. Include the following in your discussion:
  - a. Read your scenario. A member of your group must briefly defend each of the outcomes during the discussion.
  - b. Briefly present to the class the pros and cons of each of your decisions. Include in your presentation any key points from your Decision-Making Worksheet.
  - c. Solicit feedback from the class. You must control the discussion and the class.

## Key Educational Legal Term Definitions

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1. **Fiduciary Position**-Those positions in society where one person places confidence in another resulting from an imbalance of power. Teachers, doctors, clergy, lawyers, and therapists are all fiduciary positions.
2. **In Loco Parentis**-Literally means “in place of the parents”.
3. **Captive Audience**-Students are “held captive” by law and must submit to the school authorities.
4. **Safety and Welfare**-The first priority of all educators is the safety and welfare of the students, this includes physical, sexual, emotional, psychological, and intellectual.
5. **Education as a Property Right**-According to the 14<sup>th</sup> Amendment to the Constitution, every person has a right to property. An education is considered “property” Entitlement to public education has long been recognized as a property interest protected by the Due Process clause of the Fourteenth Amendment to the U.S. Constitution. *Goss v. Lopez*, 419 U.S. 565, 573-75 (1975).
6. **Student Freedom-of-Expression**- 1) Schools do not need to tolerate speech that is inconsistent with the educational mission; 2) Schools have the right to establish standards of conduct that do not infringe on a student's right to free and unrestricted expression as guaranteed to them under the First Amendment; however, substantial disorder is not permitted in exercising First Amendment rights; 3) Should not violate someone else’s rights or be a disruptive force.
7. **Supervisory Liability**- To avoid liability, teachers must be able to prove that they: 1) provided proper supervision 2) established rules 3) attempted to anticipate danger 4) gave warning of possible danger.
8. **Teacher Lifestyle**- Should not hinder teacher effectiveness.
9. **Teacher Misconduct**-A broad range of possible legal and ethical violations which may be criminal or non-criminal in nature.
10. **Teacher Sexual Misconduct**-Engaging in behaviors with students that are of a sexual nature. Verbal, visual, written, or physical.
11. **Teacher Freedom-of-Expression**- 1) Should not conflict with the school mission; 2) Should not be a disruptive force that endangers the efficacy or safety of the school or students; 3) relevant to the curriculum.
12. **Sexual Harassment**-Criteria to determine Unlawful Sexual Harassment: 1) Sexual in nature; 2) Unwanted and unwelcomed; 3) Severe, persistent, or pervasive; 4) Does it interfere with work or study.  
Standards for School Liability: 1 Must have knowledge of harassment; 2) Deliberate indifference to harassment; 3) Behavior must be severe, persistent, or pervasive; 4) Behavior must interfere with work or study.
13. **Duty-to-Report**-Those in authority must report suspected abuse of those in their care. This includes physical, sexual, emotional, and psychological abuse.
14. **Due Process**-Protects teacher and students from arbitrary actions-rights cannot be violated.
15. **Student Punishment**- Due process must be followed: 1) Documentation of offense; 2) Student given the opportunity to accept or refuse accusation; 3) Student and parent notified of the punishment.