

**EDUC 525 - L01**  
**Ethics & Law in Education**  
**Summer, 2020**

<b>Instructor</b>	<b>Phone</b>	<b>Email</b>
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<b>Teaching Assistants</b>		
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**COURSE DATES:** JULY 6 – AUGUST 12, 2020

Last Day to Add/Drop/Swap: Due to the non-standard dates associated with this program, please check your Student Centre for the important dates pertaining to your section.

Pre-requisite: Due to the multiple pathways in the Bachelor of Education, please consult Undergraduate Programs in Education for questions related to pre-requisite courses.

**COURSE DESCRIPTION:**

This course is an introduction to the historical genesis and institutional structure of Alberta's system of education; an understanding of its legal underpinnings; and an opportunity for dialogue in small groups on current major issues in educational law and on ethical decision-making surrounding educational issues.

**LEARNER OUTCOMES:**

Students will be knowledgeable about:

1. The genesis of public education in Alberta;
2. The legal rights and responsibilities of student teachers, teachers, students, and parents.
3. Various schools of ethical thought.

**COURSE DESIGN AND DELIVERY: Adapting to Our New Reality**

Given the current situation, due to COVID-19, this course will use recorded lectures as well as recorded conversations where a guest has preferred that format. It will also use ZOOM plenary sessions for illumination on the course materials and to answer student questions on assignments.

**PART I LAW**

**REQUIRED READINGS**

1. Readings provided in D2L.
2. Alberta Teachers' Association. (2013). *Teachers' rights, responsibilities and legal liabilities.* Retrieved from <https://www.teachers.ab.ca/SiteCollectionDocuments/ATA/Publications/Teachers-as-Professionals/MON-2%20Teachers%20Rights.pdf>
3. ATA Code of Professional Conduct Retrieved from <https://www.teachers.ab.ca/About%20the%20ATA/UpholdingProfessionalStandards/ProfessionalConduct/Pages/CodeofProfessionalConduct.aspx>

4. Alberta Education Teaching Quality Standard  
Retrieved from  
[https://education.alberta.ca/media/3739620/standardsdoc-tqs-\\_fa-web-2018-01-17.pdf](https://education.alberta.ca/media/3739620/standardsdoc-tqs-_fa-web-2018-01-17.pdf)
5. The Teaching Profession Act Retrieved from  
<http://www.qp.alberta.ca/documents/acts/t02.pdf>
6. Copyright Matters 2016  
[http://cmec.ca/Publications/Lists/Publications/Attachments/291/Copyright\\_Matters.pdf](http://cmec.ca/Publications/Lists/Publications/Attachments/291/Copyright_Matters.pdf)
7. Selected cases (links or cases provided in D2L):
  - (a) Abbotsford School District 34 (Board of School Trustees) v. Shewan, 1986 CanLII 879, British Columbia Supreme Court. (1986). Retrieved from <http://www.canlii.org/en/bc/bcsc/doc/1986/1986canlii879/1986canlii879.html>
  - (b) Bain v. Calgary Board of Education, 1993 CanLII 7301, Alberta Court of Queen's Bench. (1993). Retrieved from <http://www.canlii.org/en/ab/abqb/doc/1993/1993canlii7301/1993canlii7301.html>
  - (c) Casagrande v. Hinton Roman Catholic School District No. 155, CanLII 3358, Alberta Court of Queen's Bench. (1987). Retrieved from <http://www.canlii.org/en/ab/abqb/doc/1987/1987canlii3358/1987canlii3358.html>
  - (d) Hoar v. Nanaimo School District 68, 1984 CarswellBC 756, British Columbia Court of Appeal. (1984). Posted in D2L.
  - (e) J.O. v. Strathcona-Tweedsmuir School, 2010 Alberta Court of Queen's Bench 559. (2010). Retrieved from [http://www.canlii.org/en/ab/abqb/doc/2010/2010abqb559/2010abqb559.html\(f\)](http://www.canlii.org/en/ab/abqb/doc/2010/2010abqb559/2010abqb559.html(f))
  - (f) McKay et al. v. Board of Govan School Unit No. 29 of Saskatchewan et al., 1968 CanLII 76, Supreme Court of Canada. (1968). Retrieved from <http://www.canlii.org/en/ca/scc/doc/1968/1968canlii76/1968canlii76.html>
  - (g) Myers v. Peel County Board of Education, 1981 CanLII 27, Supreme Court of Canada. (1981). Retrieved from <http://www.canlii.org/en/ca/scc/doc/1981/1981canlii27/1981canlii27.html>
  - (h) R. v. Audet, 2 SCR 171, Supreme Court of Canada. (1996). Retrieved from <http://scc.lexum.org/decisia-scc-csc/scc-csc/scc-csc/en/item/1387/index.do>
  - (i) R. v. Hart, 2000 British Columbia Court of Appeal 245. (2000). Retrieved from <http://www.canlii.org/en/bc/bcca/doc/2000/2000bcca245/2000bcca245.html>
  - (j) R. v. M. (M.R.), 1998 CanLII 770, Supreme Court of Canada. (1998). Retrieved from <http://www.canlii.org/en/ca/scc/doc/1998/1998canlii770/1998canlii770.html>
  - (k) Robert J. Hennessy v. City of Melrose, 194 F. 3d 237, U.S. Court of Appeals First Circuit. (1999). Retrieved from <https://caselaw.findlaw.com/us-1st-circuit/1161314.html>
  - (l) School Act, Revised Statutes of Alberta. (2000, Chapter S-3). Retrieved from <http://www.qp.alberta.ca/documents/acts/s03.pdf>
  - (m) Shewan v. Board of School Trustees of School District #34 (Abbotsford), 1987 CanLII 159, British Columbia Court of Appeal. (1987). Retrieved from <http://www.canlii.org/en/bc/bcca/doc/1987/1987canlii159/1987canlii159.html>
  - (n) S.L. v. Commission scolaire des Chênes, 2012 Supreme Court of Canada 7. (2012). Retrieved from <http://www.canlii.org/en/ca/scc/doc/2012/2012scc7/2012scc7.html>
  - (o) Thomas et al. v. Board of Education of the City of Hamilton et al., 1994 CanLII 739, Ontario Court of Appeal. (1994). Retrieved from <http://www.canlii.org/en/on/onca/doc/1994/1994canlii739/1994canlii739.html>
  - (p) Trinity Western University v. British Columbia College of Teachers, 2001 Supreme Court of Canada 31. (2001). Retrieved from <http://www.canlii.org/en/ca/scc/doc/2001/2001scc31/2001scc31.html>
  - (r) School District No. 44 (North Vancouver) v. Jubran. (2005). British Columbia Court of Appeal. <https://www.canlii.org/en/bc/bcca/doc/2005/2005bcca201/2005bcca201.html>
  - (s) Ross v. New Brunswick School District No. 15, 1 SCR 825, Supreme Court of Canada. (1996). Retrieved from <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1367/index.do>

- (t) Saskatchewan (Human Rights Commission) v. Whatcott, 2013 SCC 11, [2013] 1 S.C.R. 467  
<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/12876/index.do>
- (u) Morin v. Regional Administration Unit #3 (P.E.I.) Date: 2002 0501 PESCAD 9  
<http://www.gov.pe.ca/courts/supreme/reasons/0856.pdf>
- (v) Elkow v. Sana, [2015] A.J. No. 1422 Alberta Court of Queen's Bench  
<http://www.canlii.org/en/ab/abqb/doc/2015/2015abqb803/2015abqb803.html?autocompleteStr=Elkow%20v.%20Sana%2C%20&autocompletePos=1>
- (w) Edmonton School District No. 7 v. Dorval, 2016 Alberta Court of Appeal  
<https://www.canlii.org/en/ab/abca/doc/2016/2016abca8/2016abca8.html?resultIndex=1>

### NOT REQUIRED BUT SUGGESTED

#### Selected readings:

- (a) Angle v. LaPierre, 2008 Alta CA 120. Retrieved from <http://www.canlii.org/en/ab/abca/doc/2008/2008abca120/2008abca120.html>
- (b) Broster, R., & Brien, K. (2010). Cyber-bullying of educators by students: Evolving legal and policy developments. *Education and Law Journal*, 20, 35.
- (c) Chumir Foundation for Ethics in Leadership. (2011). The role of education in nurturing effective citizens: The “parental opt-out” should be removed from Alberta’s Human Rights Act. Retrieved from [http://www.chumirethicsfoundation.ca/files/pdf/Chumir\\_Bill44\\_positionpaper20110419.pdf](http://www.chumirethicsfoundation.ca/files/pdf/Chumir_Bill44_positionpaper20110419.pdf). [www.chumirethicsfoundation.ca/files/pdf/Chumir\\_Bill44\\_position\\_paper20110419.pdf](http://www.chumirethicsfoundation.ca/files/pdf/Chumir_Bill44_position_paper20110419.pdf)
- (d) Dickinson, G. M. (2001). The matter of sexual misconduct: Teachers, trust and the law. *Orbit*, 32, 15–19.
- (e) Dolmage, R., & Clarke, P. (2002). Copyright ownership of teacher-prepared materials: An examination of the issues in a contemporary context. *Education and Law Journal*, 11, 323.
- (f) Donlevy, J. K. (2008). The Canadian Charter of Rights and Freedoms. In C. J. Rosso’s *Encyclopedia of Education Law* (Vol. 1; pp. 141–143). Thousand Oaks, CA: Sage.
- (g) Donlevy J. K. (2008). The United Nations Convention on the Rights of the Child. In C. J. Rosso’s *Encyclopedia of Education Law* (Vol. 2; pp. 847–848). Thousand Oaks, CA: Sage.
- (h) Donlevy, J. K. (2009). Alberta’s student teacher practicum: A legal analysis of the statutory and regulatory framework. *International Electronic Journal for Leadership in Learning*, 13(9).
- (i) Donlevy, J. K. (2016). To be or not to be – That is the question: Trinity Western Law School. *Constitutional Forum*, 25(2).
- (j) Donlevy, J. K., Chomos, J., & Walker, K. (2011). *A guide to Alberta school law*. Calgary, AB: Blitzprint. Copies are available in the university bookstore.
- (k) Donlevy, J. K., Feehan, K. P., & Bowal, P. (2016). A community’s right to freedom of religion: Loyola High School v. Quebec. *Supreme Court Law Review: Second Series*, 75.
- (l) Findlay, N. M. (2001). Students’ rights, freedom of expression and prior restraint: The Hazelwood decision. *Education and Law Journal*, 11, 343–366.
- (m) Fox, A., & Bird, T. (2015). The challenge to professionals of using social media: Teachers in England negotiating personal-professional identities. *Education and Information Technologies*. doi:10.1007/s10639-015-9442-0
- (n) Green, M. A. (1996). Freedom of speech and teachers’ duties: Malcolm Ross - the final chapter. *Education and Law Journal*, 7, 289–300.
- (o) Hall (Litigation guardian of) v. Powers, 2002 CanLII 49475, Ontario Supreme Court. Retrieved from <http://www.canlii.org/en/on/onsc/doc/2002/2002canlii49475/2002canlii49475.html>
- (p) LaForest, G. V. (1998). Off-duty conduct and the fiduciary conduct of teachers. *Education and Law Journal*, 8, 119–137.
- (q) MacKay, A. W., & Flood, T. L. (2000). Negligence principals in the school context: New challenges for the “careful parent,” *Education and Law Journal*, 10, 371–392.

- (r) Ontario College of Teachers. (2011). *Professional advisory: Use of electronic communication and social media*. Retrieved from <https://www.oct.ca/-/media/PDF/Advisory%20Social%20Media/ProfAdvSocMediaENPRINT.pdf>
- (s) Reyes, A. (1995). Freedom of expression and public school teachers. *Dalhousie Journal of Legal Studies*, 35.
- (t) Righton, S. (2003, June). Student supervision. *Education Law eBulletin*, 1. Retrieved from <http://www.shibleyrighton.com/ModuleFile/Shibley+Righton+LLP+Education+Law+eBulletin+-+June+2003.pdf>
- (u) Retrieved from <http://scc.lexum.org/decisia-scc-csc/scc-csc/scc-csc/en/item/1367/index.do>
- (v) Zirkil, P. A., & Koranxha, Z. (2009). *Student teaching and the law*. New York, NY: Roeman and Littlefield.
- (w) Roher, E. (2002-2003). When push comes to shove: Bullying and legal liability in schools. *Education and Law Journal* (12:1) 319.
- (x) Roher, E. (2012). Dealing with off-school conduct: Cyberbullying, Drug Dealing, and other activities outside of school premises. *Education and Law Journal* (21) 91.
- (y) Report of the Senate Standing Committee on Human Rights, (2012, Dec.) .Cyberbullying hurts: Respect for rights in the digital age. <https://sencanada.ca/Content/SEN/Committee/411/ridr/rep/rep09dec12-e.pdf>
- (z) Alberta Teachers' Association Educational Trust. (2016). *Prism (For Elementary Schools): A toolkit for safe and caring discussions about sexual and gender minorities*. Retrieved from [https://www.teachers.ab.ca/SiteCollectionDocuments/ATA/For-Members/Professional%20Development/Diversity,%20Equity%20and%20Human%20Rights/PD-80-15cPrismToolkitBooklet\\_Web.pdf](https://www.teachers.ab.ca/SiteCollectionDocuments/ATA/For-Members/Professional%20Development/Diversity,%20Equity%20and%20Human%20Rights/PD-80-15cPrismToolkitBooklet_Web.pdf)
- (aa) Canadian Teachers' Federation (2012) Supporting transgender and transsexual students in K-12 schools: A guide for educators. Retrieved from <https://www.ualberta.ca/-/media/22A8FAD75D574464B70BA9508AF644DB>
- (bb) Alberta Teachers' Association (2015). GSAs and QSAs in Alberta Schools: A Guide for Teachers. Retrieved from <https://www.teachers.ab.ca/SiteCollectionDocuments/ATA/Publications/Human-Rights-Issues/PD-80-6%20GSA-QSA%20Guide%202016.pdf>
- (cc) Yosef-Hassidim, D. (2013 Summer). Following Dr. Ben Levin's case: Posing Difficult Academic-Ethical Questions. *Critical Intersections in education*. Vol. 1(2), 111-116.
- (dd) Donlevy, J. K. , Gereluk, D., Brandon, J. Patterson, P. (2017). Student safety and the fiduciary duty of school boards. *Interchange*. 48(2) 195-203.
- (ee) Rheume, J., Spenser, B., Donlevy, J.K. (2017). A new Teaching Quality Standard policy in Alberta: Possibilities for addressing issues in teacher education. *Journal of Educational Thought*. Vol. 51 Iss.2, 162.
- (ff) Gereluk, D. T., Donlevy, J. K., & Thompson, M. B. (2015). Normative considerations in the aftermath of targeted gun violence in schools. *Educational Theory*, 65(4)
- (gg) Donlevy, J. K., J., Gereluk, Brandon, J., & Patterson, P. (2015). Canada's constitutionally protected Catholic schools and gay-straight alliance clubs. *Education and Law Journal*, 24(1), 49–65.

## PART II ETHICS

### REQUIRED READINGS

1. Readings provided in D2L.
2. Selected article (provided in D2L.):  
Walker K. W., & Donlevy, J. K. (2006). Beyond relativism to ethical decision-making. *Journal of School Leadership*, 16(3), 216–239.
3. Alberta Teachers' Association. *Code of Professional Conduct*. (2004). Retrieved from <https://www.teachers.ab.ca/SiteCollectionDocuments/ATA/Publications/Teachers-as-Professionals/IM-4E%20Code%20of%20Professional%20Conduct.pdf>

**NOT REQUIRED BUT SUGGESTED**

## Selected readings:

- (a) Aultman, L., Williams-Johnson, M., & Schutz, P. (2008). Boundary dilemmas in teacher-student relationships: Struggling with “the line”. *Teaching and Teacher Education*, 25(2009), 636–646.
- (b) Battiste, M. (1998). Enabling the autumn seed: Toward a decolonized approach to Aboriginal knowledge, language, and education. *Canadian Journal of Native Education*, 22(1), 16–27. Retrieved from <http://www.cbu.ca/indigenous-affairs/unamak-college/mikmaq-resource-centre/essays/enabling-the-autumn-seed-toward-a-decolonized-approach-to-aboriginal-knowledge-language-and-education/>
- (c) Bullough Jr., R. V. (2011). Ethical and moral matters in teaching and teacher education. *Teaching and Teacher Education*, 27, 21–28. Retrieved from <http://media.journals.elsevier.com/content/files/s0742051x10001587-04220948.pdf>
- (d) DeMitchell, T.A. (2011). “Immorality, teacher private conduct, and adverse notoriety: A needed recalculation of nexus?” *Journal of Law and Education*, 40(2), 327–339.
- (e) Dempster, N., & Berry, V. (2010). Blindfolded in a minefield: Principals’ ethical decision-making. *Cambridge Journal of Education*, 33(3), 457–477.
- (f) Ferre, F. (2001). *Living and value: Toward a constructive postmodern ethics*. Albany, NY: State University of New York Press.
- (g) Foulger, T. S., Ewbank, A. D., Kay, A., Popp, S. O., & Carter, H. L. (2009). Moral spaces in MySpace: Preservice teachers’ perspectives about ethical issues in social networking. *Journal of Research on Technology in Education*, 42(1), 1+.
- (h) Fulmer, J. (2002). Dismissing the immoral teacher for conduct outside the workplace – Do current laws protect the interests of both school authorities and teachers? *Journal of Law and Education*, 31(3), 271.
- (i) Gereluk, D. (2011). When good intentions go awry: Limiting toleration and diversity through Bill 44. *Canadian Issues (Special Issue of the Comparative and International Studies Society)*, 75–79.
- (j) Hugman, R. (2003). Professional values and ethics in social work: Reconsidering postmodernism? *British Journal of Social Work*, 33(8), 1025–1041.
- (k) Mahfood, S., Astuto, A., Olliges, R., & Suits, B. (2005). Cyberethics: Social ethics teaching in educational technology programs. *Communication Research Trends*, 24(4), 3.
- (l) McKerron v. Marshall, [1999] O.J. no. 4048, Ontario Supreme Court.
- (m) Ryan, C., & Futterman, D. (1998). *Lesbian and gay youth: Care and counseling*. New York, NY: Columbia University Press.
- (n) Gereluk, D. & Donlevy, J.K. (2018). Building ethical judgment and reasoning for preservice teachers. In Maxwell, B., Tanchuk, N., & Scramstad, C. (Eds.) *Professional ethics, education and law for Canadian teachers*. Ottawa: Canadian Association for Teacher Education. ISBN 978-0-9947451-9-7 (ebook). <http://cate-acfe.ca/wp-content/uploads/2019/05/Professional-ethics-and-law-for-Canadian-teachers-1.pdf>
- (o) Cummins, R., Harlow, S., Massux, C.D. (2007, March). Moral reasoning of in-service and pre-service teachers: A review of the research. *Journal of Moral Education*. Vol. 36, No. 1, pp. 67-78. Retrieved from <https://pdfs.semanticscholar.org/621a/1f009954e95993fecabd264c8d6d899121ad.pdf>

**CLASS DATES & TIMES**Plenary Meetings for all students via ZOOM

The purpose of the plenary sessions, other than the first session on July 6, is to connect with each other and to assist students who have done the readings, listened to the recorded lectures, and who would like assistance with the concepts, and to deal with questions regarding the assignments.

**ZOOM DATES AND TIMES**

<b>Date</b>	<b>Time</b>	<b>Topic</b>
July 6	9:00 a.m. – 10:30 a.m.	Lecture Orientation Forming Triads The Structure of the Course What is the Law? Why study the Law?
July 13	9:00 a.m. – 10:30 a.m.	Q & A: The Rights and Responsibilities of Student Teachers, Teachers, Students, and Parents
July 20	9:00 a.m. – 10:30 a.m. & 10:45 12:00 p.m.	Q & A: Student Safety (9:00 - 10:30) ATA Executive Staff Office: Dr. Elissa Corsi - ATA Code of Professional Conduct (10:45 – 12:00)
July 27	9:00 a.m. – 10:30 a.m.	Q & A Ethics
August 4	9:00 a.m. – 10:30 a.m.	Q & A General Conversation

**RECORDED LECTURES AND CONVERSATIONS**

<b>Dates Recordings will be Available (Platform TBA)</b>	<b>Topic</b>	<b>Presenter</b>
July 6	The Law - Fundamentals	Dr. Donlevy
July 6	The Rights & Responsibilities of Teachers and Student Teachers No. 1	Dr. Donlevy
July 6	The Rights & Responsibilities of Teachers and Student Teachers No. 2	Dr. Donlevy
July 13	Student Safety No. 1	Dr. Donlevy
July 13	Student Safety No. 2	Dr. Donlevy
July 13	The Rights & Responsibilities of Students & Parents	Dr. Donlevy
July 13	How to format answers to the Law and Ethics questions in this course.	Dr. Donlevy
TBA	The current and future state of First Nations' Education in Alberta & Ethical engagement – A First Nations Perspective.	A conversation with Dr. Dustin Louie – Werklund School of Education
TBA	Practical ethical advice for teachers from a Senior Administrator	Allen Davidson Deputy Superintendent of Education of Foothills School Division. Practical and Professional Ethics.
TBA	Alberta's Schools and Police Services	Staff Sergeant Ralf Veckenstedt et al Calgary Police Service
TBA	Charter Schools in Alberta	Kurtis Leinweber

		Deputy Superintendent - Foundations for the Future Charter Academy, Calgary
TBA	Alberta Education: Teaching Quality Standard	Speaker TBA

### **Copyright & Accommodation Notice**

Due to copyright issues the ZOOM plenary meetings are not being recorded for future reference by students. However, the instructor will record the sessions and make them available for students requiring an academic accommodation as stated later in this course outline or otherwise at the instructor's discretion. All other audio and/or video recordings of ZOOM sessions, and recorded lectures and conversations, by anyone are strictly prohibited. In the event anyone breaches this prohibition, they are subject to discipline according to various policies at the University of Calgary including, but not restricted to, the Student Non-Academic Misconduct Policy (<https://www.ucalgary.ca/policies/files/policies/non-academic-misconduct-policy.pdf>).

### **OPTIONAL GATHERINGS**

In order to assist students in understanding the materials, an optional Q & A meeting with the instructor or TAs may be arranged during this course. The instructor will provide further information on this matter as the course develops.

### **LEARNING TASKS AND ASSESSMENTS**

#### **Preliminary Matters of Importance**

##### *The Importance of Attendance and Participation in Every Class*

As this is a professional program, experiences are designed with the expectation that all members will be fully involved in all classes and in all coursework experiences. As you are a member of a learning community your contribution is vital and highly valued, just as it will be when you take on the professional responsibilities of being a teacher. It is expected that you will not be absent from the ZOOM class sessions with the exception of documented instances of personal or family illness or for religious requirements.

##### *Engagement in Class Discussion and Inquiry*

Another reason for the importance of attendance and participation in every class is that the course involves working with fellow students to share ideas and thinking. For example, you will work with a small group to engage fellow students in discussions and course work.

##### *Issues with Group Tasks*

If your group is having difficulty collaborating effectively, please immediately contact the instructor or a TA. If a group is unable to collaborate effectively or discuss course materials online in a timely manner, the instructor may re-assign members to different groups or assign individual work for completion.

##### *Late Submissions*

All late submissions of assignments must be discussed with the instructor **prior to the due date**. Students may be required to provide written documentation of extenuating circumstances. A deferral of up to 30 days may be

granted at the discretion of the Associate Dean of Undergraduate Programs with accompanying written evidence.

## The Two Learning Tasks for this course

### LEARNING TASK 1: The Law Assignment - DUE: July 24 (50%)

1. Students will self-select into groups of three. Each group will work on a group assignment comprising 50% of the course mark. The group assignment is a “take home assignment” that requires each group to respond to **ONE** of the following statements.
- 2.

#### (a) Negligence Question

Read the fact pattern, to be placed in D2L in July, dealing with negligence and provide your analysis and response to the question at the end of the fact pattern based upon the cases, readings, and class discussion in this course. Consider the readings in D2L as a reference.

#### (b) Remembrance Day Question

On September 27, 2019, Philip Kapoor was excited to be starting his teaching career as a teacher in his grade 6 class at Stardust Elementary School in Fort McMurray. He had always wanted to be a teacher so that he could influence young minds for the better. He started off the year with warmth and friendliness to his students and as they studied fractions, percentages and decimals, along with seasonal changes and their effects, and to, “understand the role of social, political, economic and legal institutions as they relate to individual and collective well-being and a sustainable society”. Things went exceedingly well until the Remembrance Day incident. In the morning of November 9, 2019, Philip spoke at length of the American My Lai massacre<sup>1</sup> and the Canadian Somalia Affair<sup>2</sup> and critiqued the World War II Nuremberg trials<sup>3</sup> as being victor’s justice. He later said that he just wanted to be sure that his students had a balanced view of war and that no side is ever without fault. Philip told his students to be socially active and use their voices to say that war was an evil and no one should ever participate in no matter what the cost. In response to his lesson, Philip’s students protested with placards and bullhorns at Fort McMurray’s Remembrance Day services held on Sunday, November 11 outside city hall. At the one-minute of silence, they shouted that the day was honoring warmongers and that dialogue and peace were the only solutions to human conflict.

The Fort McMurray community was outraged at the Remembrance Day incident, which was seen by the newspaper as being disrespectful to the honored dead who gave up their lives for Canadians’ freedom. The pressure on the school board was extreme and Philip was told to apologize to the parents of the students in his class and to explain to his students that he had been wrong to disrespect Canada’s fallen heroes. He refused to do so and has been suspended from teaching until he complies with the school board order.

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<sup>1</sup> [https://en.wikipedia.org/wiki/My\\_Lai\\_Massacre](https://en.wikipedia.org/wiki/My_Lai_Massacre)

<sup>2</sup> [https://en.wikipedia.org/wiki/Somalia\\_Affair](https://en.wikipedia.org/wiki/Somalia_Affair)

<sup>3</sup> <https://www.history.com/topics/world-war-ii/nuremberg-trials>



### Group Task

Your task is to argue both for and against Philip's right to freedom of expression under section 2 (b) of the *Charter* taking into account the case law taken in class and especially demonstrating your understanding of Section One and the Oakes Test.<sup>4</sup>

### (c) A Difficult Decision Question

Read "A Difficult Decision" which is in the D2L and respond to the task following the scenario. Please note: There is often a dissenting opinion at the appeal level in case law. Therefore, a dissenting opinion may also be provided if a member of a group is unwilling to accept the group's resolution of the legal question. In that case, that group should speak with the instructor, seeking an extension of the word limit for the assignment.

3. The document submitted for this assignment will be no longer than 2,000 words, which shall not include references and the title page. It will be double spaced in 12-point font and in **WORD NOT PDF**. It will contain the full names of the members of the group, in alphabetical order. Citation will generally be according to APA rules see: <https://owl.english.purdue.edu/owl/resource/560/01/> However, cases may be interlineated using just the case name and a simple citation for course materials – i.e. power points is simply, "course, date, power point number, slide number". For detailed information and guidance contact TA Rhiannon Jones.
4. The assignment document must be deposited in D2L Dropbox on or before **12:00 p.m. July 24**.

### ASSESSMENT OF LEARNING TASK 1

**Assignment number 1 will be assessed on the following criteria.**

- (a) Clarity of expression;
- (b) Reasonableness of the argument;
- (c) Logical analysis;
- (d) A clear display of understanding the course materials related to educational law;
- (e) Presentation - Grammar, form and style.<sup>5</sup>

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#### <sup>4</sup> OAKES TEST

1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

"Demonstrably justified in a free and democratic society." Meaning:

**First**, the measures adopted must be carefully designed to achieve the objective in question. They must not be arbitrary, unfair or based on irrational considerations. In short, they must be rationally connected to the objective.

**Second**, the means, even if rationally connected to the objective in this first sense, should impair "as little as possible" the right or freedom in question.

**Third**, there must be a proportionality between the effects of the measures which are responsible for limiting the Charter right or freedom, and the objective which has been identified as of "sufficient importance".

<sup>5</sup> Please note: All written assignments (including, to a lesser extent, written exam responses) will be assessed at least partly on writing skills. Writing skills include not only surface correctness (grammar, punctuation, sentence structure, etc.) but also general clarity and organization. Sources used in research papers must be properly documented. If you need help with your writing, you may use the writing support services in the Learning Commons. For further information, please refer to the official online University of Calgary Calendar, Academic Regulations, E. Course Information, E.2: Writing Across the Curriculum: <http://www.ucalgary.ca/pubs/calendar/current/e-2.html>

**LEARNING TASK 2: The Ethics Assignment – DUE: August 12 (50%)**

1. Students will self-select into groups of three – the composition of these groups may be different from Assignment # 1. Each group will work on a group assignment comprising 50% of the course mark. The group assignment is a “take home assignment” that requires each group to respond to **one** of the following statements.
  
2.
  - (a) Create a 150-word hypothetical scenario involving an ethical dilemma which takes place within an elementary or secondary school. Apply three schools of ethical thought to that scenario, providing a reasoned, concise analysis, and a suggested resolution for the dilemma, which is in accord with the ATA Code of Professional Conduct. Consider this carefully as within the Code there are tensions among the responsibilities.
  
  - (b) Consider the ethical implications involved with teacher behavior after school hours and off school premises. Write a well-reasoned paper using the relevant materials in the Recommended Readings list and the course lecturer, on what is, in your opinion, the best approach to this matter.
  
  - (c) Consider the case of Professor Ben Levin. He was a highly respected professor of education and the Canada Research Chair in Education Leadership and Policy at the Ontario Institute for Studies in Education (OISE), University of Toronto. As a civil servant he served for three years in the Ontario provincial government as Deputy Minister in the Ministry of Education after having held a similar post in Manitoba. His writings on all matters educational have been widely cited nationally and internationally and used in graduate schools of education around the world. One of his recent accomplishments was to give advice to Ontario’s Ministry of Education on the province’s new curriculum dealing with human sexuality. In May 2015 he plead guilty to engaging in child pornography (being a sadistic pedophile) and was sentenced to a term of imprisonment.<sup>6</sup>

The Task: You are on a committee of professors at ABC University in the Faculty of Education. Some colleagues have proposed that as Dr. Levin, who is now on parole, has “done his time” and should now be invited to be a guest lecturer in the Faculty on educational matters. Other faculty members are adamant that given his past, no matter the value of his previous work to education, he should not be invited, and his academic works should no longer be referenced in educational publications or courses. The question for your committee is “Should your committee invite Dr. Levin to speak and should his works continue to be used and referenced in the Faculty?” Your committee is to write a reasoned, balanced ethical analysis of the ethical dilemma which arises from this ethical dilemma and in doing so your committee is to apply the ethical analytical framework found in this article: Walker K. W. & Donlevy, J.K. (2006) Beyond Relativism to Ethical Decision-Making. *Journal of School Leadership* Vol. 16, No. 3, pp. 216-239.

Please note: Ethical analysis is situated in part in the personal life experiences of the person providing the analysis. Therefore, a dissenting opinion may also be provided if a member of a group is

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<sup>6</sup> See: <https://nationalpost.com/news/canada/benjamin-levin-was-a-leader-in-a-depraved-internet-community-crown>; <https://torontolife.com/city/ben-levin-child-pornography-sting/>; <https://nationalpost.com/opinion/christie-blatchford-three-year-sentence-brings-sad-sickening-end-to-onetime-education-superstar>; <https://torontosun.com/news/local-news/depraved-world-view-of-ben-levin-continues-on-parole>

unwilling to accept the group’s resolution of the ethical conundrum. In that case, that group should speak with me, seeking an extension of the word limit for the assignment.

The document submitted for this assignment will be no longer than 2,000 words, which shall not include references and the title page. It will be double spaced, in 12-point font and in **WORD NOT PDF**. It will contain the names of the members of the group. It will be deposited to the D2L Dropbox on or before **12:00 p.m. August 12**. Please note, the analysis will use the materials taken in the Ethics part of this course. Outside sources may be used but are not required.

### CRITERIA FOR ASSESSMENT OF LEARNING TASK 2

**Assignment number 2 will be assessed on the following criteria.**

- (a) Clarity of expression;
- (b) Reasonableness of the argument;
- (c) Logical analysis;
- (d) A clear display of understanding the course materials related to ethics;
- (e) Presentation - Grammar, form and style.<sup>7</sup>

### GRADING

Grade	GPA Value	%	Description per U of C Calendar
A+	4.0	95-100	Outstanding <sup>8</sup>
A	4.0	90-94	Excellent – Superior performance showing comprehensive understanding of the subject matter
A-	3.7	85-89	
B+	3.3	80-84	
B	3.0	75-79	Good - clearly above average performance with knowledge of subject matter generally complete
B-	2.7	70-74	
C+	2.3	65-69	
C	2.0	60-64	Satisfactory - basic understanding of the subject matter
C-	1.7	55-59	
D+	1.3	52-54	Minimal pass - Marginal performance
D	1.0	50-51	
F	0.0	49 and lower	Fail - Unsatisfactory performance

Students in the B.Ed. program must have an overall GPA of 2.5 in the semester to continue in the program without repeating courses.

<sup>7</sup> See Footnote 5.

<sup>8</sup> An A+ is reserved for a submission that is ready “as is” for publication in a professional journal.

**Academic Accommodation**

Students seeking an accommodation based on disability or medical concerns should contact Student Accessibility Services; SAS will process the request and issue letters of accommodation to instructors. For additional information on support services and accommodations for students with disabilities, visit [www.ucalgary.ca/access/](http://www.ucalgary.ca/access/). Students who require an accommodation in relation to their coursework based on a protected ground other than disability should communicate this need in writing to their Instructor. The full policy on Student Accommodations is available at <http://www.ucalgary.ca/policies/files/policies/student-accommodation-policy.pdf>.

**Academic Misconduct**

For information on academic misconduct and its consequences, please see the University of Calgary Calendar at <http://www.ucalgary.ca/pubs/calendar/current/k.html>

**Attendance/ Prolonged Absence**

Students may be asked to provide supporting documentation for an exemption/special request. This may include, but is not limited to, a prolonged absence from a course where participation is required, a missed course assessment, a deferred examination, or an appeal. Students are encouraged to submit documentation that will support their situation. Supporting documentation may be dependent on the reason noted in their personal statement/explanation provided to explain their situation. This could be medical certificate/documentation, references, police reports, invitation letter, third party letter of support or a statutory declaration etc. The decision to provide supporting documentation that best suits the situation is at the discretion of the student.

Falsification of any supporting documentation will be taken very seriously and may result in disciplinary action through the Academic Discipline regulations or the Student Non-Academic Misconduct policy.

<https://www.ucalgary.ca/pubs/calendar/current/n-1.html>

**The Freedom of Information Protection of Privacy Act** prevents instructors from placing assignments or examinations in a public place for pickup and prevents students from access to exams or assignments other than their own. Therefore, students and instructors may use one of the following options: return/collect assignments during class time or during instructors' office hours, students provide instructors with a self-addressed stamped envelope, or submit/return assignments as electronic files attached to private e-mail messages.

**For additional resources including, but not limited to, those aimed at wellness and mental health, student success or to connect with the Student Ombuds Office, please visit**

<https://www.ucalgary.ca/registrar/registration/course-outlines>

**Education Students Association (ESA)** President for the 2019 – 2020 academic year is Jonah Secreti, jonah.secreti@ucalgary.ca, [esa@ucalgary.ca](mailto:esa@ucalgary.ca).

**Werklund SU Representative** is Naomi Shaw, [educrep@su.ucalgary.ca](mailto:educrep@su.ucalgary.ca).