

Analysis of the legal freedom rights enjoyed by the educators with examples of sp...

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Running Header: ANALYSIS OF THE LEGAL FREEDOM RIGHTS OF EDUCATORS

Analysis of the Legal Freedom Rights Enjoyed by the Educators with

Examples of Special Scenarios First Name Last Name University Name Class

Professor Date The United States courts lay strong emphasis on the

importance of the protection of the freedom rights granted to an educator. In

the majority of cases, when judging ‘ teacher versus administration’ conflict

cases, this point tends to rule favorably in the interest of teachers, thus

strengthening their rightful position and protecting them from any

unfavorable discrimination. However, the law also clearly states that

teachers should not expect to start expressing personal and judgmental

opinions about any topic; in abusing their academic and association

freedoms they should not expect the human rights commandments to

protect them. The teachers should be “ aware of how legislation affords them

protection and security,” and should ensure that their “ many responsibilities

are balanced by their proper rights” (Berry 2007). Freedom of Expression

Consider the scenario of Jonathan Clark, a liberal and open-minded social

sciences teacher, teaching in a conservative Catholic High School. Jonathan

is a staunch supporter of gay relationships, and is usually at odds with the

school management’s traditional and religiously rigid stance on this social

issue. One of his gay students expressed the wish to bring a male partner to

the yearly prom, which was met with great resistance from the

administration, and was ultimately rejected. Jonathan took strong offence at

this decision and decided to protest against this discriminating verdict. He

proceeded to use social websites, such as Facebook and Twitter, along with

the school’s web blog and online discussion board, to rant against the

administrative policies. He used profane and vulgar language, ridiculed the management's religious beliefs and policies, as well as incited the students and parents to revolt against the academic organization. In this case, the school has the right to dismiss Jonathan, and the courts will also not look favorably towards his stance. Although, he did have the right to protest against this decision, he should not have undermined the authority of the school, or come in conflict with the educational interests of the school. The law clearly states that teacher possesses the right to criticize the administrative policies in a peaceful and non-troublesome manner, but under no circumstances, it is allowed to resort to utilizing abusive, or sacrilegious language, or adopting a disrespectful and aggressive attitude (Ryan & Cooper 2010). Therefore, his method of protest was wrong and illegal.

Academic Freedom The Marymount High, a local high school in a relatively small Mississippi town, has recently hired Lara Reynolds as the gym teacher. Lara has been teaching physical education for past twenty years, and has always believed in adopting a strict and competitive attitude, and, therefore, has succeeded in leading many school baseball and basket ball teams to regional and national victories. Because of her stellar track record, the majority of her previous employer schools allowed her to choose players, develop course content, and design her own training methods. Initially Marymount also let Laura to select players for the school teams, but became increasingly concerned when she fired several favorite players because of being slightly overweight. Although, administration did not have documented rules and regulations regarding the way team players should be chosen, they have always adopted a lenient attitude, and were normally more concerned

with engaging and attracting students, instead of having a fiercely competitive attitude. The management was aware that they were located in a county with a higher than average obesity rate, and were more concerned with encouraging students to participate and being active, rather than winning games. When principal approached Laura over this issue, she became quite defensive and told the principal to mind his own business, and should not interfere with her instructing methods. In this case, school has the right to lawfully dismiss her, as she is not adhering with the ideology of the school and is instead acting on her personal beliefs, rather than school requirements. The law also requires teachers to demonstrate that their teaching methods are relevant and useful to the students and community, and advance the learning of the students, and are also not in conflict with the school's policies (Walsh et al. 2010). Freedom of Association William Murray is a favorite high school Mathematics instructor, and is known for his approachable and friendly manner. His charming demeanor and charismatic teaching style has made him quite popular among students and administration alike. Unknown to the management, William is a member of a social group with the agenda of promoting legalization of marijuana. He is also an avid user himself, and does not agree with the ideology that this substance should be illegal. William participated in one of the protests conducted by his organization, and ended up with his pictures in the local newspapers. When administration found out, they relieved him of his duties on the basis that his association was not independent of the school's policy, which strongly prohibits all substance abuse. Regarding this issue, the law specifically states that an individual cannot be simply fired over membership

in an organization with a controversial objective, but if the individual is involved in advancement of their illegal and unlawful agenda, the dismissal is valid (Imber & Geel, 2010). References Berry, J. (2007). Teacher's legal rights and responsibilities: a guide for trainee teachers. Hertfordshire, AL: University of Hertfordshire Press. Imber, M., & Geel, T. V. (2010). A teacher's guide to education law. New York, NY: Routledge. Ryan, K., & Cooper, J. M. (2010). Those who can, teach. Boston, MA: Wadsworth Cengage Learning. Walsh, J., Kemerer, F., & Maniotis, L. (2010). The educator's guide to Texas school law. Austin, TX: University of Texas Press.