



PERSONNEL AND  
READINESS

**UNDER SECRETARY OF DEFENSE**  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

JAN 18 2023

The Honorable Elizabeth Warren  
United States Senate  
Washington, DC 20510

Dear Senator Warren:

Thank you for your September 21, 2022 letter regarding the Department of Defense and Military Services' implementation and oversight of their respective Junior Reserve Officers' Training Corps (JROTC) programs.

The Department has an unwavering commitment to the safety and well-being of all program participants, to doing right by students and educational community partners, and to providing the support and resources necessary towards achieving those ends. As indicated in my October 7, 2022 interim response, I am enclosing a coordinated response on behalf of the Department with answers to your specific questions.

Thank you for your continued strong support for students enrolled in JROTC. I am sending similar responses to the other signatories of your letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gilbert R. Cisneros, Jr.", written in a cursive style.

Gilbert R. Cisneros, Jr.

Enclosure:  
As stated



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**JAN 18 2023**

The Honorable Kirsten Gillibrand  
United States Senate  
Washington, DC 20510

Dear Senator Gillibrand:

Thank you for your September 21, 2022 letter regarding the Department of Defense and Military Services' implementation and oversight of their respective Junior Reserve Officers' Training Corps (JROTC) programs.

The Department has an unwavering commitment to the safety and well-being of all program participants, to doing right by students and educational community partners, and to providing the support and resources necessary towards achieving those ends. As indicated in my October 7, 2022 interim response, I am enclosing a coordinated response on behalf of the Department with answers to your specific questions.

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**JAN 18 2023**

The Honorable Richard Blumenthal  
United States Senate  
Washington, DC 20510

Dear Senator Blumenthal:

Thank you for your September 21, 2022 letter regarding the Department of Defense and Military Services' implementation and oversight of their respective Junior Reserve Officers' Training Corps (JROTC) programs.

The Department has an unwavering commitment to the safety and well-being of all program participants, to doing right by students and educational community partners, and to providing the support and resources necessary towards achieving those ends. As indicated in my October 7, 2022 interim response, I am enclosing a coordinated response on behalf of the Department with answers to your specific questions.

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JAN 18 2023

The Honorable Mazie K. Hirono  
United States Senate  
Washington, DC 20510

Dear Senator Hirono:

Thank you for your September 21, 2022 letter regarding the Department of Defense and Military Services' implementation and oversight of their respective Junior Reserve Officers' Training Corps (JROTC) programs.

The Department has an unwavering commitment to the safety and well-being of all program participants, to doing right by students and educational community partners, and to providing the support and resources necessary towards achieving those ends. As indicated in my October 7, 2022 interim response, I am enclosing a coordinated response on behalf of the Department with answers to your specific questions.

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## **Enclosure**

*1. In the last decade, how many reports have the DoD or the military services received involving allegations of acts of violence, including sexual abuse, or harassment by instructors against students in the JROTC program? Please provide all information by year, offense, and military service branch.*

Over the last 10 years, approximately 7,500 military retirees each year were employed by school districts as faculty to serve as Junior Reserve Officers' Training Corps (JROTC) instructors worldwide. These instructors teach the JROTC elective in over 3,400 schools across all 50 States and U.S. territories to over 500,000 students annually. During that time, the Military Services received 114 allegations of acts of violence, sexual abuse, or sexual harassment, by instructors against students in the JROTC program. This total is distinct from the figure of 33 allegations previously provided for sexual assault allegations only over the past 5 years. The table on the next page indicates the year of the incident, the number of offense allegations, and the Service affiliation of the instructors.

*a. How many of these reports of sexual misconduct have been investigated?*

Each of the allegations referenced below resulted from investigations of school district employees conducted by school officials, local law enforcement, or both. Per Title IX of the Education Amendments Act of 1972, the Department of Education promulgates guidance to schools to investigate every formal complaint of sexual harassment, including sexual abuse. School districts and law enforcement may choose not to release all information regarding the outcome of an investigation because JROTC cadets are high school students and generally are minors.

*b. How many of these reports or investigations led to instructors' removal from the JROTC program?*

All but 7 of the 114 incidents below resulted in removing the respective instructor from JROTC. Of the remaining seven, two instructors died by suicide, one was cleared of all charges, two are pending decertification, and two remain under investigation. In every instance where the Military Services receive notification of a report alleging sexual abuse, sexual harassment, or other sexual misconduct by a JROTC instructor, the Services will communicate to the instructor and to the host school the suspension of instructor certification until the allegations can be fully investigated and resolved. In cases where the allegation is substantiated or the instructor resigns while under investigation, the instructor is decertified and permanently removed from their position and will not be recertified as a JROTC instructor anywhere.

<b>Year</b>	<b>Offense Allegations</b> <i>(acts of violence, including sexual abuse, or harassment by instructors against students in the JROTC program)</i>	<b>Service</b>
2022	2	Air Force JROTC
2021	0	Air Force JROTC
2020	1	Air Force JROTC
2019	3	Air Force JROTC
2018	1	Air Force JROTC
2017	6	Air Force JROTC
2016	4	Air Force JROTC
2015	1	Air Force JROTC
2014	1	Air Force JROTC
2013	2	Air Force JROTC
2012	3	Air Force JROTC
2022	3	Army JROTC
2021	9	Army JROTC
2020	3	Army JROTC
2019	7	Army JROTC
2018	7	Army JROTC
2017	3	Army JROTC
2016	4	Army JROTC
2015	2	Army JROTC
2014	0	Army JROTC
2013	0	Army JROTC
2012	0	Army JROTC
2022	2	Navy JROTC
2021	1	Navy JROTC
2020	0	Navy JROTC
2019	3	Navy JROTC
2018	2	Navy JROTC
2017	6	Navy JROTC
2016	4	Navy JROTC
2015	1	Navy JROTC
2014	3	Navy JROTC
2013	0	Navy JROTC
2012	0	Navy JROTC
2022	2	USMC JROTC
2021	4	USMC JROTC
2020	1	USMC JROTC
2019	4	USMC JROTC
2018	2	USMC JROTC
2017	6	USMC JROTC
2016	4	USMC JROTC
2015	5	USMC JROTC
2014	1	USMC JROTC
2013	1	USMC JROTC
2012	0	USMC JROTC

2. *Have DoD or the military services issued any guidance to JROTC schools or instructors about their obligations to prevent sexual harassment and assault? Please provide a copy of this guidance.*

Under Title IX, the Department of Education provides specific rules on the obligations of school employees to prevent sexual harassment and assault. JROTC instructors, as school employees, follow the procedures and training requirements established by their respective schools and school districts. Additionally, the Secretaries of the Military Departments report the additional measures taken:

**U.S. Air Force:** Yes. All Air Force Junior Reserve Officers' Training Corps (AFJROTC) instructors are specifically briefed on this topic at initial instructor training, and they are required to know and follow all AFJROTC instructions, including those that deal specifically with instructor conduct. Per AFJROTC Instruction 36-2010, paragraph 13.6.1.3, "...AFJROTC [instructors] must ensure their every action, including verbal and nonverbal communications, are at a level of professionalism which sets the most positive example possible. Instructors are individually responsible to be aware of, and guard against, behaviors or actions that may generate the perception of an unprofessional relationship. Instructors will not engage in and must prohibit unprofessional relationships with students. Examples include, but are not limited to: physical contact with a student, socializing in an overly familiar manner, having students perform personal services (i.e., babysitting, car washing, yard work, etc.), socializing on internet social networking sites such as Facebook, Twitter, Instagram, LinkedIn, etc., counseling or talking with students alone behind closed doors, or texting to a student's personal phone number."

**U.S. Army:** Yes, Army JROTC instructors are required to annually complete the online immersive *WILL Interactive* training, titled "The Good Teacher." This interactive tool helps educators learn how to foster proper teacher-student relationships and make appropriate interventions when witnessing sexual misconduct by colleagues. The training is accessible at <https://access.willinteractive.com/the-good-teacher-legacy-access/the-good-teacher>. As school employees, Army JROTC instructors also complete local school/school district training requirements.

Army JROTC is developing additional guidance outlining instructor obligations to prevent and report sexual harassment and assault; instructors will review and acknowledge this guidance on an annual basis. Army JROTC is also developing a school administration reference guide addressing the school's responsibility to hire, supervise, train, educate, pay, reward, recognize, monitor, evaluate and, if necessary, terminate employment of their JROTC instructor employees.

**Department of the Navy (DON) (U.S. Navy and U.S. Marine Corps):** There is currently no specific policy to address Adult Sexual Misconduct (ASM) within the Navy JROTC program. The DON is aware of the recommendations (from the Government Accountability Office, the Department of Education, and the White House Task Force to Protect Students from Sexual Assault) to consider a separate policy to address ASM in school settings. The DON, in conjunction with its Office of Force Resiliency, is developing an overarching policy applicable

to both the Navy and Marine Corps that contains a separate ASM policy requirement for JROTC programs. There are also opportunities to improve training moving forward to promote ethics education that makes clear the instructor's responsibility to provide students with a safe learning environment, how to recognize abuse, and steps to take in reporting abuse.

*3. Does DoD or do the military services require schools to share or report information about allegations of misconduct by JROTC instructors? If so, how does this process take place?*

Pursuant to the agreements that each host school or school district signs with its respective host Military Service, all host schools must notify the Military Service concerned of any change in the employment status of a JROTC instructor. In addition to any change in the employment status of a JROTC instructor, host schools should also provide a reason for termination or resignation, any disciplinary action or incident requiring a school/law enforcement investigation, and the date the change takes effect. School districts and law enforcement may choose not to release all information regarding the outcome of an investigation because JROTC cadets are high school students and generally are minors. Notifications typically occur via email or phone.

*4. What criteria do DoD and the military services use to determine an applicant's eligibility, suitability, and qualifications for becoming a JROTC instructor?*

Sections 2031 and 2033 of title 10, U.S. Code; Department of Defense Instruction (DoDI) 1205.13; and Service regulations prescribe eligibility and qualification requirements to serve as a JROTC instructor. Military Departments and their respective Services further develop and implement JROTC instructor qualification and certification requirements. Additionally, all JROTC instructors must undergo background checks per the applicable Federal, State, and local requirements as part of the instructor certification process. The Secretaries of the Military Departments are the certification authority for their respective JROTC instructors. The Department is looking to standardize background investigations that would implement the Tier 1 with Child Care Investigation on every current JROTC instructor and future applicant before any hiring school district can make an offer of employment as a JROTC instructor. The Tier 1 with Child Care Investigation is renewed every 5 years. These standardized background investigations will be completed as part of the application process before employment and as a condition of certification as a JROTC instructor.

The Secretaries of the Military Departments report the following Service specific requirements:

**U.S. Air Force:** AFJROTC instructor applicants are deemed eligible, suitable, and qualified based on their military performance history. Any record of derogatory information is examined and a determination is made. Automatic disqualifiers are a civilian felony conviction or a military court-martial conviction. Other automatic disqualifiers include non-judicial punishment or civilian convictions relating to a violent or threatening act, domestic violence, child or spouse abuse, sexual abuse, sexual-related offenses (physical or verbal), pornography, larceny, forgery, or abuse of rank/position.

**U.S. Army:** 10 U.S.C. §§ 2031 and 2033, DoDI 1205.13, and Army Regulation 145-2 prescribe eligibility and qualification requirements to serve as an Army JROTC instructor. Broadly, these requirements include a service record beyond reproach, ability to lead and motivate young men and women, an honorable discharge, and sufficient medical, physical, and mental fitness to perform the required duties. The final step is a comprehensive Child Care National Agency Check and Inquiries (CNACI) background investigation. U.S. Army Cadet Command (USACC) denies JROTC instructor certification to any candidate who does not meet these criteria or if confirmed allegations of misconduct arise during the investigation or records review.

**U.S. Navy:** The Navy JROTC program determines an instructor applicant's eligibility, suitability, and qualifications using a two-part partnership process with the host school. First, the Navy JROTC program reviews instructor applicants' applications to verify that applicants meet eligibility and qualification requirements per 10 U.S.C. §§ 2031 and 2033, DoDI 1205.13, and Naval Service Training Command Manual 5761.1B. After verification of eligibility and qualifications, the Navy JROTC program reviews applicants' military records during an instructor certification board held semi-annually; in the spring and fall to determine suitability. The board is a formal process with a governing precept and is comprised of a minimum of eight individuals: a President, two active duty members (O-4 to O-6 or E-8 to E-9), and three Navy JROTC Area Managers, a Recorder, and an Assistant Recorder. The board members submit recommendations to Naval Service Training Command (NSTC) leadership for approval. Once the program receives a list of applicants approved for certification, the Navy JROTC program notifies the applicants. Then, as the second part of the JROTC-host school partnership, the host school will work with certified instructors to determine suitability with the host school district while the instructor completes any host school or school district requirements, qualifications, and background checks in accordance with State, district, and local requirements.

**U.S. Marine Corps:** Marine Corps JROTC is the certification authority for instructors to teach within its program. Marine Corps JROTC convenes a panel to review an applicant's eligibility, suitability, and qualifications for becoming a JROTC instructor. The panel reviews the candidate's application, military performance record, military conduct record, military discipline record, and letters of recommendation. During this review, the panel determines if the candidate has demonstrated a proven history of noteworthy performance and the ability to uphold the standards, policies, and manner of conduct expected of Marine officers and staff non-commissioned officers. During the panel review process, a criminal background check is also conducted to confirm their manner of conduct outside of the military's purview. Marine Corps JROTC currently uses the National Crime Information Center records check and a Consolidated Law Enforcement Operations Center check to vet candidates.

*5. What training does the DoD or the military services provide to its JROTC instructors, including training related to sexual harassment? If such training exists, then how often is the training provided to the JROTC instructors? Please provide my office a copy of any training materials currently used.*

The Military Departments and their corresponding Military Services establish training requirements through policies and procedures. The Department is committed to a full review of

governing policies and regulations to ensure continued improvement in the oversight and administration of the JROTC program. There is an opportunity to standardize new instructor orientation and annual training requirements to ensure all instructors have the same baseline level of training in addition to the host school and State requirements. That said, the Secretaries of the Military Departments report the following Service-specific training requirements:

**U.S. Air Force:** During initial instructor training, AFJROTC instructors are briefed on their responsibilities to always exhibit the highest levels of professional conduct, to include avoiding any perceptions of inappropriate behavior. The “Good Teacher” interactive DVD lesson is used to reinforce proper decision making. Additionally, specific examples of previous instructors who have been arrested for sexual-related crimes are shown to provide real-life examples and internalize key points. See attachment 1 for briefing slides.

**U.S. Army:** Army JROTC provides initial training to the instructors through the Army JROTC School of Cadet Command (JSOCC) Instructor Basic Course, annual “The Good Teacher” training, recertification training every 5 years through the JSOCC Instructor Advanced Course and Brigade Summer Training Workshops every 3 years. The online “The Good Teacher” training is accessible at <https://access.willinteractive.com/the-good-teacher-legacy-access/the-good-teacher>. See attachment 2 for relevant Army JSOCC Basic and Advanced Course training materials. Army JROTC Brigade Summer Training workshops are decentralized and tailored to local needs.

**DON (U.S. Navy and U.S. Marine Corps):** JROTC instructors for both the Navy and Marine Corps are required to attend New Instructor Orientation Training. This is a 40-hour week-long course to help transition into their roles as JROTC instructors. Additionally, training is conducted annually for all JROTC instructors. Instructors must complete five online courses. Those courses are: Secondary Methods (15 hours), Learning and the Brain (16 hours), Educational Psychology (16 hours), Classroom Management (12 hours), and Contemporary American Education (12 hours). The current training materials are under review and revision in conjunction with the DON Office of Force Resiliency to promote ethics education that makes clear the instructor’s responsibility to provide students with a safe learning environment, how to recognize abuse, and steps to take in reporting abuse.

*6. How do DoD and the military services conduct the initial certification and screening of its JROTC instructors?*

Sections 2031 and 2033 of title 10, U.S. Code; DoDI 1205.13; and Service regulations prescribe eligibility and qualification requirements to serve as a JROTC instructor. The Military Services pre-screen Military Retirees wishing to pursue a second career as a JROTC instructor before recommending them as possible candidates for employment by a hiring school district. The Department of Defense’s (DoD) current policy requires all JROTC instructors to undergo background checks in accordance with the applicable Federal, State, and local requirements as part of the instructor certification process because instructors are employees of their respective school districts and must meet local school district and/or State hiring criteria. Although the Military Services screen applicants for JROTC instructor positions, the schools ultimately decide whether to employ those individuals as faculty members. The DoD, in conjunction with the

Department of Education, is in the final review of additional measures to improve standardization and effective oversight of the JROTC program to include standardizing the Tier 1 with Child Care Investigation for Non-Sensitive Positions.

The Secretaries of the Military Departments report the following Service-specific requirements:

**U.S. Air Force:** AFJROTC instructors are screened based on their military performance history and current fitness. This review includes performance reports, reference checks, body composition, individual attestation of physical capabilities, and a review of the Air Force Automated Military Justice Analysis Management System. Newly hired instructors are issued a provisional certification pending completion of 38 virtual training modules, 5 distance learning courses, and in-residence attendance of a 5-day course at Maxwell Air Force Base, Alabama.

**U.S. Army:** All USACC JROTC instructors go through a strenuous vetting process before certification. This process includes a CNACI background investigation which USACC has been doing for the last 6 years. It also includes a review of their Interactive Personnel Electronic Records Management System military personnel file. Army Directive 2014-23 (Conduct of Screening and Background Checks for Individuals Who Have Regular Contact with Children in Army Programs) directs all individuals who regularly interact with children under 18 years of age in Army-sponsored and sanctioned programs to undergo specific initial background checks and periodic reverification every 5 years. All JROTC instructors must complete an initial comprehensive CNACI investigation. Applicants who are found to be unsuitable are not certified.

**U.S. Navy:** The Navy JROTC program determines an instructor applicant's eligibility, suitability, and qualifications using a two-part partnership process with the host school. First, the Navy JROTC program reviews instructor applicants' applications to verify that applicants meet eligibility and qualification requirements per 10 U.S.C. §§ 2031 and 2033, DoDI 1205.13, and Naval Service Training Command Manual 5761.1B. After verification of eligibility and qualifications, the Navy JROTC program reviews applicants' military records during an instructor certification board held biannually in the spring and fall to determine suitability. The board is a formal process with a governing precept and is comprised of a minimum of eight individuals: a President, two active duty members (O-4 to O-6 or E-8 to E-9), and three Navy JROTC Area Managers, a Recorder, and an Assistant Recorder. The board members submit recommendations to NSTC leadership for approval. Once the program receives a list of applicants approved for certification, the Navy JROTC program notifies the applicants. Then, as the second part of the JROTC-host school partnership, the host school will work with certified instructors to determine suitability with the host school district while the instructor completes any host school or school district requirements, qualifications, and background checks in accordance with State, district, and local requirements.

Additionally, after verification of eligibility and qualifications, the Navy JROTC program reviews applicants' military records during an instructor certification board held biannually in the spring and fall to determine suitability. The board is a formal process with a governing precept and is comprised of a minimum of eight individuals: a President, two active duty

members (O-4 to O-6 or E-8 to E-9), and three Navy JROTC Area Managers, a Recorder, and an Assistant Recorder. The board members submit recommendations to NSTC leadership for approval.

**U.S. Marine Corps:** Marine Corps JROTC is the certification authority for instructors to teach within its program. Marine Corps JROTC convenes a panel to review an applicant's eligibility, suitability, and qualifications for becoming a JROTC instructor. The panel reviews the candidate's application, military performance record, military conduct record, military discipline record, and letters of recommendation. During this review, the panel determines if the candidate has demonstrated a proven history of noteworthy performance and the ability to uphold the standards, policies, and manner of conduct expected of Marine officers and staff non-commissioned officers. During the panel review process, a criminal background check is also conducted to confirm their manner of conduct outside of the military's purview. Marine Corps JROTC currently uses the National Crime Information Center records check and a Consolidated Law Enforcement Operations Center check to vet candidates.

Upon the approval recommendation of the panel, a letter from Marine Corps JROTC is issued to the applicant that allows them to interview with host schools for vacant instructor positions. This letter expires after 3 years. When an instructor is hired, they are issued a letter of certification from Marine Corps JROTC that is good for a period of five years. As of September 1, 2022, upon the approval recommendation of the panel, a preliminary letter of certification will allow an applicant to enter the interview / hiring process with a host school. Upon the receipt of an intent to hire letter from the host school, Marine Corps JROTC will conduct a more detailed background check. Upon the review of the information provided from the detailed background check, those found suitable will be issued a letter of certification from Marine Corps JROTC that is good for a period of five years.

*7. Is there a recertification or review process for JROTC instructors? What are the performance metrics for the JROTC instructors and how often do any reviews occur?*

The hiring school district, as the employer of any JROTC instructor, will have local and State employee employment review processes. The Military Services also have an ongoing role in ensuring that instructors remain suitable for their positions to maintain certification. JROTC instructors must abide by standards set by their parent Service and continue to meet JROTC instructor certification requirements. The Secretaries of the Military Departments report the following:

**U.S. Air Force:** There is currently no recertification process for AFJROTC instructors. Instructor performance is measured and reviewed indirectly using indicators of unit health, such as number of activities offered, cadet participation, community service hours performed, unit evaluation results, and school feedback. Schools are responsible for conducting teacher evaluations as they do all faculty members. Headquarters-mandated instructor evaluations are not conducted regularly but are event driven during instances such as: 1) award submission; 2) identify and correct poor performance; or 3) document misconduct. During the triennial headquarters-conducted on-site unit evaluations, instructor behavior and professional relationships are specifically discussed with school officials, cadets, and instructors.

**U.S. Army:** Army JROTC requires a periodic review and recertification process for JROTC instructors every 5 years. Performance metrics include completion of annual “The Good Teacher” training, completion of Army JSOCC Advanced Course every 5 years, attendance at Brigade Training Workshops once every 3 years, and successful CNACI reverification every 5 years. Army JROTC also conducts a JROTC Program for Accreditation review of each JROTC program every 3 years. If the program receives an unsatisfactory review, Army JROTC may decertify an instructor for failure to remediate concerns identified in the accreditation review within 12 months.

**U.S. Navy:** Initially certified instructors who do not accept employment within three years or who leave the program for more than one year undergo a recertification process that follows the initial certification process. Each Navy JROTC instructor’s military record and any supporting documentation is reviewed by an instructor certification board which meets biannually. As performance metrics, the board reviews military records, host school and Navy JROTC program instructor evaluations, and any other pertinent files. The board reviews the documentation and recommends recertification or decertification to NSTC leadership. The Navy JROTC Area Manager evaluates all instructors that are employed by host schools annually. The evaluation’s performance metrics include: evaluation of instructor utilization of Navy JROTC curriculum, material, and interactive learning technology; administration of the program in the form of record keeping, accounting for government material, cadet recognition, support of events, cadet performance, and cadet college and career readiness; cadet involvement in the school and community; interpersonal relationships; personal conduct; and compliance with meeting Navy JROTC training and education requirements.

**U.S. Marine Corps:** Letters of certification expire after a period of 5 years. Instructors desiring to remain certified must request recertification every 5 years. This request must be endorsed by the host school principal and the Marine Corps JROTC Regional Director responsible for host school oversight. The instructor must have demonstrated a proven history of noteworthy performance and the ability to uphold the standards, policies, and manner of conduct expected of a Marine Corps JROTC instructor. Instructors are employees of the host school and, as such, the school administrative teams are required to evaluate the instructors using the same evaluation metrics required of all teaching staff within the school district. These metrics vary by school district, but any professional development and individual improvement plans that may be required are the responsibility of the host school. During the recertification process, an updated background check (detailed in the response to question 6) will be reviewed to ensure the instructor has continued to meet the standards of conduct expected of a Marine Corps JROTC instructor.

*8. In the past decade how many JROTC instructors have been recommended for probationary status, how many are on probation, and what was the cause for the recommendation?*

The Military Departments do not place JROTC Instructors on probation for sexual misconduct, harassment, or abuse. Instead, the program suspends certification, and depending on instructors’ actions or the result of the investigation, decertification. A probationary period is appropriate when the unsatisfactory performance is remediable through counseling, professional development, and other corrective measures. The Department does not keep 10-year data on instructors, who are placed in a probationary status, typically for a year or less for correctable performance issues.

The Secretaries of the Military Departments report the following regarding the probationary status of their instructors:

**U.S. Air Force:** No instructors have been placed on probation for sexual misconduct as probation is distinct for remediable issues. Any substantiated allegation of sexual misconduct is grounds for immediate dismissal from the Air Force JROTC program. Currently, there are 95 AFJROTC instructors on probation for other factors, such as duty performance, body fat standards, or other administrative requirements.

**U.S. Army:** In the past decade, 59 Army JROTC instructors were recommended for probation for performance, unprofessional behavior and poor judgement, failure to meet training requirements, failure to meet administrative requirements, and failure to meet height/weight and appearance standards. Three remain on probation as of September 20, 2022, one for performance and two for failure to meet training requirements.

**U.S. Navy:** The JROTC program placed all 22 Navy JROTC instructors reported in the response to question 1 in a suspension status. The program can place Navy JROTC instructors on probation or suspension for a multitude of reasons ranging from sexual misconduct to not meeting statutory and regulatory instructor requirements. The Navy JROTC program currently has no instructors in a probationary status for sexual misconduct.

**U.S. Marine Corps:** All Marine Corps JROTC instructors serve their first year in a “probationary” status as part of their initial five-year certification. There have been instances when the school requests to reinstate the instructor based upon the findings and conclusions of an investigation, other than sexual misconduct. In those rare occasions, the instructor is reinstated for a two-year probationary period. Marine Corps JROTC currently has no instructors in a probationary status, with the exception of first year instructors.

*9. What is the process that DoD and the military services follow upon learning of any allegations of sexual misconduct against a JROTC instructor?*

The Secretaries of the Military Departments all report that in instances of alleged sexual abuse, sexual harassment or other sexual misconduct, the host school is responsible for initiating an investigation of their employee in accordance with local and State law, and as otherwise consistent with Title IX, affording due process to their employees, who are civilians. The school may involve local law enforcement, education union representatives, district personnel, and legal counsel depending on the severity or scope of the alleged incident.

When the Military Services are notified of a report alleging sexual abuse, sexual harassment, or other sexual misconduct by a JROTC instructor, after confirming the safety of students and cadets, the Military Service will communicate to the instructor and to the host school the suspension of instructor certification until the allegations can be fully investigated and resolved. In cases where the allegation is substantiated or the instructor resigns while under investigation, the instructor is decertified and permanently removed from their position, pending any appeals from the instructor, and will not be recertified as a JROTC instructor anywhere. These procedures are established in Military Service regulations and policy and are outlined in the Military Services’ agreements with the host school district.

*10. Are JROTC instructors who receive reports of sexual misconduct mandatory reporters? Is there a requirement for instructors to report to DoD or military services before reporting to local law enforcement?*

All JROTC instructors are subject to the policies of the school district in which they are employed. Per Title IX, the Department of Education promulgates guidance to schools to respond promptly and effectively to sexual harassment, including sexual violence. Under Title IX, when responsible employees know or should know about possible sexual harassment or sexual violence, they must report it to the Title IX coordinator or other school designee. There is no requirement for instructors to report to the DoD or Military Services before reporting to local law enforcement.

*11. Are JROTC instructors subject to prosecution under the Uniform Code of Military Justice? If so, then have there been any prosecutions? Have there been any instances of reduction in retired rank or pay as a consequence?*

Generally, civilian authorities exercise primary jurisdiction to investigate and prosecute offenses committed by military retirees. However, military retirees of the regular component of the armed forces who are entitled to pay remain subject to the Uniform Code of Military Justice (UCMJ) under Federal law per UCMJ Article 2, 10 U.S.C. § 802. The Department of the Air Force reports that retired members will not ordinarily be tried by court-martial unless a Federal, State, or local jurisdiction is not available for prosecution and the misconduct clearly links them to the military or is adverse to a significant military interest of the United States. The Department of the Army reports that retired Soldiers subject to the UCMJ will not be tried for any offense by a court-martial unless extraordinary circumstances are present. The DON, with respect to the U.S. Navy and the U.S. Marine Corps, reports that retired Service members can only be subject to court-martial with explicit authorization from the Secretary of the Navy.

There are no known instances of JROTC program instructors being tried by court-martial.

*12. What assistance and services does the DoD provide to victims who experience sexual misconduct as a result of participation in the JROTC program?*

JROTC students follow the procedures established by the local or State educational agency and school district concerned. The local or State educational agency and school district concerned implement Title IX, consistent with applicable State and local law, and Department of Education regulations and policies, all of which provide specific rules on the obligations of schools to offer supportive measures to every alleged victim of sexual harassment, including sexual assault. Since JROTC students are not members of the DoD and fall under the jurisdiction of their respective local schools, DoD does not provide specific assistance or services for students beyond the support provided by their local schools.

*13. Does DoD conduct climate surveys for JROTC programs? Please provide the results if so.*

DoD and the Secretaries of the Military Department do not conduct climate surveys for JROTC programs.

*14. What processes are in place for JROTC students to report allegations of misconduct? Is there a restricted reporting option?*

JROTC students follow the reporting procedures established by the local or State educational agency and school district concerned. The local or State educational agency and school district concerned implement Title IX, consistent with applicable State and local law, and Department of Education regulations and policies, all of which provide specific rules on the obligations of schools related to reporting sexual harassment, including sexual assault, under Title IX. If the Military Services receive reports of misconduct, they provide their respective school with the information so they can investigate and respond as appropriate. Local schools may offer restricted reporting options based on local policies and ordinances.

*15. What processes are in place for third parties to report allegations of misconduct?*

All parties have an obligation to report allegations of misconduct and should follow the reporting procedures established by the local or State educational agency and school district concerned. The local or State educational agency and school district concerned implement Title IX, consistent with applicable State and local law, and Department of Education regulations and policies. All of these provide specific rules on the obligations of schools related to Title IX and state that any person may report sexual harassment, including sexual assault. If the Military Services receive reports of misconduct, they provide their respective school with the information so they can investigate and respond as appropriate.

*16. Are instructors prohibited from retaliating against JROTC students who report allegations of misconduct? Does the Department of Defense provide any protections or recourse for students if they are retaliated against?*

The Department of Education promulgates guidance on the responsibilities of local or State educational agencies and school districts pursuant to Title IX that expressly prohibits retaliation and provides student protections and recourse. As local or State educational agencies or school district employees, JROTC instructors follow the policies and procedures of their respective schools. Similarly, students enrolled in the JROTC elective follow their school's policies and procedures.

Since JROTC students are not members of the DoD and fall under the jurisdiction of their schools, DoD does not provide additional protections or recourse for students beyond the support provided by their schools. If a Military Service is made aware of an allegation of a retaliatory incident, it would immediately report to the governing school administration for appropriate action.

*17. Does DoD inform JROTC instructors of their obligations to comply with Title IX?*

The Secretaries of the Military Departments report that JROTC instructors are informed of their obligations to comply with Title IX. Additionally, the Department of Education promulgates guidance on the responsibilities of local or State educational agencies and school districts pursuant to IX . As school employees, JROTC instructors follow the procedures established by their respective schools.

# **Attachment**

**1**



# Instructor Management Division (JRI)



# Overview



- Welcome
- Responsibilities
- Evaluations
- Certifications
- Resignations
- Transfers
- WBFMP
- Awards
- Professional Standards
- Keys to Success



# Welcome!



- Welcome to AFJROTC!
- You are the Foundation!





# JRI Responsibilities



- **Manages**
  - Unit Authorizations
  - New Instructor Applications
  - Referrals/Hiring actions
  - Resignations/Vacancies
- **Monitors instructor performance**
  - Regional Director, school, and instructor inputs
  - Unit evaluations
  - Instructor Evaluations



# Instructor Responsibilities



- Know and follow all AFJROTC policies
  - AFJROTCI 36-2010 & AFJROTC Operational Supplement
  - Memorandum of Agreement (MOA)
- Know and follow all school/district policies
  - Classroom expectations?
  - Incident reporting?
  - What about FERPA, chaperones, leaving campus?
  - Is there a school/district policy on students in your POV?
- Above all Else: Be the example of professionalism



# School Responsibilities



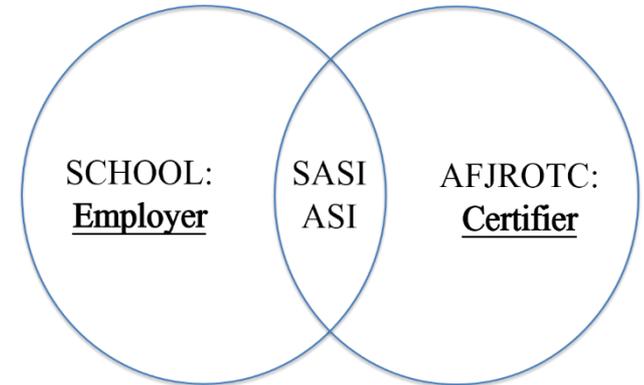
- **Employ Instructors**
  - Always a minimum of two
  - Provide at least MIP and a 10 month contract
  - May require additional or specialized training
  - Terminate/non-renew instructors
- **Evaluate Instructors**
  - Same as all other faculty (i.e. classroom teaching)
  - Complete AFJROTC-specific evaluations when required



# Evaluations



- **School Evaluations:**
  - Same as other faculty
  - Know the school's requirements!
- **AFJROTC Evaluations**
  - Unit evaluations
  - AFJROTC Form 98, *Instructor Evaluation*





# Certification #1



- **Provisional Certification**
  - Provided upon hiring
- **Certification**
  - Upon completion of VJICC and JICC, plus 5 DL courses
- **Advanced Certification**
  - 3 years employed in AFJROTC
  - 30 hours Professional Development (after being hired)
  - Passing formal HQ evaluation
- **Certificates are uploaded in WINGS under your profile**



# Certification #2



- Probational Certification:
  - Administrative tool to highlight and monitor a concern
  - Rehabilitative outcome: 99% effective
- Decertification:
  - Permanent loss of certification to teach AFJROTC
  - #1 Reason: Unprofessional behavior and/or criminal conduct



# Resignations



- **Must occur at end of school year to remain eligible**
  - Exception: humanitarian/unusual situations
- **Notify school and JRI simultaneously**
  - Cannot advertise until we get the official word
- **Must have a qualifying Departure Form 98**
  - Submitted to JRI within 15 calendar days of last work day
- **Instructor Intents: 1 Dec – 15 Jan each year**
  - If you know earlier, why wait to tell us?



# Transfers



- Application window: 1 November to 30 April
  - Can be referred and interviewed during current school year
  - If hired, must move in the summer months only
  - Humanitarian/unique circumstances always considered
- Prerequisites for transfer application:
  - Served at current school for 2 full academic years
  - Earned a *Meets* or *Exceeds* on your latest Unit Evaluation
  - Not be on Probation
- Must have a qualifying Departure Form 98



# WBFMP



- Weight/Body Fat Management Program (WBFMP)
  - 39 enrolled in the WBFMP today (2.5%)
  - AFJROTC uses Body Fat (BF) not BMI
    - Each height has a maximum weight (before taping is needed)
    - BF: Uses waist and neck measurements (also hips for females)
      - Max BF 26% (males), 36% (females)
  - If over max BF, then entered into WBFMP monitoring
    - Monthly: must lose 1% BF or 5 lbs (males)/3 lbs (females)
  - Medical/unusual circumstances are addressed individually



# Awards



- Outstanding Instructor Awards (OIA)
  - To recognize diligent work and outstanding achievement
  - OIA submission window is 1 April to 1 May
  - Region Directors choose
    - OIA recipients
    - Region Outstanding Instructors of the Year (ROIY)
  - ROIY winners compete for overall OIY
    - Conducted via HQ board (RDs & Div Chiefs)
    - Director reviews/approves board results



# Professional Standards #1



- AFJROTCI 36-2010, Section 13.3:
  - *“Instructors will exhibit only the highest levels of personal and professional conduct while serving as an AFJROTC instructor.”*
- Air Force Core Values still apply
- AFJROTC is the Air Force in many communities
- Instructors live in a “glass house”
  - Think about perceptions *“...how might this look to others?”*



# Professional Standards #2



- Instructors have 24 hours to report:
  - Cadet or parental complaints filed with school/district
  - Investigations initiated/being conducted
  - Being placed on suspension/admin leave (with/without pay)
  - Disciplinary actions taken
  - Civil charges filed (not minor traffic violations)
  - Any criminal charge
- Contact your RD and Instructor Management



# Professional Standards #3



- Always:
  - Be neutral during any political and religious discussions around cadets
  - Use “Sir” or “Ma’am,” or “Cadet \_\_\_\_\_” when addressing cadets
  - Use professional communications at all times (verbal and nonverbal)
  - Mind your touching!
- Never Do’s:
  - Never be alone with a cadet behind closed doors
  - Never have cadets in your POV unless a verified emergency
  - Never speak about anyone in a disparaging manner around cadets
  - Never be creepy with comments... *“you look nice in those pants...”*



# Keys to Success



- #1 Key to Success = *positive, professional relationships*
  - Principal is “wing commander” and runs the entire school
  - SASI is team captain within AFJROTC program
  - Counselors, Parents, Boosters, Cadets all matter
- *Get along* with your fellow instructor(s) & school officials
- Find ways to say “Yes” (ex: color guards, comm service)

> Make AFJROTC the Face of your school <



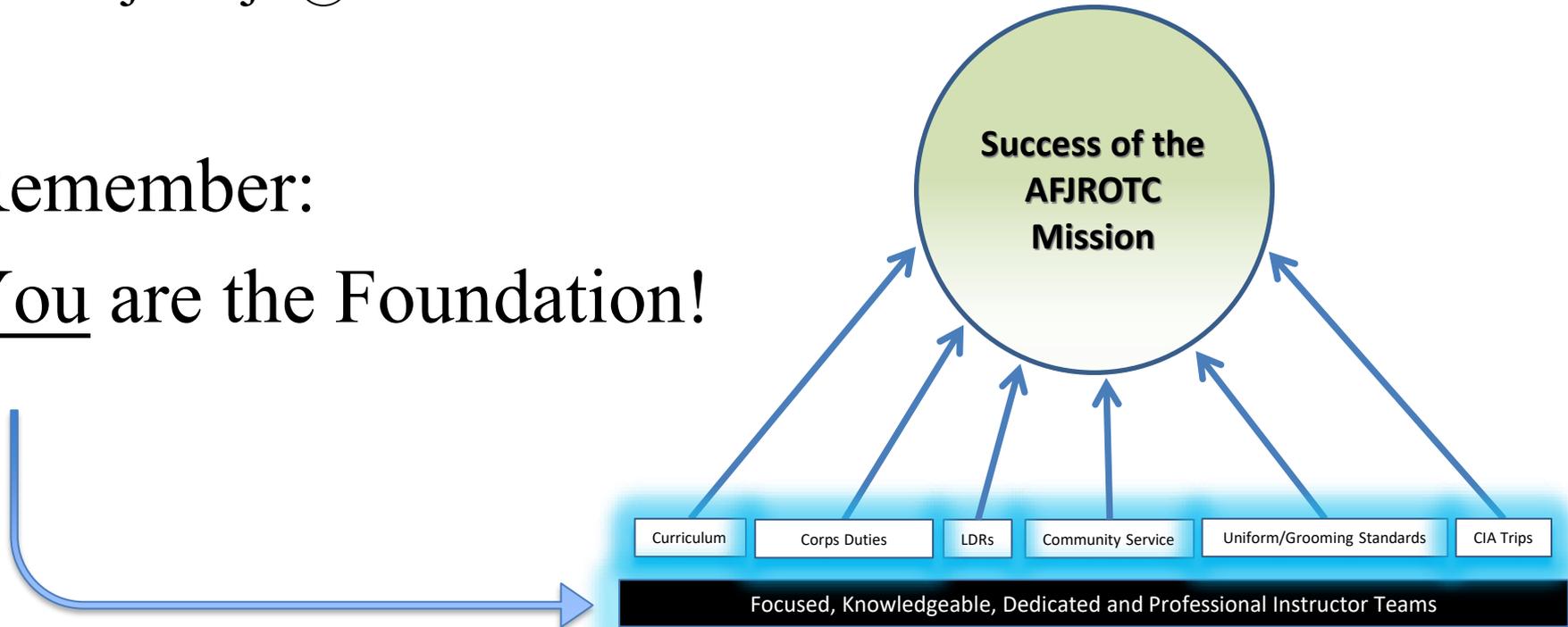
# Welcome to the Team!



Email: [jrotc.jri@au.af.edu](mailto:jrotc.jri@au.af.edu)

Remember:

You are the Foundation!





# Bad Publicity



## ***'I Felt Trapped': Sexual Abuse of Teens in the Military's J.R.O.T.C. Program***

Former students say military veterans who led J.R.O.T.C. classes in U.S. high schools fashioned themselves as mentors, then used their power to manipulate and abuse.



# Incredible Damage



[Click Here for News Video](#)



# Don't Become a JICC Training Slide



Sex with Student



Sex with Student



Sexual Battery Against Student



Raping a Student



Sexual Assault Against Student



Sex with Student



Sexual Assault Against Student



80+ Felonies

# **Attachment**

**2**

# 17. Professional Teacher Ethics (Lesson 17 of 19) ⌵

Build Content ⌵

Assessments ⌵

Tools ⌵

Discover Content

⌵



## 1. Professional Teacher Ethics Lesson Outcomes

Enabled: Review, Statistics Tracking

Linked Advanced JSOC Course Outcomes

Outcome 1: Engage in Professional Development required in an educational workplace

- Competency: Define professional responsibilities and expectations of a JROTC Instructor

Outcome 2: Perform Instructional Skills used in an educational setting

- Competency: Use JROTC systems and applications to facilitate learning
- Competency: Apply teaching strategies to facilitate learning

---

**Lesson Competency:** Explain the role of Cadet Command, state, and school district policies on ethical behavior with Cadets.

**Assessment Strategies and Criteria:** Quizzes

- Identify unethical, unprofessional, and illegal behavior
- Explain the reasons for state, local, and Cadet Command ethical guidelines for educators

**Lesson Learning Objectives:**

- Distinguish differences in ethical, moral and legal situations
- Compare and contrast Cadet Command policies for ethical behavior with that of national, state, or local school districts.
- Identify ethical and unethical behavior in real world situations
- Describe the impact of unethical decisions on Instructors, Cadets and the AJROTC program

⌵



## 2. Instructor/Cadet Scenario - Part 1 ⌵

Availability: Item is available, but some learners or groups may not have access.

Enabled: Adaptive Release, Review, Statistics Tracking

⌵ ⌵ SFC Frank Wenning suspects a Cadet in his class has been physically abused by her parents. One day after everyone else has left the last class, she opens up to him and asks for help. She starts crying and telling him how afraid and ashamed she is. She says she's desperate not to go home.

She closes the classroom door and shows him a bruise on her back that she got when her father hit her. SFC Wenning knows how much support his at-risk Cadets need.

He offers to give her a ride in his GSA van to her aunt's house, since it is late and she has missed her bus. He tells her to call her aunt to let her know she'll be there in 15 minutes.

What ethical issues do you think are raised in this scenario?





### 3. The Purpose of Teacher Ethics

Availability: Item is available, but some learners or groups may not have access.

Enabled: Adaptive Release, Review, Statistics Tracking

Some browser settings may block viewing of embedded pdf files. If you do not see the content below, download the file [Purpose of Teacher Ethics](#).

1 of 2



"Motivating young people to be better citizens."

---

### The Purpose of Teacher Ethics

Professional teacher ethics are principles designed to foster a healthy student/teacher relationship. They are not the same thing as Army values, but likely incorporate them. Values determine what is important, not necessarily what is right. Professional teacher ethics are also different from personal, moral or religious beliefs, but relate to them. Ethics are also distinct from legal considerations. Unethical behavior can be legal or illegal. And clearly, the law must always be obeyed.

Values, beliefs and the law matter. But when we talk about ethics, the focus is on behavior. Ethics address a person's right and wrong conduct in a particular situation. How do you act? What is your conduct in any given situation? What are your responsibilities to your learners? To your school? To Cadet Command?

Good people sometimes make bad decisions. They might act with their values, instead of their professional ethics and a code of conduct. For example, consider the value of loyalty.





#### 4. Instructor/Cadet Scenario

Availability: Item is available, but some learners or groups may not have access.

Enabled: Adaptive Release, Review, Statistics Tracking

Think about the scenario with SFC Wenning and his troubled Cadet.

- What values do you think he demonstrated?
- Do you think his actions could lead to ethical issues?



#### 5. CCR 145-2 and the Instructor/Cadet Scenario

Availability: Item is available, but some learners or groups may not have access.

Enabled: Adaptive Release, Review, Statistics Tracking



The CCR 145-2 contains guidelines for ethical behavior. It's available in Curriculum Manager (Global Resources > Regulations > [CCR 145-2](#) ).

Read sections 3-13 and 6-3 for perspective about the Instructor/Cadet scenario.



#### 6. Instructor/Cadet Scenario - Part 2

Availability: Item is available, but some learners or groups may not have access.

Enabled: Adaptive Release, Review, Statistics Tracking

On the drive to the aunt's house, SFC Wenning reassures the Cadet that she'll get past the pain and fear. He tells her that his father was an alcoholic who beat him regularly. He becomes emotional as he tells her the story, and almost runs a red light.

He counsels her to leave the room when her father gets into a rage. When he arrives at the aunt's house, he gives the Cadet a hug to comfort her.



## The Purpose of Teacher Ethics

Professional teacher ethics are principles designed to foster a healthy student/teacher relationship. They are not the same thing as Army values, but likely incorporate them. Values determine what is important, not necessarily what is right. Professional teacher ethics are also different from personal, moral or religious beliefs, but relate to them. Ethics are also distinct from legal considerations. Unethical behavior can be legal or illegal. And clearly, the law must always be obeyed.

Values, beliefs and the law matter. But when we talk about ethics, the focus is on behavior. Ethics address a person's right and wrong conduct in a particular situation. How do you act? What is your conduct in any given situation? What are your responsibilities to your learners? To your school? To Cadet Command?



Good people sometimes make bad decisions. They might act with their values, instead of their professional ethics and a code of conduct. For example, consider the value of loyalty. A person might place a high value on loyalty to family. But if a family member commits a crime, an ethical person would not help by destroying evidence. There are ethical ways to be loyal without getting involved with unethical behavior.

Professional teacher ethics, not values, must be your guidelines for everything you do as an Instructor. They can help you act ethically when your values make you question how to act. Ethics and codes of conduct guide you through ethical dilemmas, and situations that might lead to you losing your job.



As an Army JROTC Instructor, you probably have more than one ethics guideline to follow. The CCR-145-2 includes regulations that address ethical behavior.

Your state may have a code of conduct for teachers. Your school district might also have guidelines for ethical behavior.

It's part of your job to know these regulations, codes and guidelines. The details may be different, but all will include guidelines that address your responsibility to your students,

your school and the profession. **If school and JROTC policies conflict, your first responsibility is to your school.**

Abiding by professional teacher ethics instills confidence in you as an individual and as an Army JROTC Instructor. Breaking with codes of ethics breaks that confidence. Teachers **are** held to higher standards. They are role models and figures of authority to students. If a teacher behaves badly, what lesson do students take away?

Teachers are entrusted with the care and education of children in a setting where parents are absent. Without ethical guidelines, it's too easy to fall back on values and beliefs. Values and beliefs can guide your behavior in seemingly innocent situations that may lead to all sorts of unforeseen problems. That's why professional teacher ethics focus on ethical behavior.





## 17-1. Professional Teacher Ethics Quiz 1



### 8. The Gray Zone of Fraternization: Instructor/Cadet Scenario

Availability: Item is available, but some learners or groups may not have access.

Enabled: Adaptive Release, Review, Statistics Tracking

Some browser settings may block viewing of embedded pdf files. If you do not see the content below, download the file [The Gray Zone of Fraternization](#).

The screenshot shows a PDF document with the following content:

**ARMY JROTC**  
"Motivating young people to be better citizens."

---

### The Gray Zone of Fraternization

SFC Wenning's behavior in the scenario showed his good intentions and how much he values compassion for troubled students. However, he did not adhere to the letter or intent of CCR 145-2 regulation on **fraternization** (3-13).

- He allowed the Cadet to close the classroom door while he was alone with her.
- He hugged her.

He also made some mistakes that are not explicitly outlined in the regulation.

- He attempted to act as a counselor to an abuse victim who needs professional help and social services intervention.
- He shared his personal experiences, getting quite upset, and making the conversation about him, not his student.

In short, he crossed professional boundaries in his role as a teacher.

Professional boundaries relate to fraternization. Boundaries include the verbal, physical, emotional, and social distances teachers must maintain for an ethical environment and ethical relationships.



### 9. CCR 145-2: Other Ethics-Related Regulations

Availability: Item is available, but some learners or groups may not have access.

Enabled: Adaptive Release, Review, Statistics Tracking

Read the following sections of CCR 145-2:

- 3-12
- 6-8
- 9-15
- 9-16



## The Gray Zone of Fraternization

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In short, he crossed professional boundaries in his role as a teacher.

Professional boundaries relate to fraternization. Boundaries include the verbal, physical, emotional, and social distances teachers must maintain for an ethical environment and ethical relationships.

What do you think will happen next in this scenario?

What if:

- the aunt never called the Cadet's parents? The parents call the school or police because their daughter appears to be missing?
- the aunt sees SFC Wenning hugging the girl as she gets out of his car, and she reports it to the school as exploiting an emotionally vulnerable student?
- the girl tells all of her friends that SFC Wenning gave her a ride in last night after school in his cool SUV?
- the girl continues to seek out SFC Wenning and text him because she feels she has bonded with him over parental abuse?
- the girl doesn't seek help because she's waiting for the SFC Wenning to rescue her?
- other Cadets start thinking SGC Wenning plays favorites with the Cadet?



- everyone at school starts gossiping that AJROTC instructors hit on female Cadets?
- SFC Wenning fails to report the child abuse, as required by state law?

What alternative actions might SFC Wenning have taken that would not violate policy or compromise the intent of the regulations but still showed his support the Cadet?

Think about generalizations you can make about relationships with students:

- What are the professional expectations of teachers regarding their relationships with students?
- How can a teacher foster positive, professional relationships with students?
- How can teachers recognize their own situational vulnerabilities and seek appropriate professional assistance?
- How do you define the appropriate teacher-student boundary?
- What are some of the potential consequences for interacting with students improperly or engaging in inappropriate relationships with students?



## 10. Components of Professional Teacher Ethics

Availability: Item is available, but some learners or groups may not have access.

Enabled: Adaptive Release, Review, Statistics Tracking

Some browser settings may block viewing of embedded pdf files. If you do not see the content below, download the file [Professional Teacher Ethics](#).

1 of 3



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### Components of Professional Teacher Ethics

You are responsible for ethical behavior. Your behavior speaks volumes to your students. When you speak and act, think about how your behavior impacts your students. What lessons will they learn from you about honesty, integrity, healthy boundaries and fairness?

#### Professionalism

What does it mean to be a professional educator? Besides developing engaging lessons that meet the academic needs of students, a teacher needs to exercise good judgment and interact ethically with colleagues in a professional manner. Teachers must also be mindful that even when interacting with colleagues, these interactions must always be in the best interest of students and the profession.

Professional educators demonstrate consistent and equitable treatment of students, fellow educators and parents. They shall respect the civil rights of all and not discriminate on the basis of:

- race
- national or ethnic origin

## Components of Professional Teacher Ethics

---

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Professional educators demonstrate consistent and equitable treatment of students, fellow educators and parents. They shall respect the civil rights of all and not discriminate on the basis of:

- race
- national or ethnic origin
- culture
- religion
- sex
- sexual orientation
- marital status
- age
- political beliefs
- socioeconomic status
- disabling conditions
- vocational interest



The above list is not all-inclusive. Treat all your students with equal respect.

Students who feel discriminated against won't learn as well. This includes overt or inadvertent bias in teaching methods and choice of instructional materials. Bias and discrimination can be subtle. Creating a classroom environment where students can learn without the fear of discrimination, bias, and favoritism is vital.

## Off-duty Conduct

Teachers are held to a higher standard. Off-duty conduct in their personal lives may directly affect their professional lives. In many ways, teachers are like public figures. They are highly recognizable people in the community. If they behave without integrity in public and are seen by parents or students, they lose credibility and trust.

So while teachers have private lives and, to a degree, are entitled to live their lives as they choose, the profession and the public will judge a teacher's off-duty life. The public sees the example that a teacher sets in private life as a legitimate area of inquiry for employment and certification purposes. Things a non-teacher would do or say might be ignored, whereas the same behavior by a teacher could be scrutinized, judged, and gossiped about.



Much of this will depend on local community sensibilities. In some communities an earring or tattoo on a male teacher will be ignored. In other communities, it will become a source of gossip. The same is true of teachers who might be heavy drinkers at a regular bar or attend a strip club.

## Fraternization

Cell phones and social media give teachers new opportunities to teach and interact with students, parents, and the community. With these increased opportunities come challenges to maintain appropriate boundaries with students and an increased risk for teachers to make poor decisions that affect their professional careers.

Always maintain professional boundaries with your students. Assume anything you write in a text message, email, or social media post will become public for all to see. Screen captures can grab disappearing messages. Digital communications can be made public. Choose your words carefully when you communicate with students. Never criticize others, nor use discriminatory or sexual language. Avoid sharing personal information with your students. Remember that you are dealing with teenagers who have immature emotional and social reasoning.



Issues related to sexual misconduct are clear. Teachers who engage in sexual behavior have violated professional ethics and will be disciplined. They have also broken the community's trust in the care of its children.

If a student attempts to initiate an inappropriate or overly friendly relationship, teachers are responsible for shutting it down. Teachers have control over their relationships with students.



## Moral Turpitude

Moral turpitude describes conduct that is considered contrary to community standards of justice, honesty, or good morals. Any teacher convicted of a crime involving moral turpitude can lose their teaching certification.

A crime constitutes moral turpitude if it involves:

- That element and personal misconduct in the private and social duties which a person owes to his fellow human beings or to society in general, which characterizes the act done as an act of baseness, vileness or depravity, and contrary to the accepted and customary rule of right and duty between two human beings
- Conduct done knowingly contrary to justice, honesty, or good morals
- Intentional, knowing, or reckless conduct causing bodily injury to another or intentional, knowing, or reckless conduct which, by physical menace, puts another in fear of imminent serious bodily injury.



State laws defining moral turpitude are defined by statutes. Common crimes include:

- Crimes against property: fraud, blackmail, transporting stolen property
- Crimes against governmental authority: perjury, harboring a fugitive, willful tax evasion
- Crimes against a person: adultery, assault, lewdness, rape
- Aiding and abetting: being an accessory to a crime, taking part in a conspiracy to commit a crime, attempting to commit a crime



## 11. Local, State, and National Teacher Ethics Codes

Availability: Item is available, but some learners or groups may not have access.  
Enabled: Adaptive Release, Review, Statistics Tracking

While parts of CCR 145-2 address ethical behavior, you may need to follow other codes of conduct by national, state or local standards.

For example, your school district probably has a handbook or some documentation on relating to a [local code of conduct or ethics](#).

### State Codes of Conduct

Similarly, many states have codes of conduct for teachers. Find a variety of free resources on ethics by state Departments of Education and other organizations in the document [Teacher Ethics Resources](#). Use this document to locate free online resources about ethics in your state. If your state does not have ethical guidelines for educators nor a code of conduct for teachers in the state administrative code, examine those from a different state.

### National Ethics Codes for Educators

Some states model their codes on national policies. The National Education Association, for example, has a Code of Ethics that is focused on two principles:

1. Commitment to the student
2. Commitment to the profession

Another national organization that has worked on ethics policy is the National Council for the Advancement of Educator Ethics. Read their [Model Code of Ethics for Educators \(MCEE\)](#).

### Federal Rights and Privacy

Part of ethics is honoring the privacy of student education records. The Family Educational Rights and Privacy Act (FERPA) applies to all schools that receive funds under an applicable program of the U.S. Department of Education. The rights and limitations of schools, parents, and students are outlined in [FERPA](#). As you read, think about what the CCR 145-2 has in common with MCEE, and with your local or state guidelines.

- Which one seems to be more specific with its guidelines?
- Which one has the most vague wording?
- Are there items in the MCEE that you think should be in your local and state codes, or in the CCR 145-2?



## 12. Balancing Local Codes and Army JROTC Regulations

Availability: Item is available, but some learners or groups may not have access.  
Enabled: Adaptive Release, Review, Statistics Tracking

Being a JROTC instructor means you have to follow both the CCR-145-2 as well as local and state regulations for educators.

What do you do when the policies conflict? For example, what if your school makes it part of your contract to transport students to school events? What if there is an accident?

As a rule of thumb, work with the school first. Be aware if something happens while you are following a school rule that conflicts with CCR-145-2, Cadet Command will not be able to defend you. Regardless of school rules, Cadet Command forbids you to use corporal punishment on your Cadets.

If possible, negotiate with your school when policies conflict with regulations.



## 17-2. Professional Teacher Ethics Quiz 2

Availability: Item is available, but some learners or groups may not have access.  
Enabled: Adaptive Release, Statistics Tracking

This quiz assesses your knowledge of other ethics codes.

You must achieve a score of 80% or better to pass this quiz and proceed with the rest of the course.



#### 14. Case Examples

Availability: Item is available, but some learners or groups may not have access.

Enabled: Adaptive Release, Review, Statistics Tracking

Some browser settings may block viewing of embedded pdf files. If you do not see the content below, download the file [Case Examples](#).

1 of 10

Josephine is a JROTC instructor. She also serves as a physical education teacher. Over the summer she was arrested for possession of an illegal club drug. Since it was her first offense, she was put on probation and entered a 4-week rehab program.

She thinks that because all of this happened on “her time” it shouldn’t affect her job.

However, she gets notice that a complaint has been filed with her school and the JROTC Directorate. Her certification may be in jeopardy.



Think about it...





"Motivating young people to be better citizens."

Josephine is a JROTC instructor. She also serves as a physical education teacher. Over the summer she was arrested for possession of an illegal club drug. Since it was her first offense, she was put on probation and entered a 4-week rehab program.

She thinks that because all of this happened on "her time" it shouldn't affect her job.

However, she gets notice that a complaint has been filed with her school and the JROTC Directorate. Her certification may be in jeopardy.





"Motivating young people to be better citizens."

Think about it...

Can a teacher go to a bar on the weekend and become intoxicated? Or go to a strip club?

What does it mean to be a "moral exemplar" or "role model" in the community?

Why are the ethical standards and expectations of the teaching profession widely held by professional educators, and Cadet Command?





"Motivating young people to be better citizens."

Bernard Knox is a JROTC instructor and certified teacher. He was caught texting a 16-year-old female student. The communication was initially academic and playful, but over time it became sexual and explicit. The student's parents found the text messages and notified the school district.





"Motivating young people to be better citizens."

Think about it...

What are the professional expectations of teachers regarding their "electronic" interactions with students?

Why and how should teachers control their public "brand"?

What are potential consequences for inappropriate use of technology?

In what ways do you think new teachers might struggle with the high expectations for teachers?





"Motivating young people to be better citizens."

Vince Bloom is a JROTC teacher who has several special needs students in his class. Mr. Bloom believes some students don't belong in a mainstream class and that IEPs undermine his ability to teach.

While taking an exam, one of the students asks for extended time because it is mandated by her IEP. Mr. Bloom argues that the student is using the IEP as a crutch. He says the student should just work harder or get moved to the special room with all of the other "short bussers." The student complains to her parents who request a conference with the principal.





"Motivating young people to be better citizens."

Think about it...

What steps can teachers take to work with diverse populations of students, parents and colleagues?

What steps can teachers take to ensure that the classroom environment promotes respect for all students' individual needs and backgrounds?





"Motivating young people to be better citizens."

Greta Salo is a JROTC teacher who manages a booster organization for the district's soccer teams. When her car breaks down, Ms. Salo decides to pay for the repairs out of the booster funds. Because she uses her personal car for booster club business, she feels that paying for the repair bill out of the organization's funds is warranted.

When the expenses are discovered by other booster members, she is investigated for mismanagement of funds.





"Motivating young people to be better citizens."

Think about it...

What are the expectations of educators with respect to accumulating either personal or financial gain or advantage (other than their contractual compensation package) through their work in the school system?

What are the potential consequences when educators fall short of these expectations?





"Motivating young people to be better citizens."

Steve Barlow is an Army JROTC teacher and an assistant football coach. During lunchtime conversations in the faculty room, you hear him talking about female students and other teachers in a sexual manner.

He refers to some of his students as "hotties" and says that he wishes he was in high school again so he could date them.



Think about it...

- What are the professional expectations of teachers with regard to their relationships with colleagues?
- How can a teacher foster positive and professional relationships with colleagues?
- What are some of the potential consequences for unprofessional interactions with colleagues?
- Should a teacher have a mandatory duty to report misconduct? When and why should a teacher report a colleague for potential unethical behavior or misconduct?





## 15. Ethics and the Law

Availability: Item is available, but some learners or groups may not have access.

Enabled: Adaptive Release, Review, Statistics Tracking

Some browser settings may block viewing of embedded pdf files. If you do not see the content below, download the file [Ethics and the Law](#).

The screenshot shows a PDF document viewer with a toolbar at the top indicating '1 of 2' pages. The document content includes:

- A logo for 'ARMY JROTC' with the tagline "Motivating young people to be better citizens."
- A section header: **Ethics and the Law**
- Text: "Unethical behavior may also be illegal behavior. Depending on the circumstance teachers can not only lose their jobs - they can be convicted of crimes or face civil litigation."
- Text: "Laws, regulations, and court rulings have a bearing on schools. Schools are not free; students are captive audience who must attend by law. School staff act in place of parents, which gives them both great authority and great responsibility. Students also have rights."
- Text: "Knowing the terms below will help you understand how the law applies to schools, teachers, and students."
- A section header: **Key Legal Terms**
- List of terms:
  - 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.
  - In Loco Parentis**-Literally means "in place of the parents."



## 17-3. Professional Teacher Ethics Quiz 3

## Ethics and the Law

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Unethical behavior may also be illegal behavior. Depending on the circumstance teachers can not only lose their jobs – they can be convicted of crimes or face civil litigation.

Laws, regulations, and court rulings have a bearing on schools. Schools are not free; students are captive audience who must attend by law. School staff act in place of parents, which gives them both great authority and great responsibility. Students also have rights.

Knowing the terms below will help you understand how the law applies to schools, teachers, and students.

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### Key Legal Terms

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.

Ethical and Professional Dilemmas for Educators



Professional Responsibility for Educators

## *I. Situations Involving Cadets*

### **Scenario 1**

#### *Electronic Communications with Cadets*

SFC Keene is a veteran teacher who is very popular with her students. She frequently offers students extra help after school, so it's not uncommon to see students visiting her classroom after school. She has tutored one of her students, Melissa, in a variety of subjects over a two-year period. During that time, SFC Keene has emailed and texted Melissa's cell phone using her personal number and email address. At first, the exchanges were very general; sometimes unrelated to school work (e.g., asking Melissa about a sick family member, or how she was getting along with friends). Recently, the student began to text her teacher about more personal feelings.

#### **Discussion Questions:**

- *What possible issues / concerns might this scenario raise?*
- *How could this situation become a violation of the law, the "Code" or other school / district policies?*
- *In this situation, what are some potential negative consequences for the Instructor, for the Cadets and the school community?*
- *What responses/actions will result in a more positive outcome and/or what proactive measures*

#### **(a) RESPONSIBILITY TO THE CADET:**

**(1) *The professional Instructor, in full recognition of his or her obligation to the Cadet, shall:***

**(A) *Remain steadfast in guaranteeing equal opportunity for quality education for all children, and not unlawfully discriminate.***

#### **(b) RESPONSIBILITY TO THE PROFESSION:**

**(1) *The professional Instructor, in full recognition of his or her obligation to the profession of teaching shall:***

**(A) *Conduct himself or herself as a professional realizing that his or her actions reflect directly upon the status and substance of the profession.***

#### **UNPROFESSIONAL CONDUCT**

**(c) *The professional Instructor, in full recognition of his or her obligation to the Cadet, shall not:***

**(A) *Engage in any misconduct which would put Cadets at risk.***

*I. Situations Involving Cadets*

**Scenario 2**  
*Transporting Cadets*

MAJ Zales is a veteran teacher and a popular Instructor for several sports. She is well known for her concern for the welfare of her Cadets. Since the high school has limited resources to accommodate practices and games for some of its teams, Cadets are responsible for their own transportation to other sports venues. Consequently, it is not uncommon for MAJ Zales to provide personal transportation for one or more Cadets to athletic events and back home after events.

**Discussion Questions:**

- *What possible issues/concerns might this scenario raise?*
- *How could this situation become a violation of the law, the “Code” or other school /district policies?*
- *In this situation, what are some potential negative consequences for the Instructor, for the Cadets and the school community?*
- *What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?*

**(a) *RESPONSIBILITY TO THE CADET:***

***(1) The professional Instructor, in full recognition of his or her obligation to the Cadet, shall:***

- (A) Remain steadfast in guaranteeing equal opportunity for quality education for all children, and not unlawfully discriminate.***

**(b) *RESPONSIBILITY TO THE PROFESSION:***

***(1) The professional Instructor, in full recognition of his or her obligation to the profession of teaching, shall:***

- (A) Conduct himself or herself as a professional realizing that his or her actions reflect directly upon the status and substance of the profession.***

**(c) *UNPROFESSIONAL CONDUCT***

***(1) The professional Instructor, in full recognition of his or her obligation to the Cadet, shall not:***

- (A) Engage in any misconduct which would put Cadets at risk.***

## *I. Situations Involving Cadets*

### **Scenario 3** *Contact with Cadets*

SGM Rogers is very popular with the students. He often converses and jokes with the students in the halls between classes. It is common for him to greet female students and staff with a hug and male students and staff with a pat on the back. One student has complained to the administration that SGM Rogers' hugs or physical contact makes him uncomfortable. SGM Rogers has been advised by the principal to stop all physical contact with students and staff. He agrees to try, but he can't promise anything because that is the way he is and he isn't doing anything wrong.

#### **Discussion Questions:**

- *What possible issues/concerns might this scenario raise?*
- *How could this situation become a violation of the law, the "Code" or other school /district policies?*
- *In this situation, what are some potential negative consequences for the Instructor, for the Cadets and the school community?*
- *What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?*

#### **(a) RESPONSIBILITY TO THE CADET:**

**(1) *The professional Instructor, in full recognition of his or her obligation to the Cadet, shall:***

- (A) *Recognize, respect and uphold the dignity and worth of Cadets as individual human beings, and, therefore, deal justly and considerately with Cadets.***

#### **(b) RESPONSIBILITY TO THE PROFESSION:**

**(1) *The professional Instructor, in full recognition of his or her obligation to the profession of teaching, shall:***

- (A) *Conduct himself or herself as a professional realizing that his or her actions reflect directly upon the status and substance of the profession.***
- (B) *Strive to exercise the highest level of professional judgment.***

#### **(c) UNPROFESSIONAL CONDUCT**

**(1) *The professional educator, in full recognition of his or her obligation to the Cadet, shall not:***

- (A) *Sexually or physically harass or abuse Cadets.***

## II. Situations Involving Professional Ethics

### Scenario 4

#### Use of Social Networks

LTC Charles is a new teacher in his first 90 days of employment in his district. He has made friends with many staff members and invited them to visit his social network page. On his page, LTC Charles has listed quite a bit of personal information. One of his colleagues “friended” him on the site and became very concerned because the site included a statement that LTC Charles was attracted to young girls, stating “the younger the better.”

The colleague notified the principal of this information.

#### Discussion Questions:

- *What possible issues/concerns might this scenario raise?*
- *How could this situation become a violation of the law, the “Code” or other school /district policies?*
- *In this situation, what are some potential negative consequences for the Instructor, for the Cadets and the school community?*
- *What responses/actions will result in a more positive outcome and/or what proactive measures might be*

#### (a) **RESPONSIBILITY TO THE CADET:**

(1) ***The professional Instructor, in full recognition of his or her obligation to the Cadet, shall:***

- (A) *Nurture in Cadets lifelong respect and compassion for themselves and other human beings regardless of race, ethnic origin, gender, social class, disability, religion or sexual orientation.*

#### (b) **RESPONSIBILITY TO THE PROFESSION:**

(1) ***The professional Instructor, in full recognition of his or her obligation to the profession of Instructor, shall:***

- (A) *Conduct himself or herself as a professional realizing that his or her actions reflect directly upon the status and substance of the profession.*

#### (c) **UNPROFESSIONAL CONDUCT**

(1) ***The professional Instructor, in full recognition of his or her obligation to the Cadet, shall not:***

- (A) *Sexually or physically harass or abuse Cadets.*  
(B) *Engage in any misconduct that would put Cadets at risk.*

(i) ***The professional Instructor, in full recognition of his or her obligation to the profession of teaching, shall not:***

- (A) *Engage in any misconduct which would impair his or her ability to teach.*

## II. *Situations Involving Professional Ethics*

### Scenario 5 *DUI Convictions*

MSG Boynton is an educator with 20 years of service in the public schools and seven years of service within her current district. Recently, MSG Boynton, along with several other colleagues from her school, attended a wedding reception for another staff member. During the evening, she consumed several alcoholic beverages and, on her way home, was arrested and charged with driving under the influence (DUI). On two prior occasions within the past three years, MSG Boynton had been convicted of DUI offenses. This most recent event was reported by the local news.

#### **Discussion Questions:**

- *What possible issues/concerns might this scenario raise?*
- *How could this situation become a violation of the law, the “Code” or other school /district policies?*
- *In this situation, what are some potential negative consequences for the Instructor, for the Cadets and the school community?*

#### **(a) *RESPONSIBILITY TO THE PROFESSION:***

- (1) ***The professional Instructor, in full recognition of his or her obligation to the profession of teaching, shall:***
- (A) *Conduct himself or herself as a professional realizing that his or her action reflects directly upon the status and substance of the profession.*
  - (B) *Strive to exercise the highest level of professional judgment.*

#### **(b) *RESPONSIBILITY TO THE COMMUNITY***

- (1) ***The professional Instructor, in full recognition of the public trust vested in the teaching profession, shall:***
- (A) *Be cognizant of the influence of educators upon the community-at-large; obey local, state and national laws.*

#### **(c) *UNPROFESSIONAL CONDUCT***

- (1) ***The professional Instructor, in full recognition of his or her obligation to the profession of teaching, shall not:***
- (A) *Engage in any misconduct which would impair his or her ability to teach*
- (2) ***The professional Instructor, in full recognition of the public trust vested in the teaching profession, shall not:***
- (A) *Be convicted in a court of law of a crime involving moral turpitude or of any crime of*

## II. *Situations Involving Professional Ethics*

### Scenario 6

#### Instructor Documentation

COL Riley had the opportunity to coach the boys' track team, provided he receives a coaching certificate prior to the first day of the season. Two weeks prior to the start of the season, after being questioned by the school's athletic director, COL Riley submitted his application for a coaching permit. During the application process he noticed that his CPR card had expired, so he immediately registered for the next available workshop. However, in order to "expedite" the application process, he changed the dates on his old card to make it appear valid, figuring that he would eventually meet this requirement.

#### **Discussion Questions:**

- *What possible issues/concerns might this scenario raise?*
- *How could this situation become a violation of the law, the "Code" or other school /district policies?*
- *In this situation, what are some potential negative consequences for the Instructor, for the Cadets and the school community?*
- *What responses/actions will result in a more positive outcome and/or what proactive measures might*

#### **(a) *RESPONSIBILITY TO THE PROFESSION:***

**(1) *The professional Instructor, in full recognition of his or her obligation to the profession of teaching, shall:***

- (A) *Conduct himself or herself as a professional realizing that his or her action reflects directly upon the status and substance of the profession.*
- (B) *Strive to exercise the highest level of professional judgment.*

#### **(b) *RESPONSIBILITY TO THE COMMUNITY***

**(1) *The professional Instructor, in full recognition of the public trust vested in the profession, shall:***

- (A) *Be cognizant of the influence of Instructors upon the community-at-large, and, therefore, shall not knowingly misrepresent facts or make false statements.*

#### **(c) *UNPROFESSIONAL CONDUCT***

**(1) *The professional Instructor, in full recognition of his or her obligation to the profession of teaching, shall not:***

- (A) *Obtain licensure or employment by misrepresentation or fraud.*
- (B) *Misrepresent his, her or another's professional qualifications or competencies.*

## II. Situations Involving Community and Family

### Scenario 7

#### *Instructor Public Behavior*

CPT. Ramos, a single male Instructor, plays baseball on a local sports team. One Saturday evening, he was with team-mates socializing and having a few drinks at a post-game barbecue at a local park. Later in the evening, several male and female Cadets from his LET 4 class arrived at the barbecue by car. They had all been drinking and continued to drink at the barbecue. As the evening progressed, a very friendly rapport developed between the Instructor and the Cadets.

#### **Discussion Questions:**

- *What possible issues/concerns might this scenario raise?*
- *How could this situation become a violation of the law, the “Code” or other school/district policies?*
- *In this situation, what are some potential negative consequences for the Instructor, for the Cadets and the school community?*
- *What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?*

#### **(a) RESPONSIBILITY TO THE PROFESSION:**

**(1) The professional Instructor, in full recognition of his or her obligation to the profession of teaching, shall:**

- (A) *Conduct himself or herself as a professional realizing that his or her action reflects directly upon the status and substance of the profession.*
- (B) *Strive to exercise the highest level of professional judgment.*

#### **(b) RESPONSIBILITY TO THE COMMUNITY**

**(1) The professional Instructor, in full recognition of the public trust vested in the teaching profession, shall:**

- (A) *Be cognizant of the influence of educators upon the community-at-large, and, therefore, shall not knowingly misrepresent facts or make false statements*

#### **(c) UNPROFESSIONAL CONDUCT**

**(1) The professional Instructor in full recognition of his or her obligation to the Cadet, shall not:**

- A) *Sexually or physically harass or abuse Cadets.*
- B) *Emotionally abuse Cadets.*
- C) *Engage in any misconduct which would put Cadets at risk.*

### III. Situations Involving Community and Family

#### Scenario 8

##### *Cadet Confidentiality*

SSG Dixon, a third year 7th grade math teacher, complains to her next door neighbor about a difficult student in her class, identifying the child by name and providing specific details about the student's academic record. SSG Dixon says that the neighbor doesn't know the student personally, so there should be no problem discussing the student and the situation.

#### **Discussion Questions:**

- *What possible issues/concerns might this scenario raise?*
- *How could this situation become a violation of the law, the "Code" or other school /district policies?*
- *In this situation, what are some potential negative consequences for the Instructor, for the Cadets and the school community?*
- *What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?*

#### **(a) RESPONSIBILITY TO THE CADET:**

**(1) The professional Instructor in full recognition of his or her obligation to the Cadet, shall:**

- (A) *Maintain the confidentiality of all information concerning Cadets obtained in the proper course of the educational process, and dispense such information only when prescribed or directed by federal or state law or professional practice.*

#### **(b) RESPONSIBILITY TO THE PROFESSION:**

**(1) The professional Instructor, in full recognition of his or her obligation to the profession of teaching, shall:**

- (A) *Conduct himself or herself as a professional realizing that his or her actions reflect directly upon the status and substance of the profession.*
- (B) *Strive to exercise the highest level of professional judgment.*

#### **(c) UNPROFESSIONAL CONDUCT**

**(1) The professional Instructor in full recognition of his or her obligation to the Cadet, shall not:**

- (A) *Engage in any misconduct which would put Cadets at risk.*

### **III. Situations Involving Community and Family**

#### **Scenario 9**

#### ***Instructor Using Position for Personal Gain***

CSM Williams contacts parents using the school’s email, notifying them that she is available on weekends and after school to tutor Cadets in drill and marksmanship, at a reasonable hourly rate. Several of her Cadets have been struggling with these lessons. CSM Williams feels that the extra time out of school will assist her Cadets in mastering their course work and naturally benefit her Cadets.

#### **Discussion Questions:**

- *What possible issues/concerns might this scenario raise?*
- *How could this situation become a violation of the law, the “Code” or other school /district policies?*
- *In this situation, what are some potential negative consequences for the Instructor, for the Cadets and the school community?*
- *What responses/actions will result in a more positive outcome and/or what proactive measures might*

**Consider the following sections of the Code of Professional Responsibility for Educators: Regulations of Connecticut State Agencies Section 10-145d-400a**

#### **(a) RESPONSIBILITY TO THE COMMUNITY**

**1. The professional Instructor in full recognition of the public trust vested in the teaching profession, shall:**

(A) *Endeavor to secure equal educational opportunities for all children.*

#### **UNPROFESSIONAL CONDUCT**

**(b) The professional Instructor, in full recognition of his or her obligation to the Cadet, shall not:**

**1. Abuse his or her position as a professional with Cadets for private advantage.**

**2. The professional Instructor, in full recognition of the public trust vested in the teaching profession, shall not:**

(A) *Exploit the educational institution for personal gain.*

### III. Situations Involving Bullying

#### Scenario 10 Emotional Bullying

COL Holland instructs LET 1 Cadets. She gives the class directions for a writing assignment that is to be completed by the end of the period. Cadet Johnson isn't paying attention and missed the directions. He frequently bothers his classmates by humming, tapping his pen, reminding them of the rules or speaking out of turn. He asks for the directions to be repeated. The other Cadets in the class begin to make fun of Cadet Johnson and ridicule him for not paying attention once again. COL Holland, feeling frustrated because she is asked to repeat the instructions once again, continues passing out materials and ignores Cadet Johnson and the other students.

#### Discussion Questions:

- *What possible issues/concerns might this scenario raise?*
- *How could this situation become a violation of the law, the "Code" or other school /district policies?*
- *In this situation, what are some potential negative consequences for the Instructor, for the Cadets and the school community?*
- *What responses/actions will result in a more positive outcome and/or what proactive measures might be considered?*

**Consider the following sections of the Code of Professional Responsibility for Instructors Regulations of Connecticut State Agencies Section 10-145d-400a**

#### **(a) RESPONSIBILITY TO THE CADET:**

1. *The professional Instructor, in full recognition of his or her obligation to the Cadet, shall:*
  - (A) Recognize, respect and uphold the dignity and worth of Cadets as individual human beings, and, therefore, deal justly and considerately with Cadets.
  - (B) Nurture in Cadets lifelong respect and compassion for themselves and other human beings regardless of race, ethnic origin, gender, social class, disability, religion, or sexual orientation.
  - (C) Create an emotionally and physically safe and healthy learning environment for all Cadets.

#### **(b) RESPONSIBILITY TO THE PROFESSION:**

1. *The professional Instructor, in full recognition of his or her obligation to the profession of teaching, shall:*
  - (A) Strive to exercise the highest level of professional judgment.

**This Code of Ethics for Educators was developed  
by the distinguished AAE Advisory Board and  
by the Executive Committee of AAE.**



## 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).
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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.
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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.
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14. **Due Process**-Protects teacher and students from arbitrary actions-rights cannot be violated.
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