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# 16

## Values and Ethics

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*Overview: What constitutes an ethical dilemma? Indeed, what kinds of ethical dilemmas might we face as faculty members? What is a process for resolving ethical problems? This chapter provides a succinct introduction to the topic of helping educators to develop a sensitivity to ethical issues and to formulate responses to them.*

### ***Ethical Dilemmas: Choosing the “Right Thing” to Do***

Although students and their families, taxpayers, and others interested in higher education wouldn't suspect it, teaching is fraught with numerous ethical quandaries that require quick, on-the-spot decision making. And yet, most new college teachers have not considered nor been challenged in their doctoral studies to consider the ethical problems and conflicts inherent in the teaching profession.

We do, of course, make ethical decisions routinely, whether we are conscious of them or not, because our actions are often based on our values—even though we may not have clearly identified or enumerated them. And because not all faculty share the same values, it is very likely that even our well-meaning colleagues and loyal students will disagree at times with our decisions concerning the “right” course of action.

Accordingly, the purpose of this chapter is:

- To help you recognize and identify ethical dilemmas
- To review ethical principles to consider when confronting ethical issues
- To offer a way of thinking about ethical issues in teaching based on absolutist and relativist frameworks
- To alert new college teachers to a variety of ethical problems and dilemmas that may arise in the course of teaching
- To suggest a process for arriving at decisions

This brief chapter will not, however, attempt to suggest there are pat answers to ethical issues. There are no patented answers to most knotty problems. At best, all this chapter can offer are ways of thinking about ethical issues.

### ***When Does an Ethical Issue Become an Ethical Dilemma?***

Not all ethical issues are ethical dilemmas. Sometimes individuals engage in clearly illegal or unethical acts: They lie, steal, falsify documents, and so on. A faculty member who throws out negative student evaluations and presents only the positive ones to his or her chair has engaged in an unethical act. The dilemma may have occurred earlier, when the instructor pondered submitting negative evaluations or culling out the really bad ones in order to look better before the promotion and tenure committee. Thus, the instructor may have had to decide between the ethical course of action (submitting all the evaluations) or, as the breadwinner of the family, pulling out the negative comments in order to preserve a job that provided sole income for a spouse and three small children. In terms of the greatest good or the “right” thing to do, it would be easy to rationalize that feeding one's family could be as right, and possibly more right, than being ethical in this situation. After all, one could argue, no one would be harmed by failing to report some caustic comments from a few disgruntled students.

A *dilemma* implies a choice between two or more equally balanced alternative solutions to an ethical problem. For example,

since the advent of high-tech medicine, bio-ethicists have been wrestling with the question of whether to prolong life if to do so also prolongs suffering. Usually, people would agree that prolonging life is better than ending or shortening life. But the decision to lengthen life by a few weeks or months is certainly complicated when those extra days are accompanied by intractable pain or a greatly diminished quality of life. One would like to argue for an increased number of days for oneself or for one's loved ones, but would one want those days if they couldn't be enjoyed? That's a tough decision to make, right? Dilemmas are characterized as being thorny problems—those where there is no clear path. Dilemmas can occur when the solutions are equally acceptable, when the alternatives are both unacceptable, or when the “right” thing to do has negative consequences and the “wrong” course of action has positive or beneficial effects.

For example, here are some typical grading dilemmas that you might encounter in your classroom:

- A talented freshman athlete in your class needs a grade of C to maintain his eligibility to play basketball. He currently has a D+ average. Should you raise his score a few points in the interest of assisting the school's athletic program and helping this poverty-born individual to achieve a possible multimillion-dollar professional contract?
- A courageous and persevering wheelchair-bound student is fighting depression brought on by further deterioration in her physical health and the recent departure of her campus caregiver. She failed her midterm exam. Although she doesn't talk much in class, she desperately wants to be the first in her family to graduate from college. Should you “fudge” her class participation score to close the gap between a passing and a failing grade in your course? She confides in you that if she fails your class, she is in danger of academic suspension, and that if she has to go home, she fears her parents won't support her return to college later.
- It is near the end of the semester and a small group of students invites you and several other faculty to dinner in a nice restaurant. Three of them are in your senior capstone course. Afterwards, they thank you for your help during their undergraduate careers and want to pay the bill. Can you accept such a gift?

Would it be permissible to accept the gift *after* but not before grades are turned in? What do you do if the other two faculty see no problem with the students buying dinner?

One logical approach to solving ethical dilemmas begins with the identification of our own values. What primary, cardinal value or values guide you as an educator? Thinking about this another way: Would violating certain values make you feel guilty or unhappy? Take a moment or two to consider what values you hold most important. You may even want to list them on a sheet of paper.

### ***Basic Respect***

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If there is a single guiding principle that seems to be the basis for the majority of educators' ethical considerations, it is that of demonstrating respect for all students (Costanzo & Handelsman, 1998). New teachers are sometimes startled to discover that their students seldom conform to the “ideal”—that within the same classroom, they differ not only in age and developmental stage as well as in levels of intellect and hunger for knowledge but also in their honesty and integrity.

Sometimes it is easier for us to relate to some students than to others. We may also have misconceptions or stereotypes about who makes the “best” student; we can have preferences for working with certain types of students. Some faculty find it easier to relate to and respect the committed graduate student. Still others may prefer adolescents fresh out of high school, or middle-aged adults in their 40s and 50s planning midlife career changes, or even senior citizens going back for degrees they never finished. Which of the following students would be the most difficult for you to relate to? The 275-pound wide-end receiver hoping for an invitation to the NFL who never attends class; the 23-year-old Native American single mother of two preschoolers attempting to leave the welfare roles; or the 37-year-old foreign national with poor English? All these individuals deserve our respect and best effort.

Most of us have been acculturated in a predominantly racist society. We live in a culture still struggling to overcome institutional racism and white privilege. Examining our own biases and prejudices is a first step toward keeping discriminatory behavior in check

while dealing with students. Research has shown that educators, both male and female, are more likely to call on men in their classes and to comment on their answers (Sandler & Hall, 1986). By simply not calling on a representative sample of *all* members of the class, even if it is unintentional, we may be communicating that we don't value the contributions of persons who are different from us.

Whatever our field of expertise, teaching provides us with an opportunity to model inclusiveness and sensitivity to human and cultural diversity. Discriminatory practices are almost always wrong. Approaching every student with an attitude of basic respect should be our beginning posture, but it alone is not sufficient to resolve our ethical dilemmas.

## ***The Power Differential***

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As educators, we must always be aware of the power we have over the lives of others. Students have been socialized since their formative years to yield to the authority of the teacher. As the expert, the teacher defines the learning objectives in college courses and evaluates the extent to which the learners have mastered these. Grades are the widely accepted sign of mastery of the material and are also a tool of professional gatekeeping. Grades can have an enormous “make or break” influence on a student's future. Teachers can use grades to “punish” students they don't like and boost the GPAs of their favorites. Grades can encourage students to blossom and achieve their true potential or can be used to ruthlessly attack a student. The power imbalance between students and faculty is real and imposes a great responsibility on the instructor to be fair and just.

## ***Five Ethical Principles***

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Beyond respecting students and constantly monitoring ourselves to make sure we don't abuse our power, there are at least five ethical principles that might apply when we're confronted with an ethical problem or dilemma.

The principle of *nonmaleficence* means that our actions should do no harm. Although our patience and our own self-esteem may be

tested when students say unkind things or make terrible accusations, we must not deliberately lash out or attempt to “pay back” or hurt a student.

Related to this is the principle of *beneficence*. Wherever possible, our actions ought to do good. We need to lift up instead of tear down; constructive criticism is more helpful than destructive criticism. If caught in a dilemma where it is not always possible to do good, then this principle suggests that you choose the path of doing the least harm.

*Justice*, being fair and equitable, is also a vitally important principle—one that students quite rightly expect from us day in and day out. They don't want a classmate to get special consideration because her father is a member of the board of trustees; they don't want the student who doesn't carry his weight on a group project to get the same good grade as those who worked harder. Students expect “rules” to be administered consistently. If you state a policy in your syllabus (e.g., assessing a penalty on late papers), then you are obliged to enforce it. Don't just apply it to the shy student and then wimp out when the assertive student makes a case for special consideration. Students are very sensitive to inequity in all its various forms, and they talk to each other.

*Autonomy* refers to an individual's right to self-determination (Abramson, 1996). Where possible, allow choice. Don't be the petty tyrant forcing your views, values, or preferences on students. Be aware of your ability to subtly coerce. For instance, although you offer compelling arguments, your research assistant student may not want to write his or her thesis on the topic that most interests *you*—and he or she shouldn't have to.

*Truthfulness* is yet another essential principle. Without it, there is no hope that an educator could be viewed as an ethical individual. Although we all have various interpretations of what the “truth” actually is in just about any situation, it is one thing to report honestly what we have seen, thought, or believed and an altogether different matter to distort, misrepresent, or lie. Lying is a particularly insidious evil, because once an individual has been caught in a lie, then every subsequent statement of consequence that he or she makes is suspect. Promising what we can't deliver is also a close cousin to lying and therefore unethical. Honesty is the best policy, even if it is somewhat embarrassing or even painful.

## ***Absolutists and Relativists***

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Having identified the ethical principles that will likely influence our decision making, it is still necessary to understand that our positions on ethical issues may vary depending on whether we think about rules in absolute or relative terms. Persons who think in absolute terms tend not to make exceptions. They are comfortable in stating and enforcing policies and rules without regard to the individual. Thus, if the syllabus reads, “Any paper submitted after the due date will be penalized,” the professor who thinks in absolute terms will probably take points off even if John comes limping to the instructor’s office the next day in a cast and explains that he had a bike wreck on the way to campus and his femur is broken in two places. The absolutist approach minimizes, in some ways, the number of tough decisions to be made as long as there are rules or policies that can be consulted. Absolutists would rather not make exceptions, because they so value the principle of fairness and equal treatment.

Relativists take a more person-centered or contextual approach to decision making. They weigh the individual’s story. If John is credible (and wearing a cast certainly would strengthen his alibi), then the relativist may choose to “bend” the rules and make an exception, allowing John to turn in his paper a day or even several days late with no penalty because he had a valid excuse. In the relativist’s eyes, the rest of the class is not being treated unfairly because an exception could have been granted to anyone with a similar stroke of bad luck. Thus, ethical principles may be applied according to two very different models about how the world is or ought to work.

## ***Examples of Ethical Dilemmas***

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To illustrate the types of ethical dilemmas you might encounter in the classroom and to help you to think about your guiding principles, here are some additional examples of ethical problems where a number of potential alternative courses of action are possible.

## ***A Problem of Religion***

You announce in class that you intend to lead the students in an exercise to teach them progressive relaxation and visualization in a unit on stress management. This is a treatment technique that is widely employed by clinicians in the profession. A mature female student raises her hand and states, “Professor Jones, I can’t stay for this exercise. It is against my religion.” She is well aware that class attendance is required. Can she be excused? What are the principles that might apply?

To coerce her to stay by penalizing her for leaving puts you in direct conflict with her right to exercise her religious beliefs and challenges her autonomy. The principle of beneficence must be considered, because a future employer might expect her to know this technique, and if she doesn’t, then her future clients will not benefit. The argument could also be made that these clients will suffer more if you allow the student to pass up learning this particular knowledge. Requiring the student to remain in class could also create an uncomfortable level of anxiety, and so the principle of doing no harm must be considered. Would it be fair to allow her to leave without penalty while other students are required to stay?

A possible compromise would be to provide an alternate assignment or make-up work for her absence. If, however, you see no area for compromise because this class is viewed as too important to miss, then the student always has the option of expressing his or her autonomy by taking the penalty associated with being absent.

## ***A Problem of Basic Humanity***

A female student needs a passing grade to graduate, but she falls a few points short. She calls you just before you turn in your grades and reveals that she just left her abusive husband of 16 years. When she learns she has not passed the course, she requests an extra-credit assignment in order to pass. Without the diploma, she will not be hired for a position promised to her. Without a job, she will not be able to support herself and her child.

The ethical relativist would want to consider the context of the situation as well as the consequences for the student, and may even

decide that, on balance, the student deserves some slack. However, the principle of justice requires fairness to all. Is it fair to others to allow this student to do extra work at this late date to make the grade when her classmates do not have the same opportunity?

An ethical absolutist might take the position that a teacher should not extend privileges to one that aren't extended to all. Furthermore, changing the grading system for this one student could be considered a breach of the contract laid out in the syllabus. How many other students might have wanted to change their grades by doing extra-credit work? They, too, may have had unfortunate circumstances arise during the term but managed to cope effectively and still get a passing grade.

The principle of beneficence in the long term may also suggest that allowing this student to graduate without having passed your course is no favor to her. Employers, other professionals, friends, and relatives all hold expectations of her in the "real world" (i.e., outside the academic setting). Would the extra-credit work really teach her all that she did not learn in the class? This dilemma necessitates the violation of either the fairness principle (letting the student have a few extra points) or the principle of beneficence (possibly sending her back to an abusive husband because she doesn't have a diploma and therefore no job). There is no one best solution.

## ***A Colleague's Malfeasance***

You are teaching the second in a two-course sequence with 101 being a prerequisite for 102. Students consistently come to your class with an outdated explanation of a major concept in your discipline because the 101 professor is teaching old knowledge from yellowing lecture notes. In order to get the knowledge needed to make up for the deficits they present, you have to reteach the concept. In so doing, you have to cut some of the content of the 102 course. If you don't ensure that students gain competency in this foundation knowledge, they will fail your course and several to come.

What is fair or just in this situation? The principle of nonmaleficence suggests you cannot allow students to carry on with wrong foundation information. Conversely, is it fair to yourself to incur the extra burden of teaching your course and content assigned to the 101 course as well? If you don't do the remedial teaching for 101 (and let the chips fall where they may), will you have to defend a higher than expected failure rate in 102?

Confronting this senior colleague's malfeasance would seem to be the obvious solution. If so, will you do that yourself or will you go to the department chair or dean? Will complaining about a colleague put at risk the outcome of your own tenure application next year?

Although it is true that the principle of maleficence suggests you might be an accomplice to incompetence if you do not seek to remedy the situation, most untenured faculty will have to gauge the risk of potential political harm to themselves if they are too critical of a senior colleague. In some situations, the dilemma might boil down to: "Do I sacrifice myself for the good of the students?" This, of course, requires an individual response. One would have to weigh exactly how much damage is being done to students, whether there were other alternatives (e.g., additional readings that could be provided to students), and what might be the likely turn of events if an assistant professor went to the chair to complain.

## ***Keeping Promises—Implied and Stated***

Are instructors bound by their own course syllabi? Suppose that a terrific new book that sheds profound, new light on an important unit of material becomes available six weeks into your course. Is it fair to your students to ask them to do additional reading in a course already heavy in reading? The "add/drop" date for courses has passed. Would you be better off taking the issue to the students, making the decision to add the book yourself, or waiting until next semester to add the new reading?

On one hand, staying true to the syllabus could have some definite advantages. On the other hand, there may be times when you want to drop a reading or add a new one. If you want to drop a book that students have already bought so that they can buy a different one, then you have to decide if it is clearly better for them to have this new material than the old.

Additional ethical issues that may arise are presented below. (If that's not enough, even more are listed in Tabachnick, Keith-Spiegel, & Pope, 1991 and in Keith-Spiegel, Wittig et al., 1993). No set of solutions are provided for these problems. Their purpose in this chapter is to heighten your awareness of potential ethical dilemmas and, by helping you anticipate those that might come your way, to give you a jump-start on thinking about how you could or *should* respond.

## ***Availability and Accessibility***

Outside the classroom, what is your responsibility to be available and accessible to students? Are posted office hours sacred or is it okay to occasionally schedule a committee meeting during those times? Do such responsibilities “cheat” students of their time with you?

## ***Dependability***

You are routinely “a few minutes late” for classes. Is that a big deal, especially if your chronic tardiness is due to student advisees who seem to show up just as you are leaving for class?

## ***Timely and Thoughtful Feedback***

Work on your dissertation has been going so well that you failed to grade and return your students’ midterm exams for three weeks. Does anyone really expect you to do a responsible job of teaching *and* to meet the deadline set by your chair for the third chapter? Timely and thoughtful feedback to students is for tenured professors, isn’t it?

## ***Self-Disclosure***

One of your undergraduate students is intrigued about what you “really” think about a host of issues that come up in your social science class. Is it in your own or the students’ best interest to reveal that you are homosexual and a Democrat who strongly opposes both the religious right and the Pope’s position on abortion? Although you may take full responsibility for your political and personal choices, you are standing in the role of teacher. Will undergraduates be able to separate ideology from the person? Will some be offended? Should you give “equal time” for the expression of others’ positions, opinions, and ideas? Will the less confident students speak their minds if doing so means opposing a teacher’s lifestyle, politics, and religious beliefs? A teacher’s personal disclosure carries ethical overtones, because, like so much else about teaching, it must take into account the possibility for influence and coercion—overt or covert.

Robert Audi (1994) has noted:

*One is never just a teacher. One is always—even if not consciously—an advocate of a point of view, a critic of certain positions, an exemplar of someone trying to communicate, a purveyor of images, a practitioner of behavioral standards, a person dealing with, and indeed responsible for, others in common tasks. (p. 35)*

## ***Teaching in Your Area of Competence***

Your college/university department hasn’t been staffed to teach all the required courses, much less the electives, for years. It is simply understood that faculty members and adjunct teachers may be recruited to provide instruction outside their area of competence (Congress, 1998). Refusing to teach a course outside of your area will undoubtedly get you labeled as “not a team-player.” Doing so will mean delivering less than your best work to the consumers of educational services (the students) and to the citizens they are being educated/trained to serve. If you don’t teach the class, someone even less qualified than you will be tapped. What is the ethical thing to do?

## ***Physical/Mental Fitness***

You have been assigned to teach a course you’ve been honing for years. But if you aren’t physically fit and mentally alert when you cross the classroom threshold, it is unlikely you can do your best work. If you do not deliver your thoughtfully researched material in a format that is pedagogically competent and consistent with students’ learning styles, have you done an effective or even ethical job of teaching?

## ***Teaching to Student Evaluations***

A junior faculty member facing application for tenure is in a somewhat precarious “political” position in the department and needs all the help he can get. Although everyone agrees that student evalua-

tions of teachers are a lame measure of teaching competence, they have become the busy dean's shortcut to a more substantial evaluation of teaching competence. Should the teacher cut back on homework or lighten up on the midterm and final exams in order to evoke more favorable student evaluations of one's teaching?

### ***Nonacademic Counseling***

In an advisement session, a student confides that he is having suicidal thoughts. Does *in loco parentis* still apply? What is your professional and ethical duty? What do you do if one of your third-year medical students confides that another student is stealing narcotic drugs from patients' supplies and wants you to help his friend without busting her out of the program? Student A lets it slip that her roommate, Student B, purchased her excellent term paper from a source on the Internet. You know the instructor involved. Should you inform your colleague?

Perhaps the core problem of accepting information deleterious to others is that you, the teacher, are put in the position of colluding if you don't take action and of breaking confidence if you do. Or as one colleague recently put it, how can you maintain objectivity and fairness when you know more than you ought (or want) to know?

### ***Confidentiality***

A student's parent phones to ask about his child's grades, unaware of the legislation protecting students' right to privacy. Maintaining confidentiality about students' grades means that we may not discuss a student's grades with parents or guardians. For the same reasons, we don't post grades on exams or papers in public places. Can you make an exception because the student's father was a fraternity brother?

### ***A Process for Ethical Decision Making***

Whether you see yourself as a relative absolutist or an absolute relativist, ethical decision making requires looking at these dilemmas

from many perspectives and looking deeply. What follows is not the "answer" to ethical issues or dilemmas, but a framework to help arrive at a decision, realizing that any resolution may be only the best of two or more poor choices. Many times, however, the solution becomes apparent when a deliberate process of considering basic ethical principles is begun.

1. Determine if the issue is one subject to professional ethics. It probably is if (a) there is an imbalance of power between the people involved; (b) choosing one set of responses over another would give even the appearance of a conflict of interests; or (c) choosing one set of behaviors over another would create an unstated or burdensome obligation on anyone's part, or if questions about fairness arise.
2. List and consider possible alternatives and the ramifications of each response.
3. Consult with other respected and experienced teachers whom you trust as mentors.
4. Consult your professional Code of Ethics if you're teaching in a professional school. If your discipline has no professional code, consult those of the American Association of University Professors or the American Psychological Association.
5. Consider your basic contractual obligations as an employee.
6. Consult the college/university academic ombud or attorney.
7. Consider whether your behavior would stand public scrutiny, remembering there are few "secrets" in the academic community.
8. Try to take the perspective of the other person, the student's point of view. How does the situation change when viewed from that perspective?
9. Don't make an impulsive decision, but give yourself some time to reflect on your alternatives.

Opportunities for growth and development as a human being and a professional may be enhanced by the nature of these challenges. Through privately and collectively wrestling with these hard questions for which there may be no best answers, we have the chance of becoming ethical role models for our students. This would be no small accomplishment!

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