Resolving Ethical Issues at School

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Introduction

Many incidents in schools present ethical dilemmas for educators. For example, a colleague of a fifth grade teacher overhears that teacher's students' talking about how they received inappropriate assistance from the teacher on an end-of-year standardized test. Should she report her colleague, confront her, or ignore what she overheard?

Perhaps a school board member wants his child placed with a particularly well-respected teacher in an already crowded classroom. Should the classroom teacher acquiesce and give preference to the child if she knows that the principal is under pressure from that powerful parent? Or, let's say, the class clown does not listen to instructions, and his teacher, in frustration, constructs a strategy to embarrass him in front of the class. Such examples are not unusual and may occur at any school. Responses to such incidents deserve consideration. What should be the teacher's professional duty toward her students and their parents? How do teachers come to be aware of their professional obligations?

Ethically charged situations such as these are rarely discussed

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openly in professional group settings such as teacher meetings. Although teachers may complain or gossip privately about pushy parents, unruly students, or perceived injustices in their school environment, public airings of professionally ethical concerns rarely find their way into teacher preparation programs, school faculty meetings, or inservice development sessions. Nevertheless, such issues cry out for discussion and deserve to be addressed head-on.

One common dilemma faced by many teachers, and probably the most frequent ethical dilemma in any workplace, is the problem of balancing professional obligations with private, family matters. Consider the predicament of Callie Smith, a third-year teacher with a second grade class.

> Callie Smith was a newly tenured, pregnant teacher with a troubled marriage. She was, however, determined to keep her family relationship intact and left school at 3:30 p.m. each day to spend as much time as possible with her unemployed husband and their three-year old son. It was generally possible for Callie to leave at this time because her class was composed mainly of cooperative and attentive seven-year-old children. But Sarah was an exception.
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> Sarah was not disruptive, but she was inattentive and slow in getting her work done. She had difficulty writing and misspelled more words than did the other children. She did not seem to understand directions and had difficulty expressing herself. Although she caused no problems, she was a slow learner. Callie was concerned enough to check out Sarah's file. There were no comments in her permanent file in regard to Sarah's learning ability and no record of test scores.
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> Feeling a bit uneasy about Sarah, Callie took an opportunity to speak with Mrs. Brass, a more experienced fifth grade teacher. Mrs. Brass was a good teacher and was known as the teachers' "older sister." Many teachers liked her, and she liked when the younger teachers came to her for advice. Callie told Mrs. Brass about her pressures at home, involving her children and her husband. She cried. Callie also described Sarah's behavior and asked Mrs. Brass what she should do. Mrs. Brass understood Callie's pressures and was a sympathetic and reassuring listener. She had had her own relationship problems as well. With regard to Sarah, she suggested that Callie put her on the list for discussion at an upcoming Student Study Team (SST). She reminded Callie that the list was long and that the Team might not even get to Sarah this semester. Callie was pleased to have had someone so nice and understanding as Mrs. Brass with whom to talk. They hugged. She was relieved that she did not have to bear her pressures alone and that she had a friend at school.
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> Later that night, Callie thought about the conversation with Mrs. Brass and about Sarah. She knew enough about the process of referring students for testing in anticipation of a SST meeting not to immediately add Sarah's name to the list. "Sarah really doesn't pose any problems

in class," thought Callie. "If I put her name on the SST list, I'll have to plan a series of time-consuming modifications and then document all of them. Uggh! I've got so much to do already." She knew that she would have to prepare a written report about Sarah and then meet with the psychologist, the principal, and Sarah's parents. Then there might be additional meetings, and the end result most likely would be that Sarah would remain in her class, anyway. "I don't need this," she thought.

Several weeks later, Mrs. Brass asked, "Are you doing better, Callie? I hope so. By the way I didn't see Sarah's name on the SST agenda." Callie replied, "You're right about Sarah. But I didn't turn in her name to the SST because I'm working with her individually in class. I'm keeping my eye on her. I think she'll come around and maybe even blossom. She's so sweet."

This scenario about teacher Callie raises a series of significant questions:

• Is there something about Sarah's classroom performance that should trigger a response? If so, has Callie understood that a professional educator has a responsibility to place children first and that she cannot unreasonably deny them access to needed services or benefits?

• Does she understand that, as a professional educator, she is obligated to make a reasonable effort to protect her student from conditions harmful to learning?

• Is she aware that she has a responsibility for the welfare of her students, *as well as* for her own family, and that she must weigh personal and professional issues in such a way so as not to violate her professional obligations to students?

How do we learn to reflect on such issues? Is it just self-evident that "good people" naturally understand how to behave properly in all contexts? Or might there be professional considerations that Callie should have understood in her role as a professional, but did not? Might some professional development related to the ethics of teaching have helped her to clarify her professional perspectives?

Considering the Ethical in Teaching

There is much to be gained from discussing cases such as Callie's, and it is unfortunate that more attention has not been focused on such discussions in faculty meetings and preservice preparation programs. Seasoned educators have an interest in the moral nature of teachers' attitudes and behaviors and are able to notice patterns and organize information in ways that new teachers cannot (Bransford, Brown, & Cocking, 2000). Discussing relevant ethical cases deepens their under-

standing and their sense of professionalism. Likewise, novice teachers can learn from such collegial discussions to notice indicative behaviors and thereby become more sensitive to ethical points of view.

Philosophical issues related to the moral and ethical education of teachers have been the focus of many books (e.g., Campbell, 2003; Goodlad, Soder, & Sirotnik, 1990; Hansen, 2001; Sockett, 1993; Stengel & Tom, 2006; Strike & Soltis, 2009; Strike & Ternasky, 1993), demonstrating an ongoing professional interest in the moral nature of teachers' attitudes and behaviors. The consensus of these books was foreshadowed by John Goodlad (1990), who asked rhetorically why professionally prepared teachers were necessary at all if their sole purpose was only to teach children to read, write, and spell? Almost anyone can teach skills, he suggested. However, if the purpose of schools includes "the cultivation (with the family) of character and decency, and preparation for full participation in the human conversation—then teachers . . . become necessary" (p. 28). Taking Goodlad's logic one step further, Gary Fenstermacher (1990) asked, also rhetorically, "How is it possible to conceive of teaching [as] disconnected from its moral underpinnings?" (p. 132). In response to his own question, he argued that, "Teaching becomes nearly incomprehensible when disconnected from its fundamental moral purposes" (p. 132).

Several recent books have taken a practical approach to assisting teachers to resolve ethical issues that arise in their day-to-day professional lives. Many provide a conceptual foundation on which teachers might build their own problem-solving content. For example, Shapiro and Gross (2008) and Shapiro and Stefkovich (2011) present what they call a *Multiple Ethical Paradigm Framework* taken from the *ethic of justice* (rights and laws and social contracts), the *ethic of critique* (a critical theory challenge based on an analysis of social inequity), the *ethic of care* (a feminist perspective centered on nurturing and encouragement), and the *ethic of the profession* (the moral considerations unique to teaching, embodied in various ethical principles and codes of ethics as well as professional judgment and decision-making). Other books, for example Mahoney (2008), provide an introduction to major philosophies (e.g., Plato, Hume, Kant), while still others provide advice and guidance to teachers who face issues of ethical discord (e.g., Infantino & Wilke, 2009; Johns, McGrath, & Mathur, 2008; Mackenzie & Mackenzie, 2010). Each of these books presents cases, many prepared by practicing educators, followed by questions or other probing techniques designed to be used in teachers' meetings or other such professional groups.

Few of these books, however, provide a decision-making framework for teachers to help them determine the procedures for the most adequate resolution when confronted with an ethical problem in the workplace.

This is a concern for education (Warnick & Silverman, 2011). Notably, there is research (e.g., Bebeau & Monson, 2008; Rest & Narvaez, 1994; Rest, Narvaez, Bebeau, & Thoma, 1999; Warnick & Silverman, 2011) that suggests that, under certain conditions, collegial professional ethical discussions can lead to ethical understandings and consensus and an improvement in adult moral reasoning. Group discussions, using relevant and realistic scenarios, are most appropriate for enhancing such development. According to Snarney and Samuelson (2008), "[T]he most powerful interventions for stimulating moral stage change are those that involve discussions of real problems and situations occurring in natural groups . . . in which all participants are empowered to have a say in the discussion" (p. 70).

Possible Directions

Several thoughtful procedures for the analysis and resolution of professional ethical dilemmas exist. Warnick and Silverman (2011) developed a process that integrates philosophical theory, professional codes of ethics, and case analysis. Their process uses a framework for resolving dilemmas that is comprised of nine steps, from compiling information about the case, to identifying and defining the ethical problem, to identifying options, to making a decision, and then evaluating it.

Additionally, developmental theory provides a framework for our understanding of ethical dilemmas, how better to comprehend them, and how more adequately to resolve them. A program of ethical education that grew out of the work of Lawrence Kohlberg (1981), first developed for dental professionals at the University of Minnesota more than 30 years ago, has been adapted to other professional preparation programs, including teacher preparation (Rest & Narvaez, 1994). Known as the Four-Component Model of Moral Maturity, the framework assumes that moral behaviors are built on considerations of a series of component processes leading to dilemma resolutions at one of three ethical judgment levels (Bebeau, Rest, & Narvaez, 1999). The more deeply these components are taken into account when thinking about a moral dilemma, the more mature the resolution levels tend to be. The components include:

- *Moral sensitivity*. This involves the ability to interpret the reactions of other people and to be aware of how our actions affect others.

- *Moral judgment*. This refers to intuitions about what is most fair and moral.

- *Moral motivation*. This is the importance assigned to professional

moral values over personal values when one is faced with an ethical dilemma.

• *Moral character.* This refers to an individual's disposition to act on her moral convictions.

From their analysis of how adults resolved moral dilemmas using these four components of moral decision-making, Rest et al. (1999) were able to identify three developmental ethical levels of moral thinking. When faced with a moral dilemma, adults tend to rely differentially on the four components and thus resolve the ethical problem from one of the following developmental perspectives, each progressively more mature.

• The *personal interest* level is the most basic level of adult moral reasoning. At this level, dilemmas are resolved on the basis of direct advantage to the focus person in the case. That is, a judgment is made about sensitivity, judgment, motivation, and character that focuses on concern for maintaining approval from family or friends and doing what is best for the self, with less consideration given to the effect of one's behavior on others. The reason for doing "the right thing" at this level is to serve one's own needs or interests.

• The *maintaining norms* level is the next level of moral reasoning. At this level, dilemma resolution is focused on maintaining the existing legal system, rules, and/or societal and professional norms or codes. Behaviors are judged as right when they fulfill the duties to which one has agreed or when they contribute to the society, group, or intent of the profession. At this level, laws are to be upheld (except in extreme cases), and professional sensitivity, judgment, motivation and character evolve from an interpretation of those laws and norms.

• The *post-conventional* is the highest level of moral maturity. At this level, dilemmas are resolved on the basis of consensus-producing procedures (e.g., majority vote), due process, safeguarding minimal basic rights, or on an appeal to moral principles. The outcome should be to uphold the basic rights, values, and legal contracts of a society, even when they conflict with the concrete rules and laws of the group (Bebeau & Thoma, 2003; Kohlberg, 1981).

Putting these components and their resulting levels to use is not an easy undertaking in schools that already feel the pressures of accountability and where teachers already are engaged in full schedules of instructionally-related professional development. Expecting teachers to have grounding in ethical theory or developmental theory is not always possible. But it is natural for professionals to be concerned about the ethical implications of their work with colleagues, students and the

students' parents and, therefore, the four components and three levels comprise a useful framework.

Teachers, like most empathetic professionals, are interested in questions related to what is going on in a questionable situation. They are interested in understanding why a person is acting this way (moral sensitivity). They want to know if there is a more adequate way to act (moral judgment). Finally, they tend to put themselves into the situation and to ask themselves, "If I were in this situation, what would I think to be the best way to resolve it (moral motivation), and would I actually follow through in that way (moral character)?"

A Professional Code of Ethics

Many professions have written codes of ethics (e.g., Gorlin, 2000). These codes, usually drawn from philosophical principles, provide guidance for those in that profession and are used by those professionals to make judgments. One such document for educators is the National Education Association's *Code of Ethics* (NEA; 2012), which can be very helpful in the process of identifying and resolving professional dilemmas. The NEA code contains two principles: a commitment to the student and a commitment to the profession (see Figure 1). Included under each is a series of behavioral indicators (e.g., the educator "shall not unreasonably deny the students' access to varying points of view"; "shall not use professional relationships with students for private advantage"; "shall not misrepresent his/her professional qualifications"). Combined with the four components of moral maturity, the NEA's code of ethics can provide a simple, yet powerful, mechanism to evaluate professional ethical issues in education. It can be used to identify professional expectations (i.e., moral sensitivity issues) and thus assist in the identification of moral problems and in the resolution of professional moral dilemmas.

Analyzing the Callie Case

Although professional codes do not supplant deeper and broader knowledge of philosophical theories, they can be useful in identifying red-flag behaviors. Similarly, teachers do not have to have a deep understanding of developmental theory to attribute motivation to the actors in real-life cases. The NEA Code of Ethics and the Four-Component Model, with its resultant three developmental ethical levels of moral thinking, are suitable starting points for group discussions of professional dilemmas.

Let's return to the case of Callie Smith and her second grade classroom. Here are some questions that should be discussed.

1. What are the issues in this case (moral judgment)? What information can you infer about the priorities of Callie and Mrs. Brass (moral sensitivity)? What is the impact of their behavior with regard to services to which Sarah may be appropriately entitled (moral sensitivity)? What should be done in this situation (moral motivation)? What would you do (moral character)?

2. What is in Sarah's best interest? Are there attributes related to her

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Figure 1

Code of Ethics of the Education Profession

Preamble

The National Education Association believes that the education profession consists of one education workforce serving the needs of all students and that the term 'educator' includes education support professionals.

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

The remedies specified by the NEA and/or its affiliates for the violation of any provision of this Code shall be exclusive and no such provision shall be enforceable in any form other than one specifically designated by the NEA or its affiliates.

Principle I

Commitment to the Student

The educator strives to help each student realize his or her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator—

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning

2. Shall not unreasonably deny the student access to varying points of view.

3. Shall not deliberately suppress or distort subject matter relevant to the student's progress.

4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.

5. Shall not intentionally expose the student to embarrassment or disparagement.

classroom behaviors that provide hints about her educational needs (moral sensitivity)? Does Principle I of the NEA code provide guidance? If so, which indicators (moral motivation and moral character)?

3. Do the developmental levels of moral thinking give you an indication of Callie's state of mind with regard to the issues in this dilemma? That is, does she operate more from the Personal Interest level or from the Maintaining Norms level (moral judgment)? Are her motivations consistent with her professional responsibilities as defined in the NEA code (moral motivation and moral character)?

4. What do you think is the perspective of Mrs. Brass? Might her primary concerns be that Callie should like and respect her and that she

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Figure 1 (continued)

Code of Ethics of the Education Profession

6. Shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly—
- Exclude any student from participation in any program
- Deny benefits to any student
- Grant any advantage to any student

7. Shall not use professional relationships with students for private advantage.

8. Shall not disclose information about students obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.

Principle II

Commitment to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation to the profession, the educator—

1. Shall not in an application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.

2. Shall not misrepresent his/her professional qualifications.

3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute.

4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position.

5. Shall not assist a noneducator in the unauthorized practice of teaching.

6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.

7. Shall not knowingly make false or malicious statements about a colleague.

8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action.

—Adopted by the 1975 Representative Assembly, amended 2010

continue to come to her for advice (personal interest moral thinking); or that Sarah receive appropriate services (maintaining norms moral thinking); or that all school personnel have as their primary professional responsibility the well-being of all children under their care (post-conventional moral thinking)? What are the indicators of her behavior that provide clues? How might Mrs. Brass use the NEA code to provide direction as she guides Callie?

5. What would you do in this case (moral character)? What do you believe is an appropriate developmental ethical level of moral thinking, and why? What might an appropriate resolution look like (moral judgment, moral motivation and moral character)?

Conclusion

Discussion of professional ethical standards should find a rightful place at schools throughout the country. Such discussions reinforce professional aspirations and, in doing so, serve to remind the practitioners of their obligations. According to Bebeau and Monson (2008), "by setting forth expectation of members [of a profession] in codes of ethics, and other oaths, a profession establishes the right to expect that persons who join the profession will conduct themselves in accord with such expectations" (p. 561).

But we also know that simple discussions of ethical issues, i.e., just talking, can lead nowhere. Dilemmas are fun to talk about but often result in relativistic outcomes. Often the result is the question, "Who are you to tell me how to act?"

While such outcomes may conclude a discussion of *personal* dilemmas, the case for professional ethical dilemmas is very different. In many cases, the outcomes of those professional discussions ought to be clear. For the helping professions, the end result is to work toward the best interests of our clientele and to advance the public good. Those are the outcomes for which we strive in our professional practice.

Developmental science has informed our understanding of how professionals make mature, job-related decisions when faced with on-the-job ethical dilemmas. Young, inexperienced teachers are not as good at making reasoned choices as are their more experienced colleagues. Further as the research suggests, the ability to make those mature ethical decisions rests partially with the exercise of relevant thinking through practice. The more that ethical dilemmas are discussed in a group, the better that professionals become at making professional decisions. Just as teachers practice learning new techniques and technologies to improve instruction, the practice of moral decision-making through discussion improves moral thinking.

The framework presented here—the Four Component Model of Moral Maturity and the resultant three ethical levels of moral thinking—can assist teachers as they confront dilemmas in their own schools and classrooms. A professional code of ethics can assist educators in that process by identifying positive behaviors for which they are obligated. Reasoned discussion by professionals of significant ethical dilemmas improves moral thinking, ethical behavior, and, hopefully, the climate of schools. In a democracy, that end is no less important than enhanced test scores.

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