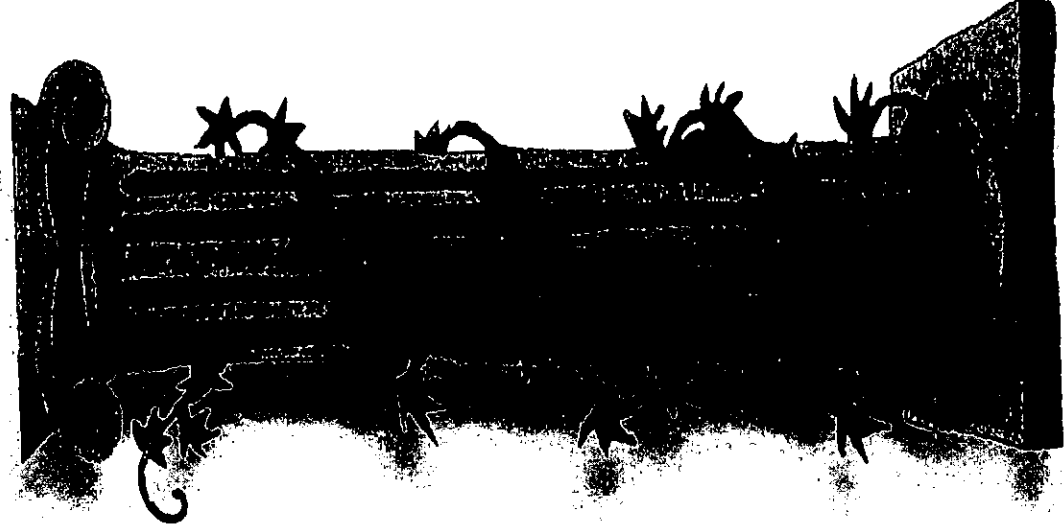


The Second Edition

# Ethics of Teaching

A Casebook



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## Afterword: Prevention and Peer Intervention

As stated in our introduction, we believe that very few instructors intentionally behave unethically. If this casebook has sensitized readers to some ethical dilemmas not previously considered, we will have accomplished our goal. Ethical problems that are foreseen can often be avoided. And, although it is not always possible to avoid ethical conflicts, sometimes merely placing oneself in certain circumstances creates a risk that significantly elevates the potential for unethical outcomes. This afterword provides some suggestions for avoiding ethical dilemmas and for assisting others who appear to have been involved in ethical lapses.

### Prevention

Knowledge and awareness of potential ethical dilemmas in academic settings are important prevention tools. Remaining sensitive to students' vulnerabilities also protects us from harming students. Many students are not as mature as they look and are very sensitive to critical comments from those in authority or those they hold in high esteem. Instructors may not always pay sufficient attention to the power differential between themselves and students and the implications for creating a positive influence or crushing defeat.

Another prevention tool is knowledge of policies and expectations for faculty conduct at your employing institution. Although many are likely to be obvious, such as the admonition to never show up to class under the influence of alcohol or drugs, others may be more subtle or governed by local norms such as the steps to be taken in an instance of observed academic dishonesty.

Ethical problems can also develop when people attempt to rationalize their decisions. Academics are no exception to this interesting but ultimately self-defeating process. Common forms of rationalization

include, "If there's no rule against it, it's OK," "I'm just doing what was done to me first," "No one got hurt," "Nobody else needs to know," "I can

still be objective," and, "Everyone else does it." Whenever you find yourself using any of these rationalizations, it is wise to pause and ask yourself whether the process is masking ethically risky behavior.

Ethical dilemmas may also arise during the course of instituting innovative teaching techniques or tools, even when the instructor has the best of intentions. We are *not* suggesting that creative approaches to teaching should be avoided, but we do recommend that any potential consequence of a planned innovation be considered in advance. In an actual case, a high school teacher was concerned because young people often either steal condoms or do not use them at all because they are too embarrassed to buy them. In an ill-conceived attempt to alleviate a serious social problem, he gave students extra credit for purchasing condoms from a clerk of the opposite sex. He was promptly suspended. His motive was honorable enough, but his judgment was poor.

Instructors should anticipate ethical issues and then protect themselves from confrontations whenever possible. Protective techniques include putting specific conditions, policies, and information about any controversial issues in writing (e.g., in a course syllabus) and making oneself available for individual consultation with students who feel upset or disadvantaged by or uncomfortable with any aspect of your classes.

Mental health professionals who find themselves in the position of defending against charges of unethical behavior are often coping with heavy life stressors or are suffering from other emotional problems (Koocher & Keith-Spiegel, 1998). There is every reason to believe that this phenomenon applies to members of any other professions. Preoccupation with difficulties is fertile ground for poor judgment, insensitivity to the needs of others, neglect of fiduciary duty, insufficient attention to one's work, or acts of thoughtlessness that result in the affliction of harm or wrongs to others. Avoiding burnout and other emotional problems by taking good care of yourself and, if indicated, seeking professional assistance are wise ways to avoid unintentional acts of poor judgment.

### Peer Monitoring and Intervention

Someone who directly observes an ethically problematic act is often the best person to attempt to mitigate it. Indeed, many of the "grayer"

instances presented in this casebook may require collegial intervention lest the questionable practice or action persist unabated. Authors of books critical of the professorate often accuse college and university faculties of protecting each other, ignoring blatantly unethical actions, and supporting a conspiracy of mediocrity and fraud. Although one may refute these overgeneralized—and often overblown—charges, it is far better and ultimately more productive to take a strong, proactive role in facilitating internally generated solutions.

It is easy enough for us to strongly encourage direct and active involvement in situations involving the ethically questionable behavior of colleagues. Indeed, making the decision that an unethical act has occurred is the easier task. Mustering the courage to become actively involved in mitigating the matter is something else again. After all, the people involved are faced every day. We may have to live with them during the daytime hours for many years. Some are friends. Some are disliked. Some hold higher rank and, therefore, hold power that could be wielded in revenge. Even in academia, a person who attempts to intervene after perceiving an ethical problem may be viewed as arrogant and self-righteous, or even as a trouble-maker or a "snitch." Getting involved is a personal test of integrity and mettle.

The decision to intervene and the method of confrontation will depend, to some extent, on the nature one's extant relationship with the people involved and any power differentials. We offer some suggestions, adapted from Koocher and Keith-Spiegel (1998), for approaching colleagues who may be exhibiting unethical behavior.

1. Objectively determine what ethical principle, policy, or code of conduct has been violated. Consider why it is wrong, what harm may have accrued (or could accrue), and how the integrity or image of the department, school, or institution may have been (or could be) compromised. Ask what legitimate loyalties may be in conflict. This prefrontation exercise will help to clarify any duty you may have as well as raise your self-confidence and commitment to your decision to be actively involved.

2. Attempt to assess the strength of the evidence that a violation has been committed. Is it mostly hearsay? How credible is the source of information? This process is important because it assists in making the decision to intervene and, if your involvement is warranted, helps to formulate the appropriate approach for a confrontation.

3. Be aware of your own motivations to engage in (or to avoid) a confrontation. In addition to any fears, angers, or other emotional reactions, do you perceive that the conduct, either as it stands or if it continues, could undermine the integrity of the teaching profession or harm one or more campus members? If you answer this question in the affirmative, then some form of action is required.

4. At this point, we recommend that you consult with a trusted and experienced colleague who has demonstrated a sensitivity to ethical issues, protecting any confidentiality that may be relevant. If you personally do not know such a person, representatives of professional organizations may provide assistance or recommend a colleague in your field who can be contacted.

5. Schedule a confrontation in advance, but not in a menacing way. (For example, do not say, "Something has come to my attention about you that causes me such grave concern that I must talk to you about it. What are you doing a week from Thursday?") Rather, indicate to the suspected offender that you would like to speak privately, and schedule a face-to-face meeting. An office setting would normally be more appropriate than a home or restaurant. Handling such matters over the phone or by email is not recommended.

6. When entering into a confrontation phase, remain calm and self-confident. The suspected offender may display considerable emotion. Expect that, but do not become caught up in it. Remain nonthreatening. Avoid a rigidly moralistic, holier-than-thou demeanor because most people find it offensive.

7. Set the tone for a constructive and educative session. Your role is not that of accuser, judge, jury, or penance-dispenser. Your role is that of a concerned colleague. The session will probably develop better if you see yourself as creating an alliance with the person, not in the sense of agreement with the problematic behavior, but as facing a problem together. You might use such phrases as, "I am confused about why you chose to do it this way," or "Something came to my attention that perplexed me, and I thought maybe we could discuss it." This approach can be less threatening than a direct accusation and may elicit an explanation rather than defensiveness. Also remember that the basis of your concern could be faulty or distorted. Or, there could be an appropriate reason for the act that was perceived as unethical.

8. If confidences require protection (e.g., another person involved in the situation agreed to allow you to confront the colleague but insisted that his or her identity be protected), explain this circumstance and expect an uncomfortable reaction. No one relishes an unseen and unknown accuser. You should also inform the person on whose behalf you are acting that it is unlikely that any formal action could be taken unless he or she agrees to be identified.

9. Allow the suspected offender time to explain and defend in as much detail as required. The colleague may be flustered and repetitive. Be patient.

10. If the colleague becomes abusive or threatening, attempt to head toward a more constructive discussion. Although some people need a chance to vent feelings, they often settle down if the confronting person remains steady and refrains from becoming abusive and threatening in return. If a negative reaction continues, it might be appropriate to say something calming like, "I see you are very upset right now, and I regret that we cannot explore this matter together in a way that would be satisfactory to both of us. I would like you to think about what I have presented to you, and if you would reconsider talking about it, please call me within a week." If a return call is not forthcoming, other forms of action should be considered.

11. If the suspected offender is a friend or acquaintance with whom no previous problematic interactions have occurred, the teammate role described in Point 7 is easier to implement. You can express how you want to be the one to deal with the matter because you care about the person and his or her professional standing. The danger, of course, is that you may feel that you are risking an established, positive relationship. If the confrontation has a satisfactory outcome, however, you may well have done a favor by protecting your friend from embarrassment or from more public forms of censure. Discomfort, to the extent that it ensues, is likely to be temporary.

12. If the suspected offender is someone you dislike, handling the situation will be, by definition, more difficult. If the information is known to others or can be shared appropriately, consider asking someone who has a better relationship with the person to intercede. If that course of action is not possible (e.g., when confidentiality issues preclude sharing the matter with anyone else), and objective introspection leads to the conclusion that the misconduct requires intervention on its own merits regardless of who committed it, then one must consider informing the individual's supervisor or some other form of proactive intervention.

13. If the suspected offender is of higher rank or holds a position of power over you, you may be able to get the support of someone not affected by the person's position. We encourage the establishment of a mentor system in every department so that contract and junior faculty members have a senior colleague with whom they can speak freely about issues such as these.

Finally, we fully understand that confronting a colleague about an ethical concern is in the same league with calling in a student suspected of cheating. It is distasteful and takes a certain brand of courage to act. We discourage two safer-feeling but less effective alternatives: gossip and sending anonymous notes. Neither can guarantee a solution to the problem, and both have a high potential of making things worse. We also recognize that not all ethical dilemmas are amenable to informal resolution. Sometimes one will have no choice but to report a problem to one's supervisor or other institutional office. If entire departments become embroiled in matters with ethical ramifications, formal intervention, perhaps involving a skilled mediator, is indicated.

In closing, we can say with confidence that several types of the dilemmas we have illustrated will arise and directly affect you in the course of your teaching. We hope that we have imparted ideas for recognizing and resolving what will surely come your way.