

---

# 1

## Engaging in Ethics

*Tina, a third-grade teacher in your school, cleaned out her attic and decided it was time to throw out cancelled checks from five years ago. She didn't have or feel she needed a paper shredder at home, so she brought her checks and some other documents to school and used the special education office paper shredder after school one day. You encounter her at this task. What do you do?*

*Your school system is deliberating a pay-to-play policy for its athletic teams. You are an elementary teacher, so you have no close connection to the middle and high school students who might be involved. However, the concept offends your sense of fairness to students. If a school system deems a particular activity important enough to be part of its co-curricular program, shouldn't the system foot the bill? Shouldn't the system look at other ways to save money, e.g., having fewer teams if all teams cannot be supported, rather than impose a fee for participation on all the students who wish to play? Should you make your views known even if, technically, the policy does not affect you or your students?*

**S**chools are among the most complex institutions in our society. The relationships and interactions that unfold within their walls raise a ceaseless array of ethical questions and concerns. Teachers especially are confronted at nearly every turn with tasks or opportunities that have ethical implications. There is no escape from the constant need to recognize and do the right thing.

Fortunately, most of us do not enter this ethical thicket unarmed. We have been raised and nurtured by parents, mentors, and educators who helped us recognize the importance of ethical propriety, who

taught us to see the difference between right and wrong, and placed a high value on the former. As adults in a learning environment, we have also come to know that we are role models, that our ethical choices have implications not just for ourselves but also for the students who watch us closely. This imposes a special kind of caution: the desire to be certain we're doing the right thing before we act. "Nothing is so conducive to good behavior," Dr. Johnson is reported to have said, "as the knowledge one is being watched." And in schools, we are always being watched.

But the training we bring and the care we take often are not enough to ensure that ethical propriety infuses all that we do. School settings are full of potential pitfalls and dilemmas that challenge even our best efforts to act ethically. Often, the problem is that we don't realize the ethical implications of an interaction. Sometimes we're tempted to minimize or distort those implications or subjugate them to convenience or self-interest. And occasionally, we confront an ethical dilemma that is too complex for us to respond with any certainty that we have made the right choice.

This book is not a bible. It does not offer eternal truths and lessons, the adoption of which guarantee ethical behavior. It is instead a guidebook, designed to help teachers through the maze of ethical challenges that are an inevitable part of their professional lives. We will try to identify the most common of those challenges and the kinds of situations in which they most often occur. We will offer some bedrock principles of ethical behavior and suggest ways in which they can be usefully applied to practical situations. And throughout we will provide the voices of teachers, explaining the real-world situations they have confronted, and then describe the processes of thought and action they employed in navigating through them.

Honing one's ethical sensitivities is a constant work in progress. There is something new to learn every day. Reading this book will not complete that process, but we hope it will help to facilitate, perhaps to accelerate it.

We will focus special attention on the role we feel teachers and administrators must take on as they help each other confront thorny issues. All educators face a dual task in their schools. In the first instance, they must cultivate their own sense of ethical propriety, because they are leaders and guides. By their own actions—and the perception of them—they set the standards for their schools. The ethical culture of any school is defined in large part by the norms that its members establish for their own behavior. Whatever they may preach will matter little if it is contradicted by the ways they act.

Commitment to high ethical standards by educators is the *sine qua non* of a sound ethical culture in any school.

Educators also have a responsibility to guide their colleagues on ethical behavior and ethical decision making. Formal efforts to introduce discussions of ethics into the meetings and routine conversations that take place among teachers are part of this obligation (Keith-Spiegel, Whitley, Balogh, Perkins, & Wittig, 2002). Informal efforts may involve simply asking questions about policies the school adopts or its method of implementation. Such questions, too, need to be routinely asked of oneself: "Does this action or policy conflict with my own moral compass? Will it be fair to everyone? What if there are exceptions to its implementation? Who decides?" Equally important is the careful construction of procedures and habits that allow teachers to seek and find help when they confront difficult ethical dilemmas. And essential as well for teachers is communicating with colleagues and administrators who may have failed to recognize an ethical challenge or to respond properly to it.

Creating a positive ethical environment in any institution, but in schools especially, depends above all else on communication (Enomoto & Kramer, 2007). In the pages that follow, we will offer many cases from the real world experience of teachers who have shared them with us. The range of complex situations in which they have found themselves is wide and evocative. But it only scratches the surface. Every reader of this book will have confronted situations of his or her own that do not precisely fit any of those discussed here, that raise ethical questions that cannot be answered in the same way they were answered here. The fabric of ethical principles and guidelines we will offer is far too thin to be stretched comfortably over every kind of ethical situation that arises in schools. It is essential, therefore, not to enter an ethical quagmire unaccompanied.

The best advice we can give anyone for effectively confronting an ethical challenge is to seek wise counsel before acting. Find someone whose independent judgment is reliable, who has no direct stake in the immediate situation, and solicit his or her guidance on how to act. We hope the lessons in the following pages help to shape those conversations, but they can never be a substitute for them.

## **Ethical Challenges in Schools**

While the ethical issues that arise in school environments range widely, most fall within a few broad categories. We will identify those

here and outline their parameters. In later chapters, we will discuss at length the role that teachers can play in dealing with these issues

### **Obeying the Law**

This may seem the easiest of all moral principles—teachers should obey the law. The law is often made by adults with too little understanding of the young people to whom it applies, its effect on the learning process, or the impact it might have on the operation of a school. That one should obey the law is a good first response to any ethical dilemma. But there will be times in every educator's life when obeying the law does not seem to be the best way to respond to a complex situation.

In some states, for example, the law holds that when a person who is 18 has sexual relations with a person who is 15, a criminal act has occurred. But a typical high school has people of both ages and sometimes they engage in sexual relations. If a teacher learns of such a relationship, is it in the best interests of the students to report that knowledge to law enforcement officials?

In some states as well, teachers are required to report cases of abuse of children by a parent or someone else in their households. But the definition of abuse is often cloudy, and individual teachers may vary widely in their interpretation of its meaning.

One of the most common ethical dilemmas faced by any teacher is the discovery that a colleague or supervisor has done something unlawful. Should it be reported? Should it be reported that the school superintendent awarded the big paint job to a company owned by his brother-in-law? Should it be reported that a teacher is driving to school each day despite a suspended driver's license? Should it be reported that a colleague doesn't actually reside in the county where her school is located even though state law requires that?

### **Conflict of Interest**

Each of us faces moments in our lives when our personal self-interest conflicts with our professional responsibilities. The potential for this kind of conflict of interest is present in virtually every job situation. A mentor teacher faces it when assessing a young probationary teacher who is her son's fiancée, or a teacher deals with potential conflict when serving on a committee to choose new computer hardware for the school where he teaches while owning stock in one of the bidding companies. Or consider the not uncommon problem of teaching

in a school that your own child attends. Should that child be assigned to your classes? Should you be in a position of leading or supervising other teachers who have your child in their classes? Should you broach your concerns with her teacher when you think your child has been unfairly evaluated on a term paper? In situations like this, the conflicts between one's roles of teacher and parent are unending and very much in need of attention and constraint.

A common response by those possessed of a potential conflict of interest is to declare that they won't be affected by it. "Don't worry," they may say. "I'll vote to adopt the best computer hardware for the school even if it's not sold by the company in which I hold stock." Or, "I can assess that new teacher objectively even if she is going to marry my son." Perhaps so, but who will ever believe that if the action that follows serves the actor's self-interest? In creating an ethical environment in a school, perceptions matter deeply. One can be sure, for example, that if a teacher were to participate in the hardware selection described here, and the committee's decision was to adopt the hardware sold by the company in which that teacher owned stock, the losing bidder would cry foul and suggest that the choice was infected by conflict of interest. Whatever the reality, the appearance of a conflict of interest would prevail.

The only reliable cure in situations such as this is for people who possess a potential conflict of interest to declare it and to remove themselves from the decision making in which it might affect their judgment. That is not always easy, but it is always necessary. Every school committed to high ethical standards needs to have a policy that defines conflicts of interest and indicates the steps that should always be taken to avoid them.

### **Misuse or Abuse of Position**

In our work lives, we are often afforded opportunities to do things or to use equipment that may benefit us personally. Our schools often possess things that we do not own or have in our homes: photocopiers, video cameras or projectors, laptop computers, lawnmowers, and the like. There may be times when it would be a significant personal convenience to use the school's equipment for personal purposes that are unrelated to the task of the school. The video camera that was purchased to record school athletic contests would be perfect for videotaping our cousin's wedding. Or the custodian's commercial vacuum cleaner might be very helpful in cleaning up the garage at home this weekend. Or I could copy my income tax

return on the school's photocopier or take home a ream of that printer paper from the supply closet for my printer at home.

The convenience and low cost of using school equipment for non-school purposes are highly tempting and most of us have succumbed to those temptations from time to time. But it is wrong. We may convince ourselves that there is no cost to the school when we borrow its equipment, but that is a delusion, and it wouldn't matter even if it were true.

"No harm, no foul" may be the rule in basketball, but not in ethics. Materials and equipment purchased for school purposes should not be used for individual purposes unrelated to the school. This is true in any school setting, but in public schools there is the added dimension of the equipment in question being purchased with taxpayer funds. How often do we read about scandals in which public officials abuse their access to cars or staff or office allowances to transport their spouses on shopping trips or to go on official trips that are actually vacations? These all represent abuse of position, and they differ only in degree from the teacher who uses the school video camera for a family wedding.

What are the limits in the use of the school photocopier? What about exchanging personal e-mails or making online purchases on school computers during the school day? Are there ever conditions when a school lawnmower can be used on a teacher's lawn, say with the payment of a rental fee to the school? Even though they sometimes seem to deal with incidental costs, these are important questions because they broach the larger issue of misuse of one's position. It is important for teachers and their schools to recognize the potential threats here to the ethical culture of their work environment and to establish clear policies to guide those who wish to act ethically and those who might be tempted to do otherwise.

## **Representation of Individual Clients**

The recent rapid expansion in private tutoring, private classes, and college counseling has raised a new set of ethical challenges to schools. Suppose a parent of a student you're currently teaching comes to you and says, "You've done a wonderful job of teaching our son; he's never been so excited about learning. We'd like to hire you to tutor him on Saturday mornings so that he'll do well when he takes his college entrance exams. We'll pay you \$50 an hour for three hours each Saturday." How do you respond?

Here we see at least two principles in conflict, the classic ethical dilemma. One is the understanding that teachers are free to use their

off-duty time as they wish, including engaging in activities that allow them to supplement their teaching salaries. If you want to paint houses or work at the local hardware store or drive a cab, you should be free to do that as long as it is on your own time.

But what if what you would like to do on your own time intersects with your teaching responsibilities? If you accept the invitation to tutor a student in your classes, you must understand that other students, and their parents, may see this through a different set of lenses. To them, this may be little more than an effort by the parents to bribe you to give their son favorable treatment in school. It will be hard for you to convince objective observers that your judgment of that student's work is unaffected by the money his parents are paying you each week. There is a clear conflict here between your right to enhance your income on your own time and the school's need to maintain an ethical climate in which fair and equitable treatment of all students is paramount.

Representation of individual clients might occur in another way. Suppose a textbook publisher approaches you at a statewide conference and invites you to come to a presentation the company is giving a few weeks later. The presentation is for teachers nominated by their principals and will be held at a local resort where you will be provided meals and overnight accommodations. You're invited as well to bring your spouse or partner. The publisher indicates that it is an opportunity to introduce you to some new texts and their authors. You agree to participate, and at the presentation you are told that if you are impressed with these new texts and if your school adopts any of them, you will receive a voucher for a three-day weekend with your family at this resort.

Back at school, you meet with teachers in your department or grade level to discuss the selection of new texts for the following year. What obligations, if any, do you have with regard to your relationship with this publisher? Here it is important to see that you have become, at least potentially, a representative of this publisher. An exchange relationship has been established: you have been offered something of value (the three-day weekend at the resort) in exchange for your efforts to secure the adoption of the publisher's books. While you did nothing wrong by attending the presentation, you tread on very shaky ethical ground if you participate in the selection of new texts without fully disclosing your relationship with the publisher.

Teachers can play a valuable role in each of these situations by helping their schools develop policies to guide all teachers when confronted with opportunities like this to take on clients or become

agents for financial reward. Then when parents offer private tutoring opportunities or publishers create financial incentives for adopting their books, teachers will have a much clearer sense (1) that there are ethical issues at stake and (2) that a proper response should be guided by established policies. Perhaps it is acceptable to tutor a student in your school as long as that student is not enrolled in your classes. Or perhaps it is acceptable to attend the publisher's presentation as long as no remuneration is received if its books are adopted. Only when clear borders are drawn in school policies can teachers be certain that they have not sunk into an ethical swamp.

## **Nonschool Employment or Business**

Many school employees supplement their salaries by engaging in other employment or owning businesses. Relatively low teacher salaries make this necessary and the number of days when they are not obligated to be in school makes this possible for many teachers. But keeping school employment separate from nonschool employment is a constant challenge, a central concern in maintaining the healthy ethical culture of a school.

Nonschool employment should take place outside the school; it should not impose on any school resources, facilities, or equipment; and it should not prevent teachers from being prepared and properly rested for their school responsibilities. Nor should nonschool employment be in occupations that undermine the reputation of school or the teaching profession generally or the respect that either should expect in their communities.

Consider these possibilities. A teacher owns an auction business and makes and receives auction-related phone calls at school during the day. A teacher uses school photocopiers to reproduce brochures for her scrapbooking business. A teacher makes a profit from buying and selling camera equipment on eBay and uses the computer in the teachers' lounge to enter bids between classes. Each of these raises common questions about the line between on-duty and off-duty obligations and constraints. And in an era when e-mail, cell phones, and BlackBerries facilitate communication anywhere any time, the challenge is much greater than it was when there was one telephone per school under the watchful eye of the school secretary in the main office.

What about a teacher who works as a bouncer on weekends at a seedy local bar? Or the teacher who works in the summer for a company that manufactures performance-enhancing drugs which,

though legal, have been banned for athletes at his school? As these examples suggest, ethical complexity grows when we try to define the line of propriety that separates teachers' obligations to their schools from the freedom to do on their own time what any other citizen is permitted to do.

## **Memberships and Affiliations**

Freedom of association is a right guaranteed by the U.S. Constitution. It is a treasured American value. But the exercise of this right can be a complication when we think about educators in public schools. Although they may stand for wide tolerance and intellectual openness, schools are not value-free. On some matters, inevitably, schools will have an institutional valence. School missions may profess the equality of males and females and of people of different races and religions. However, if the communities they serve are divided on certain values, educational leaders may wish to avoid taking institutional positions on controversial issues such as abortion or gay marriage.

The problem comes when teachers or other school employees join groups that have values or views at odds with those of the school. A teacher may be a member of a church that defines abortion or homosexuality as sins. Perhaps the soccer coach is a member of a local club that denies membership to women. An educational technician may be a leader in the local chapter of Aryan Nation, a group that opposes the mixing of the races.

The moral high ground is often hard to define in cases like these. It is easy enough for schools to require that employees park their personal beliefs—especially those that conflict with prominent school values—at the front door. But can a moral person have one set of values in school and another on the outside? And how far can a school legitimately go in circumscribing the impact of employee memberships and affiliations if individuals have a constitutional right to them?

## **Civility**

One of the categories of ethical behavior least discussed is the conduct of interpersonal relations. We tend not to think of this as an "ethical" concern. But there is little that defines our moral credentials more than the way we treat other people.

Schools are places of close and intense personal relationships. How we handle these relationships—how fair-minded we are, how tolerant, how discreet, and how cordial—are all measures of the values we bring to our work. Contextualizing our personal desires and self-interests by juxtaposing them and, when necessary, subordinating them to the greater needs of the school is the essence of moral behavior.

We may have little admiration for the teaching skills or commitment of the colleague who is nearing retirement and appears “burned out.” We may find it difficult to converse, perhaps even to be in the same room, with the colleague who criticizes every decision made by the principal. We may have been angered when we overheard two female students talking about the leering looks they thought they were receiving from a male teacher. Perhaps the short skirts and revealing blouses worn by the new social studies teacher seem inappropriate school dress. How we handle these feelings and how our handling of them contributes to the work climate in our schools are important components of our ethical obligations to each other and to the school community.

Nowhere is this more evident, nor more potentially corrosive, than in the ways we talk about our colleagues. Since humans seem to have an enduring fascination with other people’s lives, schools are places where gossip is rife. Gossip can be harmless and fun, as when we wonder whether a colleague is expecting a baby or likely to start a doctoral program. But gossip can also be mean, vindictive, and damaging. Controlling the urge to trespass too deeply into matters that are none of our business or to cast aspersions on colleagues who are not there to defend themselves is essential to civility. And civility is the essence of a healthy ethical climate in any school (Palmer, 2007; Sizer & Sizer, 1999).

## **Role Models**

Like Caesar’s wife, teachers are highly visible figures and must be “above suspicion.” While no one can properly argue that invisibility is a justification for unethical behavior—it’s okay as long as it’s not seen—one can certainly argue that those who work in the public eye have to be especially careful in their ethical decision making because their actions will be judged by a critical audience. The impact of that is especially acute for teachers who will be judged by young people looking for role models for their own behaviors.

Jackson, Boostrom, and Hansen's (1998) research helps experienced teachers remember that we teach who we are. Learning is not just the transmission of information and inspiration about intellectual substance, it is also the impression that adults make on children and adolescents. We should be fair and tolerant in our interactions and seek to do the right thing in our behavior because those are important ethical standards. But we should seek to meet those standards as well because they provide clear and good lessons to the students who watch and copy us closely.

The teachers who are guilty of rowdy fan behavior at sports contests, who lie when asked a question they can't answer, who take a sick day to go to the beach—in all of these actions, they teach who they are. And the lessons can inhibit the ethical growth of their students and undermine the ethical culture of their schools. All of the situations we explore in this book get back to the students: What are they learning and what should they be learning as these significant adults in their lives wrestle with dilemmas that invariably have to do with what is the right and just behavior? These people, their teachers, have the important job of shaping future generations, academically, of course, but also socially and ethically.

In the next chapter, we provide some overarching principles that can help teachers think through situations so they are better prepared to act according to a clear ethical code when they are confronted with difficult choices. In the subsequent chapters, we take a look at ethical questions that may arise in teachers' work lives as they interact with different people in their school communities. Although each chapter focuses on a particular relationship, the issues are complex and usually involve other people from different groups and invariably resonate with the notion that we teach who we are. Children, however, are the bottom line.