Professional Ethics
It’s Rarely About Right or Wrong
Professional Ethics: It’s Rarely About Right or Wrong

Education Week Webinar
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I will read a list of 5 actions performed by educators. Let’s consider whether that action is...

- [x] ETHICAL
- [ ] UNETHICAL
I will read a list of 5 actions performed by educators. Let’s consider whether that action is...

- ETHICAL
- UNETHICAL
1. Interacting with students through social media or texting.

2. Accepting an expensive gift from an appreciative parent.

3. Offering advice and guidance to students about their personal issues or concerns.

4. Giving a student resources or money.

5. Dating a former student who is now starting college.
Let’s Reflect…

What standards are we using to determine ethicality?

Morality or Law/Policy

It’s really NOT about “ETHICAL or UNETHICAL”

Let’s examine those behaviors through a different lens – “RISK”
Is there a RISK …

... interacting with students through social media or texting?

... accepting an expensive gift from an appreciative parent?

... offering advice and guidance to students about their personal issues or concerns?

... giving a student resources or money?

... dating a former student who is now starting college?
1846
Philadelphia
250 delegates from 28 states...

1847
New York City
American Medical Association

--

Code of Medical Ethics

In response to ...

RISKS
Practitioners . Profession . Public . Patients

“In 1847, with the single exception of small pox, physicians had no vaccines or other means of protecting themselves against infectious diseases. The duty to alleviate the suffering of the epidemic stricken would jeopardize physician’s lives” (p. 40).

“The AMA’s 1847 Code of Ethics appears to be a systemic attempt to protect physician and patient alike” (p. 46).
What are the greatest **RISKS** for the education profession?
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“The therapist knows that he is working with highly explosive forces and that he needs to proceed with as much caution and conscientiousness of a chemist.” (1915)
The Confusion that clearly exists within the teaching profession often plays out publically...
STUDENT MOVES IN WITH TEACHER
MOM'S MISSION TO STOP RELATIONSHIP

(ABC News, March 2, 2012)
“...and school district and teacher union officials worry that an ethical and a moral line has been crossed, even if the student is legally an adult.”

Austin, Nan (March 1, 2012). Enoch's high teacher resigns after leaving wife, kids for student, 18. Modesto Bee.
Let’s Clarify the Lexicon…

Personal Morality

*Personal values and beliefs* derived from one’s life experiences ... subjective and *may/may not align with community mores.*

Regulations or Law

Policies, statutes, and judicial activity that articulate *conduct absolutes.*

Professional Ethics

Standards created by members of the profession that *assist practitioners* within situational contexts in *choosing the most appropriate course-of-action.*

(Hutchings, T. 2015)
Ethics Equilibrium
Frameworks to Guide Professional Decision-Making

Dispositional Framework
Professional attitudes, values and beliefs that guide decision-making

Dispositional Framework
Implicit cognitive assumptions

Personal Values Considerations

Clinical Judgment Considerations

Preservice

Licensure

Inservice

Risk Management Considerations

Regulatory Framework
Policies, statutes and case law that guide decision-making (sanctionable conduct absolutes)

Ethics Framework
Professional ethical standards that guide decision-making
Individual decisions ~ Situational contexts ~ Systemic variables
Trajectory of decision-making
Personal-professional considerations

(Hutchings, T. 2015)
Nexus Between Professional Ethics and Conduct

Codes of Ethics
- Guide Decision-Making
- Mitigate Risks
- Protect the Practitioner
- Protect the Profession

Choice
Prevention

Codes of Conduct
- Compliance
- Punishment

Policies and statutes
Employment, Licensure, Criminal

✓ Defines the Boundary
✓ Possible Sanctions

Emotional & Intellectual Intimacy
In loco parentis / Agents of the State

1000's of Daily Decisions
Vulnerabilities & Risks

Multiple Stakeholders
Power Absolutism
Nuanced & Complex
Competing Tensions

Acting in the Public Interest

Lowest Standard of Acceptable Behavior

operate within the gray . navigate the gray . embrace the gray

(Hutchings, T. 2015)
Other Professions’ Codes of Ethics?

Society of Professional Journalists (Code of Ethics)
“This code is intended not as a set of ‘rules’, but as a resource for ethical decision-making.”

Education Writers Association (Standards and Ethics)
“The following guidelines aim to help steer journalists through some of the murkier ethical terrain they will undoubtedly encounter when reporting on children, families, and education.

American Counseling Association (Code of Ethics)
“When counselors are faced with ethical dilemmas that are difficult to resolve, they are expected to engage in a carefully considered ethical decision-making process.”

American Psychological Association (Ethical Principles of Psychologists)
“The Ethics Code is intended to provide guidance for psychologists and standards of professional conduct…”

American Medical Association (Code of Medical Ethics)
“Ethical values and legal principles are closely related, but ethical obligations typically exceed legal duties.”
Defining a Profession

The Model Code of Ethics For Educators

“An ethics code reflects a collective decision that a profession is better off when ethical standards are not based solely on individual assessments of what is or is not acceptable.”

Model Code of Ethics for Educators

Development History

- 2012: Educator ethics symposium *(is there a need?)*
- 2013: National survey *(is there a need?)*
- 2014: Development partners meet *(affirm need/enlist support)*
- 2014: Live webinar outlining the need
- 2014: MCEE Task Force nominations and selection
- 2014: First meeting of MCEE Task Force
- 2015: Six-week public comment period
- 2015: Draft revisions
- 2015: Unveiling of the MCEE – Washington, DC

(nasdtec.net)
Model Code of Ethics for Educators

Development Partners

- American Association of Colleges of Teacher Education (AACTE)
- American Federation of Teachers (AFT)
- Association of Teacher Educators (ATE)
- Council for Accreditation of Educator Preparation (CAEP)
- Council of Chief State School Officers (CCSSO)
- National Association of Elementary School Principals (NAESP)
- National Association of Secondary School Principals (NASSP)
- National Board of Professional Teaching Standards (NBPTS)
- National Education Association (NEA)
- National Network of State Teachers of the Year (NNSTOY)
5 Principles
~ Overarching professional responsibilities

18 Sections
~ Articulates professional values

86 Standards
~ Provides guidance and promotes purposeful discussion
~ Words of variance which allows for collective decisions
Principle III
A.8. Acknowledging that there are no circumstances that allow for educators to engage in romantic or sexual relationships with students.

A.9. Considering the ramifications of entering into an adult relationship of any kind with a former student, including but not limited to, any potential harm to the former student, public perception, and the possible impact on the teacher’s career. The professional also ensures that the adult relationship was not started while the former student was in school.
Case Study

“Mentoring: What Could Possibly Go Wrong?”
In response to a district mentoring initiative adopted by the school board called “Starfish,” teachers were encouraged to act as mentors to students. A group of high school teachers picked out five students they felt may be struggling or needed additional guidance. Each teacher then chose one student considered to be at-risk for dropping out of school to mentor.

One teacher testified, “students were not aware of this, it was all the teachers. As teachers, we thought that was just a part of the job. We had always considered ourselves mentors.” The teachers often provided their cell numbers to the students they mentored ... but the teachers were left to their own to determine their boundaries.
One of the teachers mentored a 17 year-old female student. Five years later, allegations of misconduct were made by the female student who was mentored that led prosecutors to charge the teacher with five felonies.

During a five-day trial, records showed that the teacher and the student had nearly 100 phone calls. One of them lasted over 4 hours, while 23 of them occurred after 10:00 pm. At the trial, the accused teacher testified that they talked about problems she was having in her personal life.

The student’s mother stated at the trial: “I feel as though he overstepped his boundaries. As a teacher with no formal counseling training, he squarely put himself in the middle of a situation he was unable to handle appropriately.” The mother also noted that the teacher never reached out to her about the mentorship program.
Let’s examine the MCEE and determine which standards would have had the greatest preventative impact if they had been carefully deliberated by administrators and teachers prior to accepting their mentoring roles.
Principle III: Responsibility to Students

The professional educator promotes the health, safety, and well-being of students by establishing and maintaining appropriate verbal, physical, emotional and social boundaries.

A (2): Interacting with students with transparency in appropriate settings;

A (7): Avoid multiple relationships with students which might impair objectivity and increase the risk of harm to student learning or well-being, or decrease educator effectiveness;
**Model Code of Ethics for Educators**

**Principle V: Responsible and Ethical Use of Technology**

The ethical educator is **vigilant to ensure appropriate boundaries of time, place and role are maintained when using electronic communication.**

A (1): Using social media responsibly, transparently, and primarily for purposes of teaching and learning per school and district policy. The professional educator considers the ramifications of using social media and direct communication via technology on one’s interactions with students, colleagues, and the general public;
Identifying a “Professional Standard-of-Care”

Legal Threshold:
“What would a reasonable, competent professional do in a similar situation?”

✓ Policies
✓ Statutes
✓ Codes of Ethics
✓ Community norms

Infers a professional ACTS upon knowledge of...

Employment policies, state licensure regulations and other conduct absolutes
Professional ethics standards (MCEE and discipline specific guidelines)

(IGNORANCE IS NOT A DEFENSE)
Ignorantia juris non excusat

Infers a professional has KNOWLEDGE of...

(Hutchings, T. 2016)
The Efficacy of Professional Development in the Model Code of Ethics for Educators

• Multi-Method Research
• Elementary School Faculty – Case Study
• Data Collection January and March of 2017
What concept(s) have you found to have been the most beneficial to you as a professional educator?

“Awareness of complexity and nuance.”

“The MCEE has provided me with the tip of the spear to help me be proactive.”

“Avoiding multiple relationships with parents and students... it gave me permission to say ‘no’.”

“Ethics is about having the right reason to make a decision.”

“Reflect before making decisions.”

“Considering professional ethics as gray... not demonizing others’ choices.”

“Starting the conversation... we now discuss together.”

(Hutchings, T. 2017)
### How have you applied those concepts?

#### Summary of Responses

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<th>Participants</th>
<th>Concepts in MCEE</th>
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<td>1. Responsibility to oneself as an ethical professional</td>
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<td>1. Role, time, place 2. Taking steps to resolve conflicts... with implicit demands of organization 3. Taking proactive steps with another educator when having reason to believe... 4. Collaborating with colleagues 5. Responsibility to the profession 6. Seeking to understand students'...</td>
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- **A student brought me a thank you card and a $50 gift card for tutoring. I refused the gift card politely.**
- **As a parent and teacher, I turned down an invitation for a social event for ‘cool moms.’ I explained the concept of dual relationships to the parents... they understood.”**
- **We have revised how we ‘sell’ teacher activities as part of the school’s fundraising auction.”**
- **Teacher Learning Communities are solving dilemmas together.”**

(Hutchings, T. 2017)
Because of professional development in professional ethics and the Model Code of Ethics for Educators, I...

“I believe that someday teachers could be taught this from day one... not use personal beliefs, history, and experiences... but rather the fair decision-making each circumstance deserves.”

“I feel empowered through the use of the Code...”

“... validates my decisions...”

“I think more about how my actions can be perceived.”

(Hutchings, T. 2017)
Poignant Thoughts from Teachers...

“This (ethical decision-making) is the elephant in the room. I reflect daily upon whether my decisions that day were good decisions. But I have made mistakes. If I had to do it over again... if WE had somebody with whom we could talk to on a regular basis about that elephant in the room... we could finally say, 'we are a team to be reckoned with, because we would be a group of phenomenal teachers nationwide'.”

Research Participant (Hutchings & Norris, 2014)