



Introduction to Professional Ethics

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Professions contribute to society in particular ways.

Professional roles carry their own specific requirements, which, once those roles are properly established, may have some degree of independence from what broad-based morality would ordinarily permit or require people to do in a professional context.

(Oakley & Cocking, 2006, p. 117)

Professionals

- individual members of a profession

Professionalism

- individual's capacities, attitudes, stances, expert knowledge

Professionalism

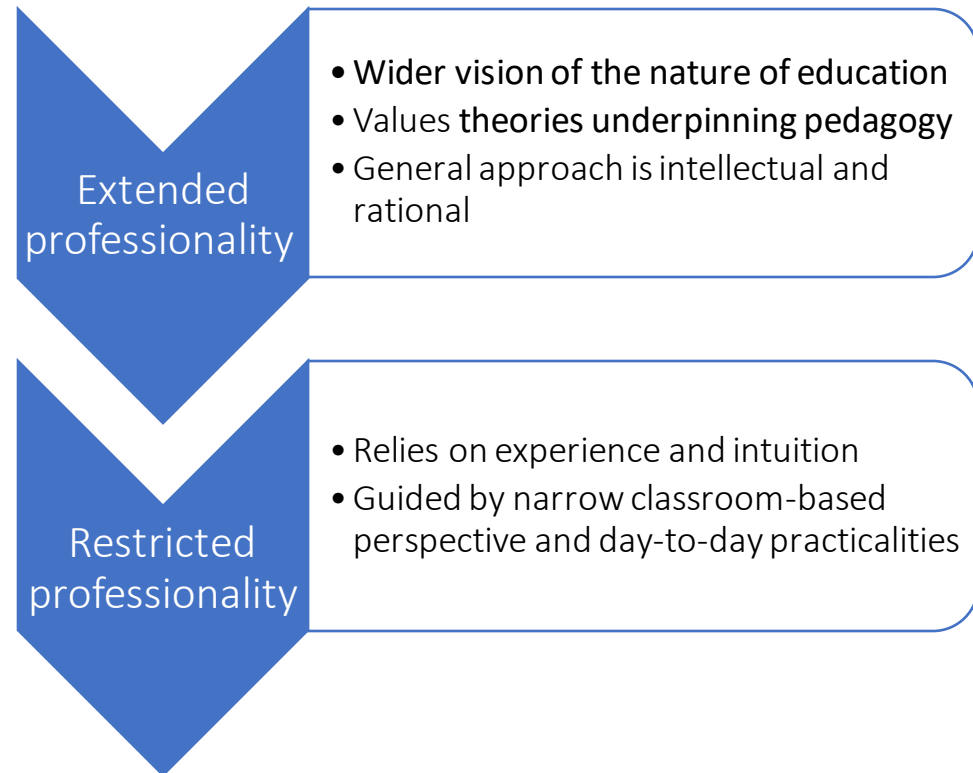
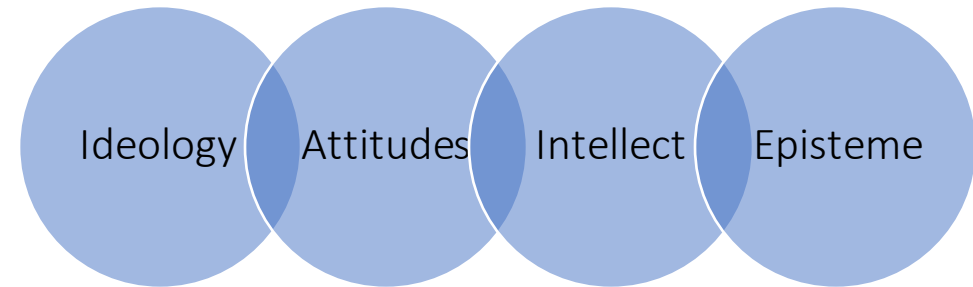
- professionalism developed as a group, the Institute

Professionalisation

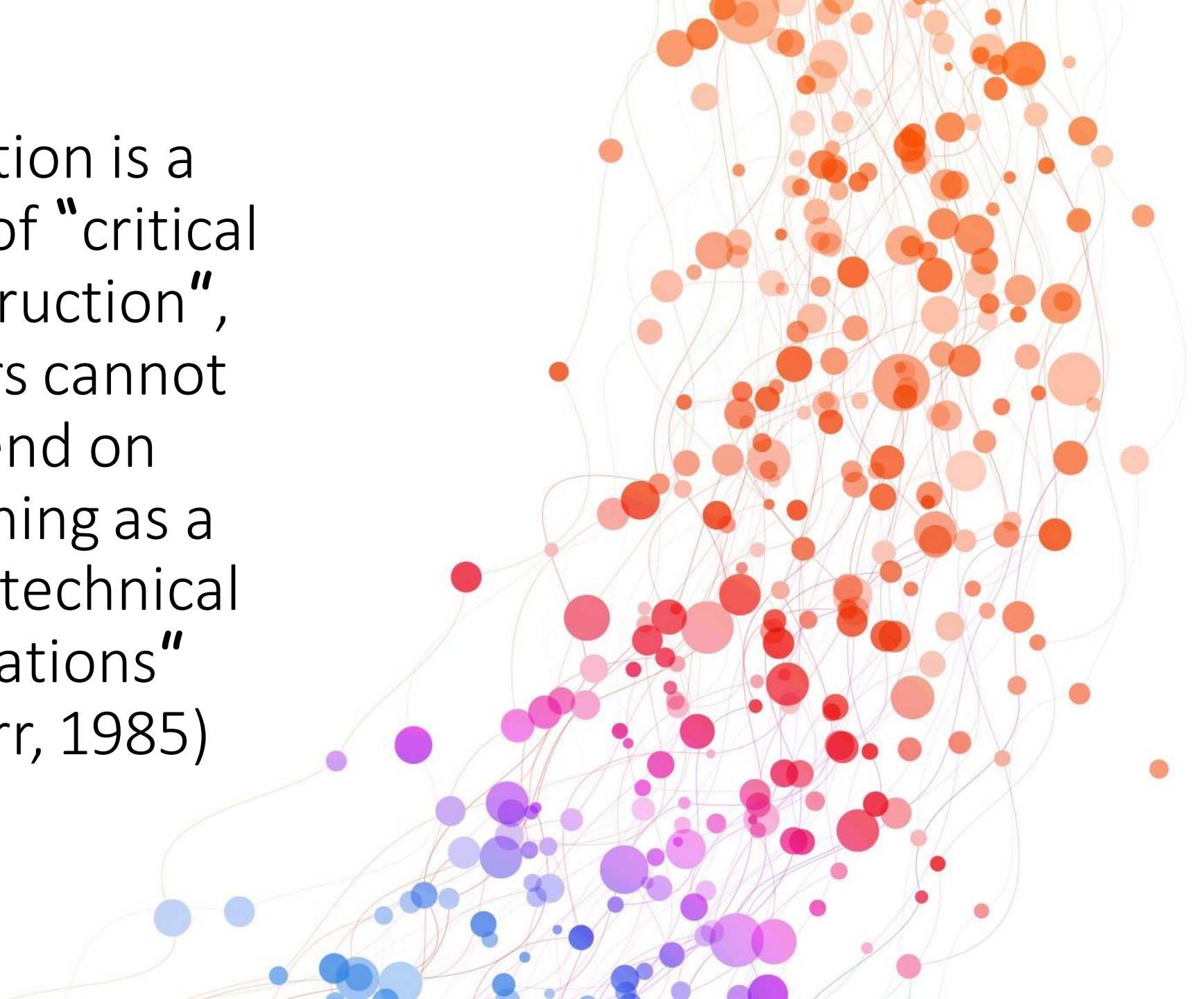
- the public construction and expectations of a profession's role

Professionality

ideologically-, attitudinally-, intellectually- and epistemologically-based stance on the part of an individual, in relation to the practice of the profession to which s/he belongs, and which influences her/his professional practice
(Evans, 2002, pp. 6-7).



Education is a
process of “critical
reconstruction”,
teachers cannot
depend on
“reasoning as a
form of technical
calculations”
(W. Carr, 1985)



Codes of ethics

INTEGRITY

RESPECT

JUSTICE

EMPATHY

DIGNITY

RESPONSIBILITY

CARE

based on core values

formulated by members of the profession

fundamental characteristic of a profession

lets others know what professionals believe

guides behaviour

sets out obligations to clients

common beliefs/ visions/ statements of values help professional
make difficult decisions

consists of principles and values statements

NSW DET Code of Conduct 2021

2 Our values

The department's values build upon the public sector core values. You are expected to live up to these values at work.

Excellence

- We have high expectations and we continually seek to improve ourselves and our work.
- We strive to excel and invite the best ideas from everyone in and outside the department.
- We use and share evidence, research and data to underpin policy and practice.
- We welcome collaboration and learning with others.

Trust

- We build relationships based on transparency, honesty and mutual respect.
- We support each other.
- We respect each other's expertise, experience and points of view, and listen with an open mind.

Equity

- We ensure that every student has access to high-quality public education.
- We respect diversity and the views and contributions of others.
- We treat people fairly.

Integrity

- We act professionally with honesty and consistency.
- We communicate clear expectations.
- We are transparent with information and our decisions.

Accountability

- We take responsibility for decisions and outcomes.
- We allocate and use resources efficiently and effectively.
- We monitor and review performance to drive improvement.

Service

- We are flexible, innovative, responsive and reliable.
- We provide coordinated and aligned services to enhance teaching and learning.
- We work openly in partnership with parents, communities and organisations.

NSW's DET code of conduct covers many obligations:

Reporting concerns about employee
conduct *(to your supervisor)*

Respect for people *(always, in every
way)*

Duty of care *(mandatory reporting, risk
assessment)*

Professional relationships between
employees and students *(never meet
students alone)*

Appropriate use of electronic
communication and social
networking sites *(see also social
media policies)*

Use of drugs, alcohol and tobacco *(You
are not allowed to smoke or drink at
school)*

Identifying and managing conflicts of
interest *(fraud and nepotism are
prohibited)*

Recruitment *(fair process)*

Record keeping *(these can be legally
acquired as evidence: must
be accurate)*

Declaring gifts, benefits and bribes
(must be under \$50)

Private and secondary employment
*(get approval from your
supervisor)*

Protecting confidential information
*(only share it with the right
people)*

Managing your political, community
and personal activities *(see also:
Controversial Issues policy)*

Lobbying *(you are a Government
servant)*

Post separation employment *(don't
bad mouth your previous
employer)*

Signatures *(are binding)*

Personal references *(choose your
words carefully)*

Using public resources wisely *(don't
use them for private needs)*

Copyright and intellectual property
*(the DET own your
work, don't harvest from
internal databases)*

NSW
DET between
2008 - 2019
584 teachers
were dismissed

of approx. 54,502
Full Time
Equivalent (FTE)

Teacher deemed inefficient :

- Required to successfully complete performance improvement program, negotiated with the teacher, identifies the areas of performance requiring improvement, and strategies for support to be provided to the teacher.

Most prevalent proven Misconduct is sexual:

Teacher, Principal or Casual teacher engaged in misconduct/ breached professional boundaries/ engaged in sexual misconduct/ offences/ inappropriate sexual comments / social media messages/pictures /physical contact/ towards/ in inappropriate relationship with/ failed to notify of sexual assault allegation/ sexual offences towards/ aggravated indecent assault/ nonconsensual sexual intercourse against a student or minor

Other types of misconduct

- Teacher convicted of possessing and disseminating child exploitation or abuse material
- Teacher convicted of possessing prohibited drug or purchasing/consuming illicit drugs
- Fraudulent medical certificates
- Failing to follow lawful/ directions
- Teacher convicted of domestic violence/assault on family

Types of Outcomes dependent on severity:

- Dismissals, Casual approvals withdrawn, Placed on NTBE (not to be employed), Contract terminated, Allowed or directed to resign or medically resigned. Not recommended for further employment

<https://data.cese.nsw.gov.au/data/dataset/e380cbbd-382b-4261-9246-129a35cd0b6d/resource/52ca746a-0eec-416a-84d0-2e3efb46a6c2/download/2019-teacher-conduct-and-performance-factsheet.pdf>

Your Code of Conduct and the Law

The DET Code is based on NSW legislation, regulations and Government policies and procedures. If there is any conflict between the Code and legislation, the provision of the legislation will take precedence. The main legislation applying to employees is:

- Government Sector Employment Act 2013
- Teaching Service Act 1980
- Education (School Administrative and Support Staff) Act 1987
- Technical and Further Education Commission Act 1990
- Any teacher who is charged with a serious criminal offence must report this to their manager.



Convention on the Rights of Children

- **17 December 1990** Australia ratified the Convention on the Rights of the Child which had been adopted by the United Nations General Assembly only a little over one year earlier (**20 November 1989**).
- *"the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity" (Preamble)*



Greta Thunberg: School Strike for Climate

Do the right thing



Vocabulary

- **Ethics:** The art of living well. Branch of philosophy dealing with values relating to human conduct, with respect to the rightness and wrongness of certain actions and to the goodness and badness of the motives and ends of such actions.
- **The Law:** the principles and regulations established in a community by some authority and applicable to its people, whether in the form of legislation or of custom and policies recognized and enforced by judicial decision.
- **•NSW Code of Conduct 2021** defines ethical decision-making as “evaluating and choosing alternatives consistent with ethical principles” (S.7)



Assumptions about the Law

1. Do not assume that just because an action is legal that it is also good or right
2. Do not assume that just because an action is illegal that it is also unethical. Similarly, do not assume that an ethical course of action will always be legal

Teachers illegally strike 7th Dec 2021

The action closed almost 400 state schools for 24 hours.

- "International conventions of the United Nations' International Labour Organisation have long defined [striking] as a human right. This right is recognised in federal and other state labour laws – but not NSW. If we were in Victoria or Queensland, there would be no legal controversy or intimidation of teachers preparing to strike. It is the law in NSW – not the teachers – that is the problem. It is time this anomaly was rectified."

Buchanan, 6/12/21 <https://www.smh.com.au/national/nsw/consider-these-three-facts-about-the-teachers-strike-20211205-p59ev5.html>



Nsw public school teachers went on strike for the first time in almost a decade in for better pay and conditions. Photograph: James D Morgan/Getty Images

Codes of Conduct have strengths and weaknesses

Inspirational - early forms

- To identify, inspire and promote values that develop a more idealised role for educators in society.
- Performs a largely non-disciplinary role that aims to encourage commitment to esteemed values such as integrity, respect and responsibility
- Has 'no teeth', can lack clarity

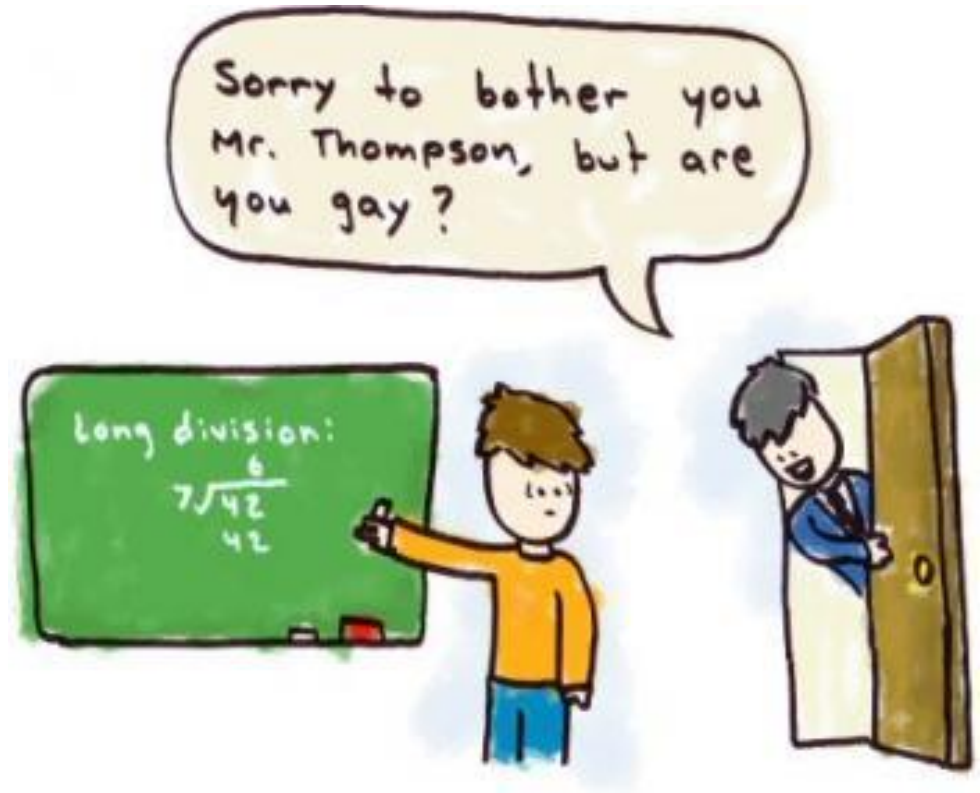
Disciplinary – trending type

- to ensure adherence, compliance to expectations and surveillance of others
- detail required behaviours and disciplinary action when the code is breached
- presents moral action as a process of following static principles laid down in some detail around central problems

Read more about it in:

Forster, D. J. (2012). Codes of Ethics in Australian Education: Towards a National Perspective. *Australian Journal of Teacher Education*, 37(9). <http://dx.doi.org/10.14221/ajte.2012v37n9.4>

1. Special character of teaching as a profession
2. Everyday tensions and dilemmas
3. Moral Decision making tools



- Systems and administrators can encourage unethical action (Campbell, 2003, p. 68)
- Today's "teachers are parts of systems and caught in complicated structures, which may be morally desensitising" (Colnerud, 2003, p. 560).
- Moral panic fuelled discrimination
- see:
<http://theconversation.com/australian-schools-must-promote-lgbt-inclusive-education-23260>



Taxonomy of moral dimensions of teaching

- Moral instruction as curriculum
 - Moral instruction within regular curriculum
 - Rituals and ceremonies
 - Visual displays of moral content
 - Spontaneous interjection of moral commentary into an ongoing activity
- Classroom rules and regulations
 - Morality of the curriculum substructure (how the classroom is organised, perspectives are values, knowledge is presented)
 - Expressive morality within the classroom (the manner in which teachers carry themselves in the classroom)

Jackson, P.W., Boostrom, R.E., & Hansen, D.
(1993) *The moral life of schools*. SanFrancisco, CA: Jossey-Bass, p.4-42

Professional problems Ethical Dilemmas

- **Solvable problems**

- Relatively clear criteria enable a choice

- Professional focus

- Outcomes/goals are set
- Procedural clarity
- Legal requirements

- BUT: “professional” problems can have ethical dimensions

- Curriculum planning
- Classroom management
- Personal openness

- **You must act BUT.. There's **no clear solution****

You have no clearly favourable choice between at least two (morally obligatory or morally forbidden) options

- Between right and right
- Between wrong and wrong

- ...and you can't do both:

- Value-laden

- Aims are negotiable
- Pluralism, diversity, difference
- “Good” open to debate

*“Just as some business persons may not exercise the same sensitivities in their business dealings as they do in other contexts, **educators too may leave important moral sensitivities at the school door.** Actions they may see as insulting, belittling, arrogant, patronizing, or unfair in other contexts may not be perceived as such in the educational context. Consequently, an important aspect of the task of enhancing the moral sensitivity and perception of educators is that of engaging them in a consideration of how the educational context, with its particular constellation of power, authority, and responsibility relations, affects the applicability of their moral concepts.”*

(Campbell, 2003 p. 11, citing Coombs)



Three Morally salient features
distinguishing the teaching
profession

- 1. (de)Mystification of knowledge
 - 2. Social distance
 - 3. Reciprocity of effort
-
- There are recognised ethical dilemmas in teaching arising from these conditions

Ethical *dilemmas,* values and uncertainty: examples

- **Truth versus loyalty**
 - Should I lie (or stay silent) to protect a colleague?
- **Short-term results versus long term gain**
 - Should I prioritise immediate or long term student *best interests*?
- **Justice versus care**
 - How should I 'manage' my students' behaviour?
- **Autonomy versus Adherence to the Norm**
 - Should I sacrifice my professional judgement to 'keep the peace'?
- **Uncertainty about assessment judgements**
 - What forms of assessment are in my students' best interests?
- **Uncertainty about socialising boundaries**
 - To what extent am I responsible for passing on social norms/values?

For more, see: Colnerud, G. (1997). Ethical conflicts in teaching. *Teaching and Teacher Education*, 13(6), 627-635.

Everyday dilemmas

*"I guess when I think of conflict, I think of an immediate situation where there's a head-on clash. But I think also of the kind of conflict that I think is a lot more like ones that classroom teachers face more frequently; which is **conflict spread out over time, that involves getting to know a student and establishing a relationship, a working relationship, and a sort of being in a tenuous situation that by no means is going to succeed.** There is no guarantee of success and that sort of requires day-in and day-out input and feedback on your part and also interaction and feedback [from the student], so that you can have at least the slightest hope of getting through the year successfully"*

- Chris Smith, English teacher, 2nd year out (Lyons, N., 1990, *Dilemmas of Knowing: Ethical and Epistemological Dimensions of Teachers' Work and Development*, Harvard Educational Review, 60:2, pp. 159-179: p.163)

We need to understand good moral decision making

Thinking in slow motion



THE MORAL IMAGINATION

Comprises:

- ethical knowledge, personal integrity, and enhanced sensitivity to the needs and feelings of others; it involves a holistic intermingling of heightened cognitive and affective abilities — a “dynamic interplay of perception, reasoning, and feeling” (Fesmire, 2003, p. 146).
- Individuals with moral imagination are “engaged in critical, creative, and imaginative searches into moral situations” leading to reflection on their own beliefs and behaviors and the “social and cultural contexts that shape who they are and how they live” (Abowitz, 2007, p. 298).
- It encompasses the envisioning of ideals and possibilities as individuals with moral imagination are able to imagine profoundly different values and actions, including alternative, non-dominant worldviews, which inspire moral agency.

Perception	The ability of people to become aware of others and their needs, desires, interests, wishes, hopes, and potentials.
Rationality	Realistic understanding of situations calling for moral response and our knowledge of the particular issues and problems at stake. This is our ability to be flexible and not just apply a moral value or rule to every situation.
Reflection	The continuing examination of beliefs and actions and consideration of how they affect other people and the questioning of the origins of our beliefs and values.
Emotion	Feelings that permit sympathetic and empathic connection with and responsiveness to others. The catalyst for moral action is the capacity for feeling.
Caring for self	Affirmation of individuals' need for their lives to have meaning and purpose. Awareness that as moral agents, individuals have needs that must be considered.

The moral
imagination

- (see: Joseph, P. (2003): Teaching about the Moral Classroom: Infusing the moral imagination into teacher education, Asia-Pacific Journal of Teacher Education, 31 (1), p. 16)

Making
ethical
decisions:
frameworks
for
professional
deliberation

Ethical Response Cycle

DE: NSW Key Questions

VIT process for making
ethical decisions



Professional and legal considerations (NSW DET) Code of Conduct (2004)

Who needs to be consulted in making this decision?

Is the decision or conduct lawful?

Is the decision or conduct in line with the Department's principles as set out in policy, including this Code of Conduct?

What will be the outcome for the staff involved, work colleagues, the Department and its stakeholders?

Do these outcomes raise a conflict of interest or lead to private gain at public expense?

Can the decision or conduct be justified in terms of the interests of the Department or its clients?

Would the action or decision withstand public scrutiny?

A Decision-Making Model

A structured approach to decision making may be of assistance when you are faced with a difficult decision. Here is one example:

Step 1	<i>Define the problem</i>	Many problems are simply a question of what's right or wrong - these are the easy ones to solve. The most difficult decisions involve a conflict between right and right. For example, you may have a conflict between being honest and being loyal, or between doing the best thing for an individual as opposed to what's best for the whole.
Step 2	<i>Identify and consider the perspectives of stakeholders</i>	Whatever the decision to be made there will always be stakeholders - you, your colleagues, your school, parents, students, etc. It's important to consider who is likely to be affected by the decision you will ultimately make.
Step 3	<i>Identify the underlying principles, laws and policies related to your problem</i>	It's important to ask yourself some questions such as: - Am I legally obliged to do something - for example, mandatory reporting? - Does my school / employer have any policies in place that relate to my problem?
Step 4	<i>Identify and evaluate the alternatives you might have - including their likely outcome</i>	There is sometimes more than one alternative to solving a problem. Whatever decision you make there will be an outcome and it's important to consider the impact of that outcome.
Step 5	<i>Get another opinion!</i>	This is an important step and a reality check. Usually you would refer to your line manager - for example, your Head of Department, Year Level Coordinator, Head of School or Principal. You can also contact your employer or the Institute.
Step 6	<i>Make your decision and act!</i>	Ultimately, you have to make a decision. If you have followed the above steps your decision will be an informed one, and you should be able to defend the position that what you have done is the 'proper' thing to do and that your action will stand up to public scrutiny.

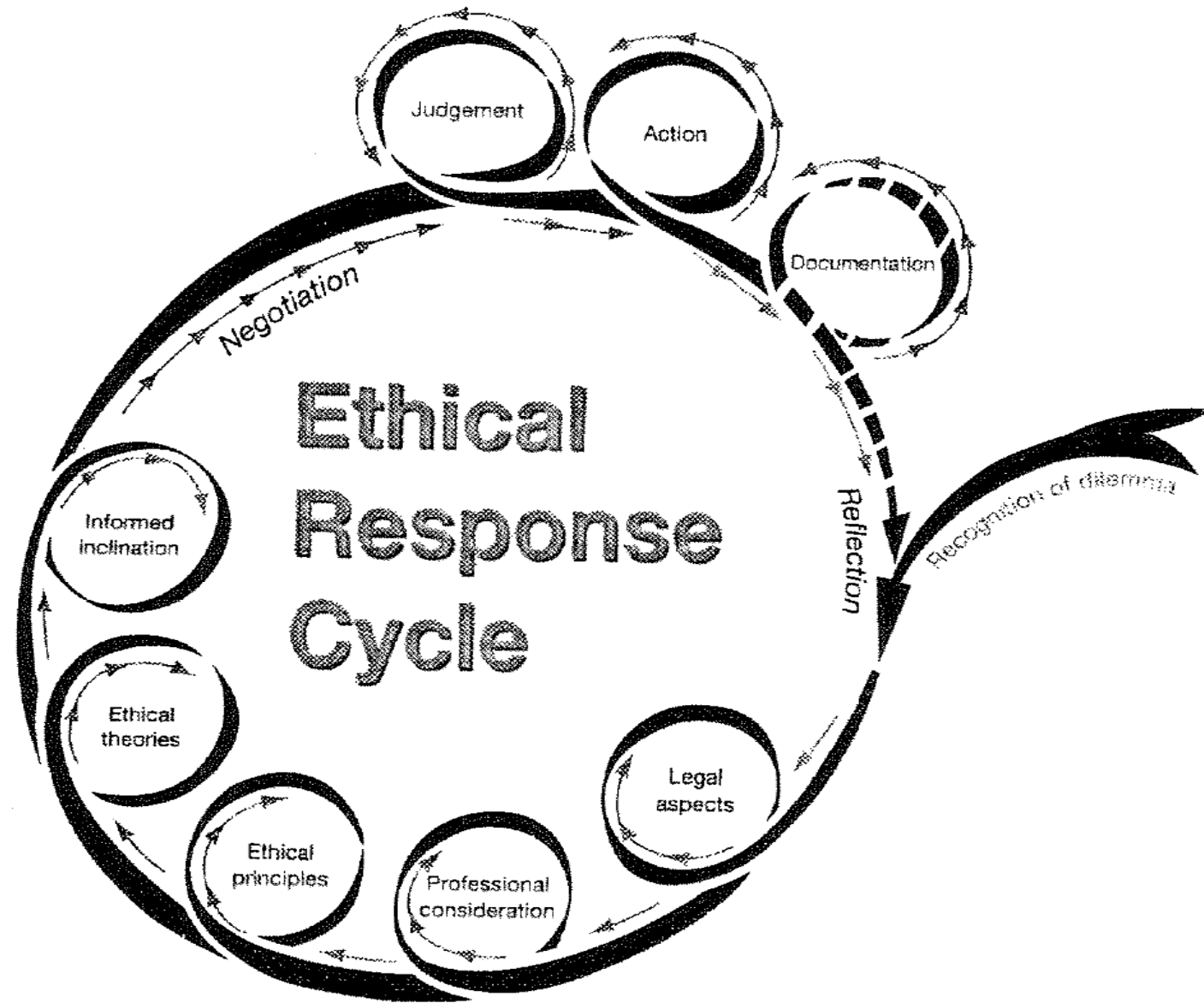


FIGURE 5.3 The Ethical Response Cycle

Source: Newman & Pollnitz (2001, p. 5).

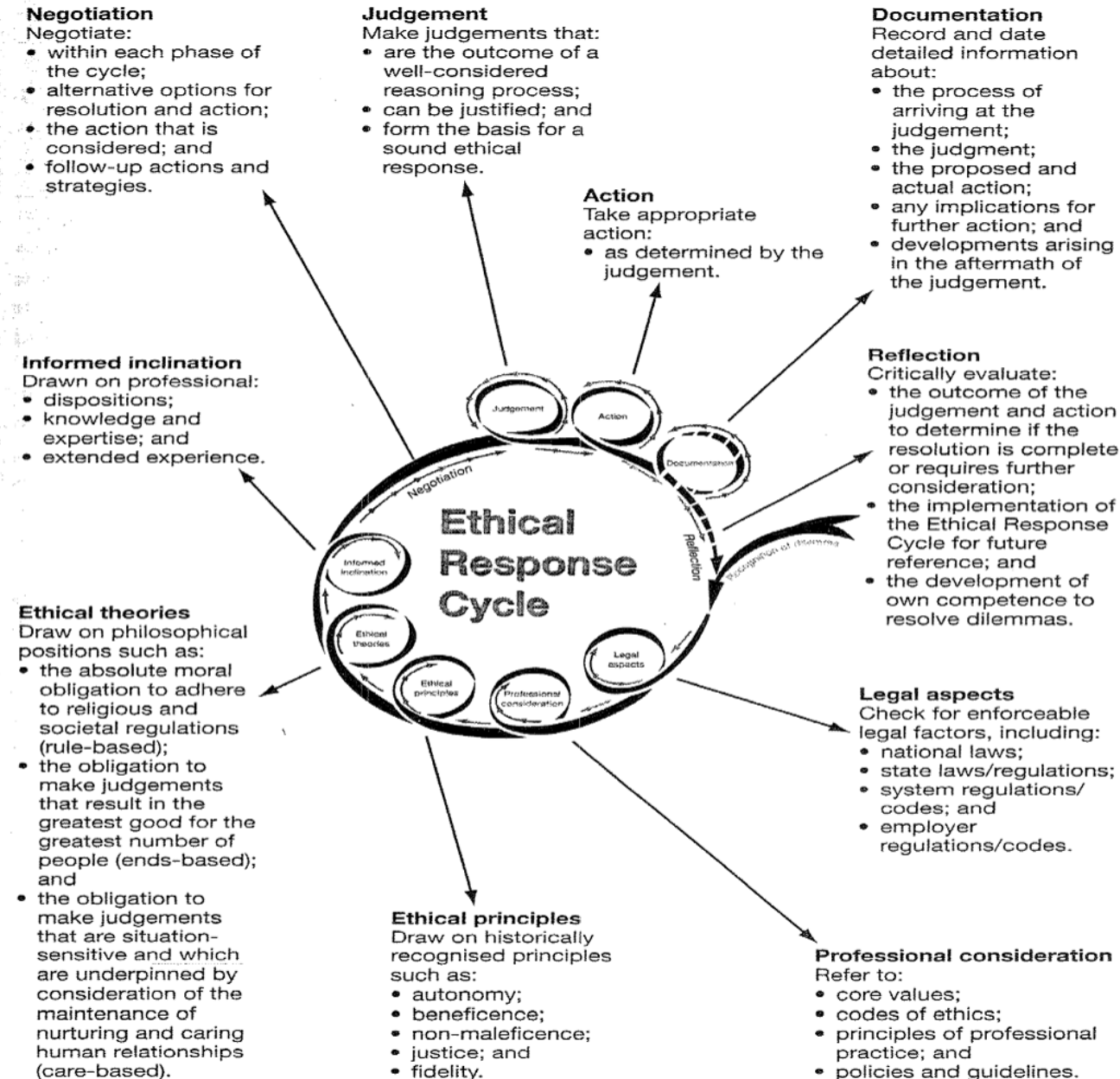


FIGURE 5.4 Elaboration of the Ethical Response Cycle

Source: Newman & Pollnitz (2001, p. 6).

Teachers need...

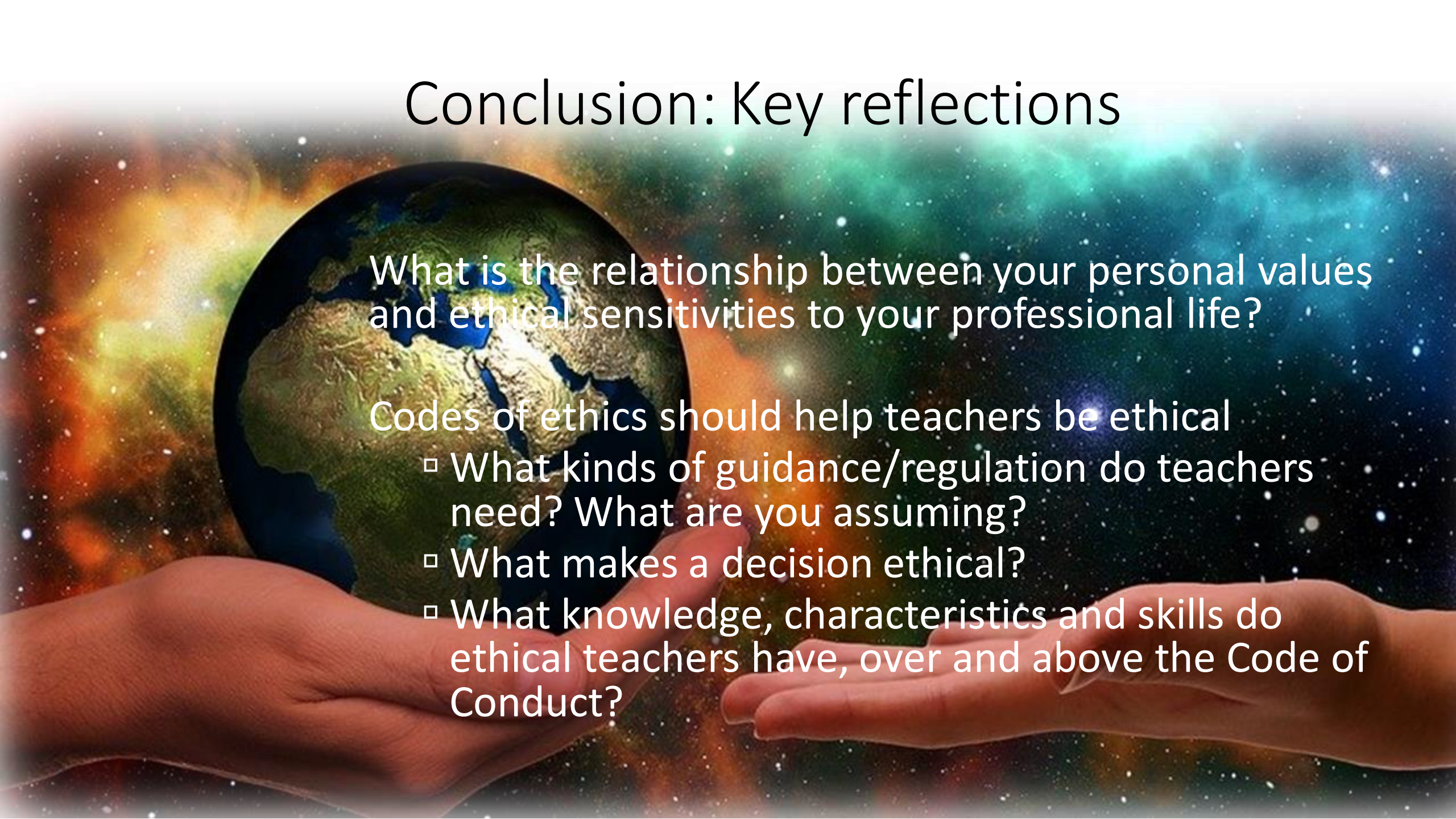
“grounded ethical confidence” (Cigman, 2000)

Conclusion: Key reflections

What is the relationship between your personal values and ethical sensitivities to your professional life?

Codes of ethics should help teachers be ethical

- What kinds of guidance/regulation do teachers need? What are you assuming?
- What makes a decision ethical?
- What knowledge, characteristics and skills do ethical teachers have, over and above the Code of Conduct?



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