

Developing a Code of Ethics for Academics

Commentary on 'Ethics for All: Differences Across Scientific Society Codes' (Bullock and Panicker)

Celia B. Fisher

Department of Psychology, Fordham University, NY, USA

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ABSTRACT: *This article discusses the possibilities and pitfalls of constructing a code of ethics for university professors. Professional, educational, legal, and policy questions regarding the goals, format, and content of an academic ethics code are raised and a series of aspirational principles and enforceable standards that might be included in such a document are presented for discussion and debate.*

Merry Bullock and Sangeeta Panicker have provided a useful review of the ways in which different professional organizations have approached the challenging task of constructing an ethics code for the science and practice activities of a discipline.¹ This commentary, draws upon the experiences of other organizations to explore the question of whether there should be a local or national effort to develop an ethics code for university and college professors.

As the demands of academia become increasingly complex, university professors are confronting situations for which traditional mechanisms for identifying and resolving ethical problems may provide neither adequate guidance nor protection. Criticism of academic standards and professors has intensified in recent years²⁻⁴ accompanied by increased public emphasis on education as a commodity and the university as accountable to its consumers. Equally compelling for those concerned with ethics in higher education are internal pressures arising from tenure and promotion decisions, course requirements and grading policies, employment of students as teaching and research assistants, outside faculty employment obligations

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Address for correspondence: Celia B. Fisher, Ph.D., Director, Center for Ethics Education, Department of Psychology, Fordham University, 441 East Fordham Road, Bronx, NY 10458, USA; email: Fisher@Fordham.edu.

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competing with academic responsibilities, and the increasing ethnic, cultural, and economic diversity of students and faculty. These factors, viewed within the context of the escalating use of litigation to resolve such conflicts, have led some to ask whether there should be a code of ethics for members of the academy.^{5,6}

This question is not new. It emerged in modern form in 1966 when the American Association of University Professors (AAUP) developed its first formal statement on professional ethics.⁷ In the last 20 years fundamental issues regarding the construction of such a code remain unchanged. For example, given the diversity of specializations and training characterizing members of the academy, an ethics code would need to define who is an academic. In 1966, the AAUP addressed this issue by defining the professional academic as an individual from any number of different disciplines, who was employed by an institution of higher learning.⁷ However, since that time diversification of teaching, administrative, financial, and technical services to the university make it unlikely that all university employees would be involved in what is considered the fundamental activities of the faculty role: teaching, university service, and scholarship. Thus a code of ethics for academics would be written for faculty members directly involved in recruiting, admitting, teaching, and evaluating students and in hiring, supervising, and evaluating other faculty.^{8,9}

As Bullock and Panicker point out, disciplinary and professional ethics codes differ in the priority placed on specific ethical norms guiding the construction of organizational ethics codes.¹ In the latter part of the twentieth century, norms for academia emerged from a single principle, freedom of inquiry. Ethical professors were those who were devoted to seeking and stating the truth as they saw it and to encouraging the pursuit of learning in their students. Pursuit and transmission of knowledge continues to be the guiding norm in the most recent AAUP Statement on Professional Ethics.¹⁰ However, as Callahan¹¹ observed two decades ago, the existence of the AAUP Statement on Professional Ethics, does not by itself imply consensus about the ethical norms underlying university teaching nor about the need for or desirability of a code that reflects such norms. The proposal of a code for the academy remains controversial.

Starting Points: Function and Format

What Purpose Will a Code Serve?

University professors contemplating adopting a code of ethics need to consider the purpose of the code in terms of outcomes that are sought. Such consideration will determine the content and format of any prospective code, and ultimately whether academicians will support it.

Establishing a profession. One purpose of an ethics code is to help establish a profession. Adoption of a set of core values that reflect consensus among academics can distinguish university professors as members of a community of common purpose.¹² Acceptance of an identified set of core values by individual professors across the broad spectrum of university settings, in turn, helps to protect the integrity of

the profession by focusing the attention of faculty on their responsibilities and duties to others and expectations that all members of the profession have a stake in behaving by the rules. In so doing an ethics code can reflect a collective decision that a profession is better off when ethical standards are not based solely upon individual assessments of what is or is not morally acceptable. A less idealistic view is that a code of ethics for university professors has the potential to establish academic teaching as a profession by helping to preserve a professional monopoly¹² of only those individuals who have been trained to meet the profession's ethical standards.^{11,13}

Professional socialization. A second purpose of an ethics code is its professional socialization function. A document reflecting the profession's values and standards provides a guide to what members of the academy should reasonably expect of themselves and one another. A code can be conceived as an enabling document¹² that acts as a support and guide to individual faculty members in their efforts to resolve ethical dilemmas.¹⁴ A code of ethics can also serve to deter university professionals from engaging in unethical conduct before a problem develops by specifically proscribing what the profession has identified as unethical behaviors.¹⁵ In addition, it can assist faculty in communicating the values of the profession to students who are planning academic careers and to new faculty with limited professional experience.

Public trust. A third purpose of an ethics code is to gain public trust by demonstrating that university professors are members of a profession with high standards. An ethics code for academics can serve as a contract with society to act in the best interest of student learning and institutional integrity. It also provides standards against which the public can hold university professionals accountable. It thus offers a means by which students and their families can draw upon norms prescribed by the profession itself to evaluate the academic services for which they are consumers.

Professional Codes as Aspirational or Enforceable

An ethics code for academics should reflect the values of the profession. Moral principles guide members of the academy to aspire to the highest standards of teaching and scholarship; to respect students, colleagues, and others with whom they work; and to treat those they teach and with whom they work honestly and fairly. For some, statements of general principles are sufficient to guide the ethical behavior of persons devoted to the ideals of their profession. For others, however, statements describing specific types of behaviors that meet these ideals are necessary to maximize the code's utility and to provide a means of evaluating its efficacy.⁷

While all codes should have a foundation in the values of the profession, the document can take one of three forms. An aspirational code provides broadly worded moral ideals that do not attempt to identify situationally specific right and wrong behaviors. An educational code combines aspirational values with more explicit behavioral guidance to help professionals make informed decisions in morally ambiguous contexts. An enforceable or regulatory code includes decisional rules for

specific behaviors required and proscribed by the profession and can serve as an effective basis for adjudicating grievances.¹²

Aspirational Principles for an Ethics Code for Academics

Drawing upon the “General Principles” section of the American Psychological Association’s (APA) “Ethical Principles of Psychologists and Code of Conduct,”¹⁶ below are examples of six possible aspirational principles for a code of ethics for academia.

Concern for Others’ Welfare

Academics strive to have a positive effect on students and others with whom they work, while taking care to do no harm. By thoughtful and prudent conduct academics aspire to maximize the benefits of their work and to prevent or minimize harm from resulting to others through acts of commission or omission in their professional behavior.

Fidelity and Social Responsibility

Academics establish relationships of loyalty and trust with those with whom they work. They uphold professional standards of conduct, clarify their professional roles and obligations, accept appropriate responsibility for their behavior, and avoid conflicts of interests. Academics consult with, refer to, or cooperate with other professionals to the extent needed to serve the best interests of their students and institutions. Academics are concerned about the ethical compliance of their colleagues’ professional conduct.

Integrity

Academics promote accuracy, honesty, and truthfulness in their work. In these activities academics do not steal, cheat, or engage in fraud, subterfuge, or intentional misrepresentation of fact. In relationships involving legitimate expectations of trust, academics are candid and forthright.

Justice

Academics strive to conduct their work in a fair manner taking into account issues of equality, impartiality, and proportionality. They recognize that fairness and justice require that all persons be entitled to equal quality of teaching, evaluation, and university services. Academics exercise careful judgment and take appropriate precautions to ensure that their potential biases, the boundaries of their competence, and the limitations of their expertise do not lead to or condone unjust or discriminatory practices

Respect for People’s Rights and Dignity

Academics accord appropriate respect to the fundamental rights, dignity, and worth of all people. They accept as fundamental the belief that each person should be treated as an end in him or herself, not as an object or a means to an end. They respect the rights

of individuals to privacy, confidentiality, self-determination, and autonomy, cognizant of the fact that special safeguards may be necessary to protect these rights.

Challenges in Developing Enforceable Standards

Faculty and administrators interested in developing an enforceable ethics code need to consider several factors tied to the crafting of specific ethical standards.¹⁷ These factors include adequate notice of the behaviors that would be considered code violations and applicability across the multifaceted roles and responsibilities of members of the academy. As a consequence, an enforceable code requires standards that are simple, behaviorally focused, and representative of unitary concepts.¹⁸

Due notice. Adjudicatory decisions based upon an ethics code remain vulnerable to overturn on appeal if defendants can argue that they had no forewarning that specific behaviors were ethical violations.^{17,19} Accordingly, ethics code standards have to describe the behaviors that are required and those that are proscribed in a manner that would be reasonably understood by members of the profession. For example, a standard that would require university professors to “respect the rights of others to hold values, attitudes, and opinions that differ from their own” is problematic from an enforcement perspective since behaviors associated with the term “respect” remain undefined and reasonable academics could be expected to disagree on what these behaviors might be.

Applicability across diverse academic disciplines and contexts. Members of the academy teach, conduct research, and administer programs across a broad spectrum of disciplines (e.g., physical sciences, humanities), student bodies (undergraduate, graduate), and training objectives (e.g., liberal arts education; pre-medical or pre-law competencies; scientific, applied, or professional skills). Standards for an enforceable ethics code for university professors must therefore be worded broadly enough to insure their applicability across the diversity of activities in which academics are engaged, and the constantly changing realities of professional and legal responsibilities. This requirement, viewed alongside the need for specificity tied to due notice, means that some standards reflecting generally accepted ethical values in one academic arena may not be included in a general code of ethics because it would place an undue burden on members working in another academic arena.

The American Psychological Association, for example, has followed two avenues toward creating an enforceable ethics code that can bridge the multifaceted roles and responsibilities of its members. First, recognizing that a general ethics code cannot include certain standards that might be relevant to only one segment of the membership, the introduction to the APA Ethics Code encourages members to refer to professional guidelines that have been adopted or endorsed by professional psychological organizations for situations when application of the Ethics Code alone cannot resolve an issue. Such guidelines are not themselves enforceable, but are of

educative value and specifically address situations and obligations that arise in specialty areas of psychology.¹⁷

Second, use of qualifying terms such as “reasonable” and “usually” are incorporated into the specific ethical standards to guard against a set of rigid rules that would not be applicable across the broad range of activities conducted by members of the discipline, would be quickly outdated, and which would preclude opportunities for moral growth within the field itself. Such terminology allows an individual to launch a legitimate defense of his or her actions based upon current best practices (as defined by professional guidelines) and documentation of efforts to resolve problems in an ethical manner.¹⁵

Standards for an Ethics Code for Academics

Drawing upon the APA Ethics Code, the AAUP Statement on Professional Ethics, and Ethical Principles recommended by Canadian professors, below are examples of the areas that enforceable standards for an ethics code for academics might address.^{16,21,22}

Academic Competence

Mandating that members strive to maintain high standards of competence is essential to the integrity of a profession. Maintaining expertise and recognizing the boundaries of one’s competence is fundamental to ensuring that a university professor’s work has a positive effect on students and that lack of expertise does not lead to unjust or discriminatory practices. Academics need to ensure that their own education, training, and experience is relevant and up-to-date to competently perform their responsibilities. In addition, they must present their credentials fully and honestly so that others can determine their competencies to take on specific duties and obligations.

University professors are also responsible for ensuring the competence and necessary training and supervision of teaching assistants to whom they delegate work. The diversity of specializations within specific disciplines and an increase in interdisciplinary collaborations have led to concerns that some promotion and tenure committees do not have individuals who are competent to judge the merit of some professors’ work. When such situations arise, departments and colleges may need to obtain expert judgment through ad hoc members or outside paper review.

Design, Description, and Conduct of Academic Programs and Courses

Members of the academy have an obligation to establish relationships of loyalty and trust with students, students’ parents, and members of society who put their faith in institutions to provide the knowledge and skills that a specific institutional degree ascribes. Members of the academy responsible for administering academic programs must ensure that course requirements meet recognized standards in the relevant field. For example, department chairs need to ensure that course requirements expose undergraduate students to the knowledge and skills considered fundamental to their respective disciplines. Chairs or directors of graduate professional degree programs need to ensure that course requirements meet those required by potential employers and by relevant state or professional organizations for program accreditation and individual

credentialing.^{17, 23, 24} Departmental and program chairs also have the obligation to ensure to the extent feasible that prospective and enrolled students have an accurate description of the nature of the academic programs to which they may apply and the courses for which they may register.

Professors should ensure that their course outlines are not misleading with respect to the subject matter covered and course requirements, and they should establish timely and fair grading practices. Standards prescribing the nature of information that a professor should provide in his or her courses raise legitimate concerns about academic freedom. At the same time, in many ways teaching is a “process of persuasion” where instructors are in the unique socially sanctioned and desired role of systematically influencing the belief systems of students.²⁵ A decision-rule for ethical conduct must balance professors’ rights and pedagogical obligation to share with student’s their scholarly judgment and expertise with the students’ rights to receive an objective evaluation of where a professor’s views fit within the larger discipline.

Human Relationships

In their work related activities, academics strive to establish relationships of loyalty and trust that have a positive effect on students and other faculty. They avoid relationships with students that might interfere with their objectivity, be exploitive, or lead other students to question the fairness of their decisions. They approach collaborative projects openly and with due consideration for power differentials that might jeopardize fair assignment of credit.²⁶ Academics should not exploit students, teaching assistants, or junior faculty over whom they may have authority, or treat people unjustly on the basis of ethnicity, gender, age, or other personal characteristics.

Pedagogical responsibilities guided by the principles of justice and respect for personhood, imply that in balancing the rights and welfare of all students and faculty, academics may have to make judgments that have a negative effect on an individual. For example, to preserve academic standards and ensure grading fairness, professors may be obligated to give a poor or failing grade to a student who has not mastered course material or who has not adhered to a class attendance requirement. Or, when considering the ethical education of students, a faculty member may have to recommend expulsion for a student who has cheated on an exam or plagiarized a paper to demonstrate to that student and his or her peers that unethical conduct is unacceptable in academia. Along similar lines, the obligation to ensure competent instruction within a department may require that a faculty member vote negatively on the tenure proposal of an unqualified colleague. Thus, in attempting to construct standards that reflect the principles of beneficence and justice, crafters of an ethics code for academics, must be careful not to construct standards that undermine the ability of university professor and directors of academic programs to fulfill such obligations.

Resolving Ethical Issues

As Bullock and Panicker point out, a professional code of ethics should be more than a document with an imposing title.¹ It should provide members of the profession with

practical techniques for identifying and resolving moral problems. An ethics code for academics must do more than describe those behaviors that are required and those that are proscribed by the profession. A code for the profession must also provide guidance concerning what actions professors should take if they learn that a colleague has violated or is accused of violating an ethical standard, or if they find themselves under investigation for an ethics violation.

Conclusion

Establishing an ethics code for academics raises powerful concerns regarding professional autonomy. Some university professors fear that the establishment of a formal ethics code will create undue vulnerability to student complaints and threats to academic freedom. Others have argued that a profession that demonstrates it can monitor itself is less vulnerable to external regulation.²⁹ A carefully constructed professional ethics code can provide protection of faculty against unwarranted erosion of power or improper demands of outsiders. Moreover, individual professors can draw upon such a code in situations where their professional principles are in conflict with the goals of an institution.³⁰ Well-crafted standards set by members of the academy may thus have the potential to help institutions, consumers, and policy makers evaluate the responsible conduct of university professors, while avoiding the application of capricious standards for university teaching and service set by others.

There are no easy answers to the increasing ethical demands being placed on faculty in institutions of higher learning today. It is hoped that reflection on and critiques of the principles and standards illustrated in this article will contribute to the ongoing dialogue on the value and utility of developing an ethics code for academics.

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