ETHICAL ASPECTS OF ACADEMIC ADVISING

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Objectives
Participants will have an increased understanding of:
- Definitions related to Ethics
- Five Ethical Ideals
- Ethical Principles
- Resolving Ethical Dilemmas

Note: Slides are intended to serve as comprehensive notes.

What is Ethics?

According to Webster, ethics is:
- The study and philosophy of human conduct
- A basic principle of right action
- The study of the general nature of morals and moral principles including the specific moral choices an individual makes in relating to others
- The rules or standards of conduct governing the members of a profession.

What is Ethics?

Lowenstein defines ethics as:
"...the attempt to think critically about what is right and what is wrong, what is good and what is bad, in human conduct."
Simply stated, “How people should act.”

Definition of Ethical Terms

- Legal—rules based “rightness”
  - right and wrong determined by others
- Moral—right vs. wrong
  - how we live our lives
- Values—honor and morality;
  - “rightness” (varies with individuals)
- Ethics—right vs. right
  - the theory about right and wrong

A Few “Law” Definitions

- Agency Law – principal-agent relationships; advisors are agents of their institutions
- Fiduciary Law – focuses on relationship to students
  - The person who is the fiduciary (advisor) owes duties of faith, trust, confidence, and candor to another (student)
Legal Foundations

- Academic advisors are "agents" of their employing institutions. Statements made by advisors may be construed as promises that obligate the institution to act, or not act, in a certain way. If a perceived promise is broken, and a student claims to be harmed, the institution may be liable to fulfill the terms of the promise.

Gordon, Habley, Gritis, and Associates, 2008

Printed documents equally important

The Family Educational Rights and Privacy Act (FERPA, 1974)

FERPA applies to any institution that receives federal funds in any form—that is, to virtually every college and university in the nation.

Legal Implications

- Courts traditionally indicate the contractual relationship between the student and the college is evidenced in the institution’s written documents, including catalogs, bulletins, brochures, and handbooks.
- Oral statements issued by an advisor will be deemed binding if the student demonstrates justifiable reliance on the statements and the representative issuing the statement actually or reasonably appears to have authority.

(Original information provided by Gordon, Habley, Gritis, and Associates, 2008)

Parties Protected under FERPA

FERPA extends its various rights to students who have attained 18 years of age and to students in attendance at institutions of postsecondary education.

- Once a student turns 18 or is attending a college or university, FERPA prevents disclosure of "education records" to the student’s parents unless an exception to the consent requirement applies.
  - Under age of 21, institution may inform parents about student’s use of or possession of alcohol or controlled substances
  - Permits disclosure to parents without student consent if student is dependent for tax purposes.

"Education Records"

FERPA regulates access to "education records."

- An "education record" broadly includes those records, files, documents, and other materials containing information directly related to a student; and are maintained by an educational institution or by a person acting for such institution.
  - class schedules
  - Rosters
  - Transcripts
  - academic progress reports
  - grade reports
  - college placement test scores,
  - photographs
  - advising notes
  - disciplinary records
- Electronic records that meet the above definition may also be considered "education records."

Exceptions to Student Records

FERPA applies to all records maintained by the institution that directly relate to a student, not just the “student file,” with a few exceptions, which are:

An administrator’s or faculty member’s own notes that are used only by that individual and are not shared with anyone else.
SO WHAT?
Importance to Advisors...

Very important to practitioners -

**Always maximize good and minimize harm**

Advisors ask, “What is the right thing and how do I know it?”

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5 Ethical Ideals (Fundamental Statements)

1. **Beneficence**
2. **Non-Maleficence**
3. **Justice**
4. **Respect for Persons**
5. **Fidelity**

(First 2 depend on consequences.)

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1. **Case of Marie**
   "Developmental Math - Does it Count for Graduation?"

A new advisor unknowingly counted a developmental math class as fulfilling the only math requirement in a specific program of study. When Marie’s graduation application was reviewed, she was told she did not have the college-level math required to graduate in her program. Marie could not graduate.

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2. **Case of Akeem**
   "Things Change"

Akeem, one of your advisees who is double majoring, contacts you with concern. He has completed all paperwork for both majors and expects to graduate at the end of the semester.

His concern centers on waivers that were signed to allow course substitutions for degree requirements in his second major. A new department chair reviewed his records for graduation and wants to rescind some of the substitutions. The advisor for the second major is reluctant to disagree with the new department head. The student is very frustrated and does not know to whom to turn.
#3 Justice

Justice
Treat all individuals fairly or equitable, granting no one any special rights or privileges that are not open to all.

"Equitably" does not have to mean “the same;” it just means that differences must not create inequalities and should have a defensible basis.

3. Case of Saura
"It is all in the Family"

Saura comes for advising and is disappointed that she did not get to see Mr. Jones for advising. Saura goes on to explain that she wanted to see Mr. Jones because students say that Mr. Jones, who is a relative of the Registrar, registers students before registration opens by calling his spouse. Students appreciate getting a seat in advance in the classes that fill the seats quickly.

#4 Respect

Respect for Persons
Treat individuals as ends in themselves, never solely as means to your own end. Treat them as rational, autonomous agents, not as things that can be manipulated.

- Always tell the truth
- Respect privacy (confidentiality)
- Support individual autonomy

4. Case of Antoinette and Anthony
"Everyone is Unique"

Antoinette is the sister of Anthony who saw a particular advisor regularly the previous year. Anthony stops by and remarks that Antoinette is just following what Anthony did for his courses and does not feel she needs advising. The advisor calls Antoinette and explains that she is an individual and equally important as Anthony. She too needs to come for advising and discuss her own situation.

#5 Fidelity

Fidelity
Live up to all the commitments you have made, whether explicitly or implicitly.

An explicit commitment is a stated promise, like a wedding vow, but what is an implicit commitment?

It is a commitment that is built into a role one taken on even if one did not realize it.

5. Case of Hatef
“You Will Thank Me Later when you Need that Math”

An advisor fails to provide Hatef information that he could possibly waive a specific math class that he has been dreading and considers excessive because the advisor feels the math might be helpful to Hatef in the future.
Time to Discuss

What are some implicit commitments related to academic advising?

Ethical Principles

Specific to Academic Advising

What principles guide your work?

1. Seek to enhance the student’s learning whenever possible
2. Treat students equitably
3. Enhance student’s ability to make autonomous decisions
4. Advocate for the student
5. Tell the truth (advisees and others)
6. Respect the confidentiality of communication with the student
7. Support the institution’s educational philosophy and policies
8. Maintain the credibility of the advising program
9. Accord colleagues appropriate professional courtesy and respect

Lowenstein, 2008

According to CAS

The CAS (Council for the Advancement of Standards) guidelines for academic advising programs require that advisors:

- Ensure privacy and confidentiality
- Impart accurate information while complying with departmental and institutional policies and rules
- Adhere to highest principle of ethical behavior
- Consult standards of relevant professional organizations
- Uphold policy, procedures & values of dept. & institution
- Handle funds responsibly

Continued...

According to NACADA Core Values

NACADA Core Values challenge advisors to:

- Treat students and colleagues with respect
- Honor the concept of academic freedom
- Learn about and understand the institutional mission, culture, and expectations and interpret the institution’s values, mission, and goals to the community
- Obtain education and training
- Be knowledgeable and sensitive to national, regional, local and institutional policies and procedures related to harassment, technology, personal relationships with students, privacy of student information and equal opportunities
NACADA Core Values (Cont’d)

- Be knowledgeable and sensitive to national, regional, local and institutional policies and procedures related to harassment, technology, personal relationships with students, privacy of student information and equal opportunities.
- Respect student confidentiality rights regarding personal information and practice an understanding of institutional laws and policies such as FERPA.
- Seek access and use student information only when relevant to the advising process.
- Document advising adequately.

Ethical Pitfalls

- Inconsistency
- Not treating students equitably
- Dishonesty/Not giving complete information to the student
- Making an inaccurate or ill-informed assumption
- Inappropriate role with student (power differential, sexual, etc.)
- Poor professional respect for colleagues or institution

When in doubt, check it out! Listen to that inner voice!

Ethical Dilemmas in Advising

- Boundaries and definition of roles
- Competency of self or colleagues
- Referrals
- Confidentiality
- Campus conflicts (values and actions of staff vs. the institution’s values and policies)
- Personal values vs. appropriate professional response and/or values and expectations of students

What have been dilemmas on your campus?

Time to Discuss

What have been dilemmas on your campus?

So, when faced with an ethical dilemma, how should we begin?

1. Assess the situation and define the problem.
2. Check the rules – are there currently some rules or procedures in place for this?
3. What might a reasonable person think about this?
4. Check the guiding principles/ideals, consult with colleagues, and review the literature.
5. Consider all possible solutions.
6. Consider consequences of various decisions.
7. Act in a timely manner.
8. Follow-up.

When faced with an ethical dilemma ...

Remember:

- Be honest...if you don’t know – refer!
- Document all situations, not just problematic ones.
- Continue to review your personal ethics and their fit for your environment.
Training Advisors for Ethical Decision-Making

Advisors should be encouraged to solve dilemmas by:
- Considering what is at the heart of the matter
- Applying relevant policies, rules, or laws
- Weighing guiding principles and values
- Determining what is ethical or unethical
- Follow legal guidelines

General Guiding Strategy can be:
When confronted with conflicting principles, do the best you can to follow all of them to the extent possible.

Let's look at a few situations...

#1 Case of the Colleague

During a new student orientation, your colleague advisor, is asked to provide an overview of the University's publications. You notice that your colleague’s description of the purpose and information contained within one of the publications is not accurate.

What do you do?

#2 Allegiance to Whom?

You receive a call one evening from a part-time advisor who you mentor. She is calling from her advising session and a parent and student are in the room with her. She wants to contact the Academic Dean and request a withdrawal from a class (after the withdrawal period is over) for the advisee who is not doing well. The part time advisor is repeating to you what the student has recounted about poor teaching techniques and she affirms to you on the phone (with the student present in the advising office) that she has heard other students complain about the same teacher and she herself does not think the teacher performs well. For these reasons she "needs" to help the student seek a "W."

Ethical Decision-Making

For tougher decisions, advisors may find these three principles helpful:
- The Rules of Private Gain—if you are the only one personally gaining from the situation, is it at the expense of another? If so, you may benefit from questioning your ethics in advance of the decision.
- If Everyone Does It—who would be hurt? What would the world be like? These questions can help identify unethical behavior.
- Benefits vs. Burden—if benefits do result, do they outweigh the burden?

Kidder's Resolution Principles

- Ends-Based Thinking
  - The greatest good for the greatest number
- Rule-Based Thinking
  - Follow only the principles you want others to follow
- Care-Based Thinking
  - Do to others what we want others to do to us
John S. Wesley

DO ALL THE GOOD YOU CAN,
BY ALL THE MEANS YOU CAN,
IN ALL THE WAYS YOU CAN,
IN ALL THE PLACES YOU CAN,
AT ALL THE TIMES YOU CAN,
TO ALL THE PEOPLE YOU CAN,
AS LONG AS EVER YOU CAN.
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Thank You

Time for Questions