3

Addressing Ethical Issues

In your work, you are very likely to face situations that involve questions of morality and ethics. You may need to weigh competing obligations to children, families, colleagues, and your community and society or make a difficult or unpopular decision.

This chapter will help you sort through the following:

- Determine the nature of a workplace problem: Is it an issue of professional practice or an ethical issue?
- Determine the kind of ethical issue you are facing: Is it a responsibility or a dilemma?
- Engage in a thorough, systematic decision-making process that leads to an ethical course of action.

The NAEYC Code of Ethical Conduct can help you identify your responsibilities and guide your decision making when you encounter predicaments that involve ethics: considerations of right and wrong, rights and responsibilities, conflicting priorities, or human welfare. These ethical issues are apt to surface as you interact with children, families, coworkers, and community members. They may involve program decisions and might call on you to advocate for children in your community, state, or nation, such as in the Ineffective Child Protective Services Agency and Standardized Testing in Kindergarten cases in Chapter 7.

This chapter and the four that follow explore some of the ethical challenges you might encounter and identify how the Code can help answer this important question: "What should an ethical early childhood educator do?"

Ethical Responsibilities

Ethical responsibilities are mandates. They describe how you are required to act and what you must or must not do in situations that involve ethics. They are clearly spelled out in the Principles in the NAEYC Code. Following are some examples of these mandates.

Early childhood educators shall

> … not harm children … not participate in practices that are emotionally damaging, physically harmful, disrespectful, degrading, dangerous, exploitative, or intimidating to children (P-1.1)

> … use appropriate assessment systems, which include multiple sources of information (P-1.5)

> … not deny family members access to their child's classroom or program setting (P-2.1)

> … make every effort to communicate effectively with all families in a language that they understand (P-2.5)

> … maintain confidentiality and … respect the family's right to privacy (P-2.13)

> … not participate in practices that discriminate against a coworker because of sex, race, national origin, religious beliefs or other affiliations, age, marital status/family structure, disability, or sexual orientation (P-3A.4)

> … be familiar with laws and regulations that serve to protect the children in our programs and be vigilant in ensuring that these laws and regulations are followed (P-4.6)

In addition to the responsibilities outlined in the Code, program administrators' responsibilities call on them to

> … ensure that the programs we administer are safe and developmentally appropriate in accordance with standards of the field (P-1.2)

> … develop enrollment policies that clearly describe admission policies and priorities (P-2.5)

> … work to ensure that ongoing training is available and accessible (P-3.8)

> … manage resources responsibly and accurately account for their use (P-4.3)

Accepting the responsibilities laid out in the Principles may mean that you must take an unpopular position, gather more information, or change practices that you are comfortable with. For example, you may need to challenge a director who has not taken steps to translate program materials for the Hmong families whose children have recently enrolled in her program. When you learn you have a responsibility to use multiple sources of information to appropriately assess children, you may decide to find an assessment that is more comprehensive than the checklist you've been using. If you are a program director, you may find you have an obligation to update your program's outdated staff manual so it accurately describes current policies and standards.

Think about how you might respond if, on the third rainy afternoon in a row, the children are restless and the teacher in the next room suggests that you show them a popular animated movie that the children in her group love. The movie offers no educational value.

This suggestion is tempting; the movie would occupy the children on an afternoon when they cannot go outside. However, deciding whether or not to let the children watch it is not an ethical dilemma. Showing the movie would be a violation of your ethical responsibilities to be familiar with the knowledge base of early childhood education and to provide worthwhile experiences for children. An ethical early childhood educator would instead get out tumbling mats or finger paints rather than show the movie.

Doing the right thing by honoring the responsibilities spelled out in the Code and supplements may not always be easy or popular. But to conscientiously embrace your profession's core values and ethical principles, your actions must demonstrate that you accept these responsibilities. One of the most important aspects of the Code is its affirmation of what is right—it defines the high road of ethical behavior.

> **?** Consider a workplace situation in which you were tempted to do what was easy or what others thought was acceptable rather than what you believed was right. What did you do? Were you able to keep sight of your responsibilities to all involved? How would you describe your thinking about it to someone new to the field?

Ethical Dilemmas

While some ethical issues are responsibilities for which the Code provides just one clear-cut course of action, others are **ethical dilemmas**— moral conflicts that involve determining how to act when an individual faces conflicting professional values and responsibilities. A dilemma is a situation for which there is more than one possible **resolution,** each of which can be justified in moral terms. A dilemma can be viewed as a situation that deals with two "rights" or sometimes two "wrongs."

Ethical dilemmas are different from other workplace problems in several ways:

- First, in an ethical dilemma, the legitimate needs and interests of one individual or group must give way to those of another individual or group. You must do something, and you must choose between two or more actions, each of which has both benefits and costs. This is why you sometimes hear the expression "on the horns of a dilemma," which refers to the two-pronged nature of these situations.
- Second, a dilemma may involve a conflict between two or more of the Core Values described in the Code. For example, when a 3-year-old's parents ask the director to move him to a class for 4-year-olds and his teachers feel that he is not ready, the director faces an ethical

The term *resolution* describes the course of action decided on through the systematic analysis of an ethical dilemma. It suggests that there is more than one morally acceptable response; if the first strategy you try does not resolve the dilemma, the next one you try might. We do not use the term *solution* when discussing appropriate responses to dilemmas because it suggests that there is only one correct way to handle a situation.

dilemma. The Ideal of maintaining a healthy setting that fosters children's development and the Principle that calls for early childhood educators not to do anything that might harm a child conflict with the Ideals of respecting his family's preferences and the importance of creating a partnership with them.

- Third, dilemmas rarely have simple answers. An ethical dilemma cannot be resolved by simply following the rules. In fact, you won't find easy resolutions to dilemmas in this or any other book. You can, however, learn to work through the process of making these difficult decisions by skillfully relying on the guidance provided by the Code.

Analyzing and Addressing Workplace Issues: A Framework

When you encounter an issue or problem, it is helpful to approach it using a multistep process. The following text and graphics describe this framework for addressing workplace problems.

Part I—Determine the Nature of the Problem

Is it an ethical issue? The first step to take when you encounter a workplace problem is to ask yourself, "Does it involve an issue of right or wrong, a duty or an obligation, human welfare, or individuals' best interests?" If you answer no, it is not an ethical issue (say, for example, another teacher often borrows supplies from you and does not return or replace them). You can handle these issues as you would any workplace concern. If you answer yes, however, you are facing an issue that involves ethics.

Is it a legal responsibility? If an ethical issue involves a legal responsibility, you must obey the law. The Suspected Child Abuse case in Chapter 4 and the Ineffective Child Protective Services Agency case in Chapter 7, both of which involved suspected child abuse, illustrate examples of legal responsibilities.
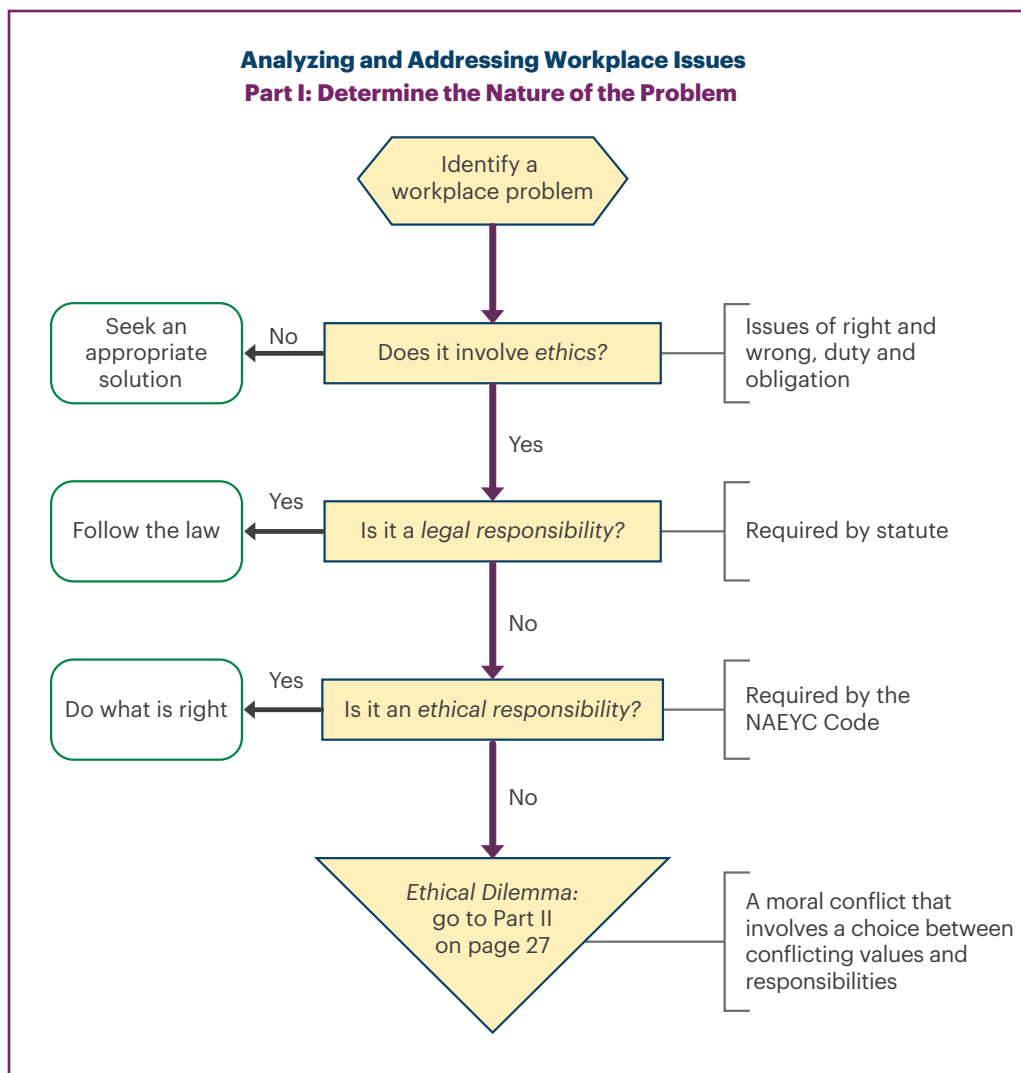
Is it an ethical responsibility or an ethical dilemma? If the issue involves ethics and is not a matter of law, ask yourself, "Is this an ethical responsibility or an ethical dilemma?" What you do next will depend on how you answer that question. As noted previously, ethical responsibilities are mandates that are clearly spelled out by the Principles of the NAEYC Code and that you must always honor. If you determine that a situation involves ethics but is not a clear-cut responsibility, you are probably facing an ethical dilemma.

The graphic on page 21 illustrates the essential first steps to take when analyzing and addressing any workplace issue.

Part II—Analyze the Ethical Dilemma

When you are facing an ethical dilemma, use the systematic process described in the pages that follow (and illustrated in the graphic on page 27) to help you decide on a defensible course of action. This process can be challenging because a dilemma puts the legitimate interests of one person or group in conflict with those of another person or group. This

Analyzing and Addressing Workplace Issues
Part I: Determine the Nature of the Problem

Identify a workplace problem

Does it involve *ethics*? — Issues of right and wrong, duty and obligation

No → Seek an appropriate solution

Yes ↓

Is it a *legal responsibility*? — Required by statute

Yes → Follow the law

No ↓

Is it an *ethical responsibility*? — Required by the NAEYC Code

Yes → Do what is right

No ↓

Ethical Dilemma: go to Part II on page 27 — A moral conflict that involves a choice between conflicting values and responsibilities

might mean that you must consider whether to place the needs of a child or his parent first or whether to protect the rights of the group even if doing so limits the options of an individual child. Finding a resolution to an ethical dilemma requires balancing the interests, needs, and priorities of one person or group of individuals against those of another while trying to maintain positive relationships with everyone involved.

Some ethical dilemmas demand an immediate response. If an angry mother demands to know who bit her toddler, you need to respond on the spot. That doesn't mean, however, that your actions should be less intentional than if you had time to think through the request. It will be easier to respond under pressure in such situations if you are familiar with the Code, know that you have an ethical obligation to maintain confidentiality, and have had enough experience using the Code to respond in a way that feels like second nature.

More often when a situation arises, you will have time to think about what you should do. Sometimes it may be helpful to talk through the situation with a friend, one or more colleagues, your director, or your instructor, as the teacher did in the Personal Business case in Chapter 6 after her coteacher continually left the classroom to attend to personal business.

Understanding ethics and responding to situations in an ethical fashion are not instinctive. Resolving dilemmas is not easy; ethical decision making is a skill that must be learned. In his early writing about ethics for NAEYC, Kenneth Kipnis (1987) made this observation that is still applicable today:

> It is not easy to work one's way through dilemmas in professional ethics. The choices we face are painful, it is often unclear where help is to be found, and people disagree about what to do. Ethics, like mathematics, requires disciplined thought. But as with any practical way of approaching problems, it can be taught. There are useful definitions to be learned, ground rules for discussion, and strategies that can help us reach resolution. As with most skills—cooking, skiing, throwing a pot, and using a computer—ethics can be taught. (26)

The next few pages outline a process for resolving ethical dilemmas. The four chapters that follow demonstrate how to apply this decision-making process to examples of ethical dilemmas teachers and administrators face in their work.

1. Identify the Conflicting Responsibilities

The first step in resolving an ethical dilemma is to identify the conflicting values and responsibilities. This includes thinking about everyone who is involved (the stakeholders). What does each person or group need? What are your obligations to each? What values are in conflict? If it is clear that you need to make a choice between stakeholders, you are dealing with a true ethical dilemma. To make a morally justifiable decision, you need to weigh and balance your obligations to each stakeholder.

In The Nap case in Chapter 5, which involves a parent who wants the teacher to keep her 4-year-old from napping at school, the teacher must choose a course of action. Which Ideals and Principles in the Code will guide the teacher as she balances her responsibilities to the child and the parent? Whose interests should be given the greatest weight if she cannot find a compromise that works?

Upon reflection, the teacher recognizes that more than one right resolution is possible. In this situation, Ideals in the Code relating to children and families are in conflict with each other.

On the one hand, the teacher might decide to prevent the child from taking a nap, because she knows how hard it is for this mother to get to work in the morning and perform well on the job without having had a good night's sleep. If asked why she chose that course of action, she might say that she was guided by Ideal 2.6, which calls on her to respect families' wishes and honor their right to make decisions for their children.

On the other hand, the teacher might refuse to honor the mother's request and allow the child to nap with the other children. She could justify this decision with Ideal 1.5, which states that early childhood educators should strive to create safe and healthy settings that foster children's healthy development. She knows that most 4-year-olds need a nap after lunch, and she has observed that this child needs a nap in order to have a productive afternoon. Either decision can be justified, and each involves some benefits and some costs.

The conflicting obligations in a situation may be clearer if you summarize the choice between alternatives. You could think about The Nap case like this: "Should I do what I think is best for the child *or* should I honor the mother's request?"

> **?** Have you ever faced a situation in which you had to choose between two justifiable alternatives? What were the competing interests? How did you respond? How did you determine the right thing to do?

2. Brainstorm Possible Resolutions

When you understand the conflicting values and responsibilities involved, brainstorm some possible responses to the situation. Generate ideas without analyzing them or rejecting any, and make a list of all the possible responses you can think of.

Next, consider the feasibility and fairness of each response. Some might be unreasonably harsh, like telling the mother no without considering what you could do to accommodate her request. Some might be morally indefensible, such as letting the child sleep and then telling him "You almost fell asleep" so his mother wouldn't know he had napped. Other possible responses may include courses of action that would resolve the problem without forcing you to make a difficult decision (see the next section on ethical finesse). And some may seem reasonable but would require you to give the needs of one stakeholder (the mother or the child) priority over those of the other. Consider each of the approaches and eliminate responses that are unacceptable so you can identify some courses of action you feel could be justified by relying on the Code.

3. Consider Ethical Finesse

When you are clear about the conflicting values and responsibilities and have brainstormed some possible responses to the situation, think about whether there is a way to use **ethical finesse**—a creative response to an ethical dilemma that meets the needs of everyone involved and allows the educator to avoid having to make a difficult decision. It is likely that many of the dilemmas you encounter can be addressed amicably by finesse. Compromising and negotiating without having to choose the needs of one party over the other is almost always the better route.

In the nap situation, could the teacher negotiate a resolution that meets *both* the parent's and the child's needs? The teacher could help the mother develop more effective bedtime routines for the child, or she could try letting the child take only a short nap. She could have him go to another classroom where children rest but do not sleep in the afternoon, or she and his mother might come up with some other arrangement that is acceptable to them both.

Ethical finesse can help alleviate many problems. In most situations, it is the first approach you will try, but it does not always resolve the problem. Understand your options and be prepared to make a difficult decision if your attempts at finesse are not feasible or successful.

4. Look for Guidance in the NAEYC Code

When you realize that a dilemma cannot be handled with finesse, turn to the Code to determine a morally defensible resolution and prepare to act. Begin by identifying which, if any, of the Code's Core Values apply to the situation. Core Values do not address every dilemma, but when they do, they will remind you that you should make every effort to honor these important foundational beliefs of the field.

After you consider the Core Values, carefully review all of the Code's Ideals and Principles. They are based on the Core Values but offer more specific guidance and will help clarify your obligations. It is important to review the entire Code because some situations are addressed in several sections, as you will see in the analyses of several cases in the chapters that follow. This process will help you prioritize the conflicting values and responsibilities that make this situation an ethical dilemma. It may be helpful to list all the items related to the situation you are facing.

Next, ask yourself if you have all of the information you need to resolve the problem. Check the accuracy of your information or gather additional facts by talking with and observing children and by talking with families, staff members, or specialists who have relevant expertise. Depending on the situation, you may also want to review school or center policies, as the teacher did in the No Hugging case in Chapter 6 when her principal told the staff not to hug students or use any physical affection.

Finally, decide how to best prioritize the relevant items in the Code, come up with one or more resolutions that you believe are justifiable, and consider the costs and benefits of each alternative before you make a decision.

5. Decide on a Justifiable Course of Action

You can draw on a number of resources as you weigh the alternative resolutions for an ethical dilemma:

- Your personal values and morality
- The Core Values and ethical guidance of your profession expressed in the Ideals and Principles of the Code

- The wisdom that comes from the historical traditions of moral philosophy (see the box on page 26)
- The insights of colleagues you have consulted
- Your own best judgment

It takes courage to make a difficult decision and stick to it. Carefully considering the alternatives in combination with guidance from the field and your own best judgment should lead you to a sound decision that you could justify by referring to the NAEYC Code if asked to do so.

Remember that while there may be a number of acceptable resolutions to an ethical dilemma, there also are unacceptable alternatives. If that were not the case, there would be little point in studying ethics. We hope this book will help you determine well-reasoned, ethically supportable resolutions to the ethical issues you encounter in your work and avoid indefensible responses that violate the trust of children, families, colleagues, or the community.

Implement Your Resolution and Reflect

Ultimately you are closest to the situation. You need to be prepared to use all of the available resources to decide which resolution is best for the particular circumstances you are facing, to be responsible for making a defensible decision, and to take appropriate action. But deciding what to do is not the end of the process. In most cases, you will need to inform stakeholders who are not going to have their wishes or needs accommodated because of the decision you have made. It can be particularly challenging to disappoint a colleague, a friend, or a member of a child's family with whom you have a good relationship. Communicate your decision diplomatically, openly, and honestly, and encourage all involved to listen to each other with care and courtesy (Feeney, Freeman, & Moravcik 2016). After implementing the decision, look at the success of the outcome and reflect on the process you used to reach this resolution to see what you learned from it.

As you work your way through a dilemma, you may find that it has implications for policy in your program or your community. Sometimes you will realize that the issue could have been avoided or that it would have been much easier to resolve if an appropriate policy had been in place. The Teacher Talk case in Chapter 6, in which a teacher's colleague is sharing confidential information about a family with other school staff, illustrates this. In such cases, work with colleagues to consider how you might develop new policies or revise old ones that would help to prevent the need to address this kind of difficult-to-resolve dilemma in the future.

At times you may realize that your community needs policies to better protect the interests of children and their families. Because early childhood professionals have a responsibility to stand up and be heard in the public policy arena, you might consider addressing an issue you care about in your community that is of concern to you. The policy implications of several commonly occurring ethical dilemmas are included in the chapters that follow.