What ought I to do, all things considered? An approach to the exploration of ethical problems by teachers.

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This paper is developed in four parts. The first section examines the growing need for teachers to develop strategies to deal with complex ethical problems and identifies some required features of a strategy that is sufficiently eclectic to work in increasingly pluralistic contexts. The second section describes a process crafted to meet those requirements. The third section applies that process to a specific problem as a demonstration of its usefulness. In the final section, some observations are made about what has been learned to date from using the process and comments are made about how and where it might be employed more effectively.

I. THE PROBLEM

Teaching in schools has long been considered a moral activity (Wilson, 1967; Tom, 1984; Goodlad, Soder and Sirotnik, 1990) largely because it is recognized that how teachers fulfil their public duties influences the lives of vulnerable young people. Indeed, some writers note that the compulsion for most children to attend schools (Soder, 1990) and the fact that teachers *unavoidably* act as moral educators themselves (Howe, 1986) makes it especially impelling for them to conduct their affairs ethically and be held publicly accountable for their actions. It is for such reasons that New Zealand teachers must be registered by the New Zealand Teacher Registration Board, why candidates for pre-service teacher education are expected to pass through a selection system and why at the end of their studies, the Teacher Registration Board requires assurance that each candidate for registration is a person "of good character" who is deemed "fit to be a teacher"[1] (New Zealand Teacher Registration Board, 1991: 12).

Over the last 50 years, changes in New Zealand society, and in the organization of state education have been accompanied by significant changes in the public expectations of schools and teachers. As a result, today's teachers are frequently confronted by ethical choices in situations that did not arise, or were relatively unproblematic for their counterparts 30 years ago.

One reason has been the increasing development and recognition of ethnic diversity and moral pluralism in New Zealand society. Ethnic diversity has long been a feature of New Zealand society, and that diversity steadily increased throughout the 20th century. However, until the 1960's the codes of conduct of schools, forms of discipline and the examples of teachers conformed to what was commonly referred to as "the New Zealand way of life", a set of personal and public attitudes that were essentially middle-class Pakeha, and as Renwick notes, are "easily recognized as falling within the Protestant ethic"(Renwick, 1986: 3). Since that time, however, the hegemony that constrained the places of women, members of Maori and other ethnic groups (which have continued to increase in variety as well as proportion of the population), and people of varied religious belief and social classes other than the middle class, has been eroded, so that New Zealand society has become increasingly pluralistic. This has impacted on the work of schools, especially since the 1990 reforms of public education, which permitted and even encouraged the development of a diversity of educational provisions, made schools more directly accountable to their communities and facilitated inter-school competition for students.

[1] It is assumed that these criteria are fulfilled when there is no evidence to the contrary. Candidates must also fulfil other requirements related to qualifications and practical teaching competence.

A second reason has been a blurring of the socialization roles of families and schools. Renwick notes that until the 1960s, such matters as human relationships education, sex education, health and social education (including the use of alcohol and drugs), and moral and religious education were carefully avoided by schools because they were regarded as the responsibilities of nuclear and extended families (Renwick, 1986: 3). The introduction of such topics into the curriculum opened up new areas for ethical decision-making by teachers, which are inevitably problematic in the light of the growing pluralism already noted.

These changes were accompanied by changing public perceptions of the rights of children who traditionally tended to be regarded almost as chattels of their parents[2]. Today, children are seen, legally, as persons in their own right, with rights separate from those of their parents, and, as a result, teachers are sometimes confronted by circumstances where they must decide whether they will give priority to the good of a student or accede to the wishes of his or her parents, which may not be considered to be in the student's best interests. This is further complicated by the fact that all students are legally required to stay at school until they are older, and many who remain beyond the legal leaving age are not academic high achievers. Yet there is an expectation that all will achieve some measures of success, regardless of their varied academic abilities.

The decisions of teachers (like the members of other professions) are now more frequently questioned and challenged by members of a more articulate and better-educated community, aided by mass media eager to publicly disclose examples of professional frailty. More frequently than in the past, challenges to the authority of teachers take the form of formal appeals and litigation, requiring the development of what has recently become termed 'education law' (Rishworth, 1999; Walsh and Bartley, 1999).

At the same time, professional relationships amongst teachers have also changed. Hierarchical ordering, which was one of the traditional props of authority meant that in schools the principal was the source of professional authority to the board and the staff. Over the last 40 years, however, shared authority and professional collaboration have increasingly become the norm, requiring subtle changes in the ethical relationships amongst teachers and between teachers and their principals. Paradoxically, the 1990 reforms of educational administration, which styled school principals as the executive officers of boards of trustees raised new questions about the ethical relationship between teachers and principals.

In short, in the new millenium, New Zealand teachers work in schools and classrooms characterised by cultural, social and ethical pluralism. They teach students who stay at school longer, whose families hold varied beliefs, live by different values and practices and hold varied expectations of their school. They work in a system where schools are encouraged to compete with other schools for students and resources. At the same time, there is a professional tension between the collaborative professional relationships expected of professional colleagues, one with another, and the changed status of school principals resulting from the *Tomorrow's Schools* reforms. They also know that their decisions are more likely to be publicly challenged and publicised than they were in the past. Thus, it is hardly surprising that teachers are being confronted by new ethical demands and their ethical decision-making has become more complex.

An Illustrative Case

A few years ago, the principal of a large and prestigious New Zealand secondary school for girls applied the established rule of her school when a Samoan student was caught smoking at school with some Pakeha and Maori students. The principal interviewed each student, told her in no uncertain manner that the school, as a smoke-free zone, did not condone smoking. She reiterated the health risks, emphasising the student's responsibility for her own health, and then telephoned the parents of each student to inform them of the actions she had taken. Unlike the other students, the Samoan student did not attend school for some days. When she did re-appear, she still bore signs of a physical

[2] See for example, the implications of the traditional legal doctrine of *in loco parentis* which, as Crook (1989) notes, carefully circumvents the rights of the child.

beating, including a prominent cigarette burn above her upper lip, a scar that she would bear for the rest of her life.

The principal was understandably devastated by the consequence of her action. In dealing with the incident, she had been at pains to be just by applying a rule consistently. However, she had not taken account of the fact that she knew that some Samoan families feel extreme shame when their children let the family down publicly (as they see it) and sometimes employ physical punishment as a corrective in forms, and to a degree that is unacceptable elsewhere in New Zealand society. In this regard, she considered that the consequence of her application of the rule, which appeared to have been quite appropriate in the case of the other families, was unreasonable. Her reflection also caused her to question what her judgement had shown about the level of care she displayed towards the student in question, and what the incident showed about the kind of teacher she was, compared with the kind of professionalism to which she aspired.

In my view, this incident represents a common predicament of teachers who must make ethical decisions in schools that serve ethnically diverse and pluralistic communities. It shows how inadequate a single ethical theory can be when dealing with an ethical problem that occurs in a complex social setting.

The principal's analysis highlights the importance of taking account of all factors in both complex cases and cases situated in complex social circumstances such as the culturally and ethically diverse settings of New Zealand schools. It shows how ethical judgements require practitioners to apply rules, taking account of the kinds of professionals they aspire to be. In so doing, it appears desirable for them to explore problems in an ethically eclectic fashion, taking account of the points of view of ethicists who approach ethical problems from non-consequentialist, consequentialist and virtues perspectives. This appears to be a requirement of Hayes' question: "what ought I to do? Or "would this be right?" (Hayes, 1998: 4) when she suggests that consideration must be given to consistency, consequences, and care. However, in the light of the foregoing discussion, I prefer to expand her question to "What ought I to do, *all things considered*?" highlighting the need for the process used by teachers when making ethical judgements to facilitate consideration of all aspects of the problem.

It is worth noting that the ethical problems confronting teachers are not restricted to the general treatment and management of students, but also, as Russell Bishop and I have argued, include curriculum decision-making and the selection and implementation of teaching methodology (Hall and Bishop, 2000). All of these have potential for differential effects upon students who are compelled to attend school. I have also suggested elsewhere (Hall, 2000), that inter-school competition raises frequently unexplored ethical questions about professional interrelationships as well as relationships between individual teachers and the wider educational system.

Towards a Process

What, then, is required for teachers to be able to arrive at informed and defensible decisions when confronted by ethical problems? One requirement is that they should recognize ethical problems when they occur and be capable of recognizing what is at risk. This is what Soltis (1986) refers to as raising teacher's ethical consciousness. A second requirement is the need for them to develop skills and strategies for exploring and solving those problems.

A number of writers suggest that case analysis offers the best approach to this, especially if realistic cases are used (Howe, 1986; Soltis, 1986; Watras, 1986; Strike and Soltis, 1998). By comparison, studying ethical theories, or studying, say the application of Kohlberg's theory of cognitive moral development are considered less useful as bases for ethical action. However, it is clear that case analysis may be used in different ways with different strengths and weaknesses. Case analysis may be used simply to develop ethical consciousness, but as Soltis (1986) observes, while that may be useful as a first step in learning to deal effectively with ethical issues in the classroom, it is still only a *first* step. Sometimes cases are used for the purposes of values clarification (Raths, Harmin and Simon, 1978), an approach that is also incomplete if employed in the ethics education of teachers, because it stops short of a decision about what ought to be done.

An acceptable approach to case analysis should lead to commitment to a course of action. It should promote the development of skills and strategies to analyse problems, identify what is at issue, take account of the interest of the interested parties and make a decision about which party's interests deserve priority. It should take account of decisions made in other similar cases. It should also encourage practitioners to decide what courses of action are open to them and then considering both regulatory and ethical restrictions on their actions and the likely consequences of those actions, arrive at a justifiable decision about a preferred course of action. However, the exercise of this process must also be informed by knowledge of ethical principles and method. It is not content free.

Howe (1986) regards such a process as a form of critical reflection, suggesting that it requires of practitioners the "six components of the morally educated" proposed by Wilson (1967): appreciation for moral deliberation, empathy, interpersonal skills, knowledge, reasoning and courage.

Such a process may be regarded as 'case-driven' (Arras, 1991:31) in the sense that moral knowledge is seen as being derived from case analysis. This view is in the tradition of casuistry which, despite its pejorative connotations, has enjoyed a revival following publication of the work of Jonsen and Toulmin (1988). These authors point out that the negative connotations of casuistry result from past misuses of an approach to applied ethics which has considerable potential to help medical practitioners deal with ethical decision-making under circumstances which I consider similar to those confronting teachers referred to earlier in this paper. In essence, casuists regard ethics as dealing with variable concrete situations that defy attempts to generalise them into universals so that Jonsen and Toulmin argue that ethics can never be an abstract theoretical science. Instead, they seek a practical wisdom, not dissimilar to Aristotle's phronesis or "practical wisdom" that may be derived from the analysis of cases. Arguments in favour of particular actions are based on the similarity of the case to earlier precedent cases where a particular maxim or rule is clearly applicable. Analogous cases, where the maxim is less suitable are examined and then the circumstances of the current problem are examined for the extent of similarity before it is decided what course of action may be best justified. The method appears to be especially useful for dealing with conflicting principles and with imperfect decisions that make the most of fraught circumstances.

II. A PROCESS

Since 1992, the University of Waikato School of Education has explored ethical problem solving with final year pre-service teacher education students completing the BEd degree, who plan to teach in primary schools. The module on ethical problem solving is one part of the compulsory *Professional Practice 4* course. The same course is also taken by practising teachers upgrading their qualifications to degree level. The other modules of *Professional Practice 4* focus on (a) teacher professionalism and (b) teaching as a reflective practice. The ethical problem solving process is represented as an approach to critical reflection to promote what Hoyle refers to as "extended professionality" (Hoyle, 1981, Hoyle and John, 1995).

The ethical problem solving module involves the exploration of a series of critical incidents on a number of ethical themes.

- Privacy of information.
- Search, seizure and stealing.
- The *in loco parentis* responsibilities of teachers.
- Professional loyalty and whistle blowing.
- Catering for cultural difference in the curriculum.
- Natural justice in the classroom.
- The right of teachers to strike.
- Competition in education.

Examples of four incidents used for the Privacy of Information theme are to be found in Appendix A and the Camp Hoha incident discussed later in this paper is used to explore ethical implications of the doctrine of *in loco parentis*. These, like all the other problems are based upon real incidents that were drawn either from my own experience, or have been recounted to me by colleagues and other teachers.

The module has two aims. One is to develop awareness of ethical aspects of many common events in schools and in each case, to answer the question "What ought I to do, all things considered?" The other is to teach a process for the exploration of problems.

Questions to guide ethical decision-making

The following is a set of questions that participants are asked to use to help consider all things before deciding what they ought to do when confronted with an ethical problem, and how they will do it.

1. *What is the problem?*
   Try to reduce the problem to basics by stating it in terms of values or principles such as those underpinning the code of ethics, e.g. Is it acceptable for a teacher to lie to a parent about a child's behaviour because she believes that the parent will physically assault the child if she tells the truth?
2. *Who are the main stakeholders with interests in the problem, and what are their interests?*
   Do not identify too many. Frequently the interested parties may be grouped. For example, in many cases the school is an interested party that includes the board of trustees, the principal and the staff. Its interests may lie in preserving a good reputation and avoiding litigation.
3. *Which stakeholder should be given priority? Why?*
   Frequently the primary client is the child or children involved, because of his or her vulnerability. However, this is more difficult when a decision must be made about the competing interests of different groups of children.
4. *What restrictions are there to your actions?*
   Consider any relevant law, regulation, code of ethics, ethical principle, or school policy. Sometimes, these may pose competing demands. For example, codes of ethics usually say that teachers have obligations to students, their families and professional colleagues. However, some problems are about conflicts of interests between two of these parties.
5. *Which courses of action are possible?*
   Brainstorm possibilities and list them as you go. Try to avoid making any judgements until the list is complete. Before doing anything else, look for and eliminate any duplication that may occur where essentially the same action is suggested in different words.
6. *Can you identify precedent cases that are similar to this one?*
   Consider similarities and differences in the circumstances of the precedent cases and identify what they suggest should be done in the present case.
7. *Which courses of action are least acceptable? Why?*
   Review your list of possible actions taking account of restrictions already noted (Question 4) and whose interests should be accorded priority (Question 3). In the process, take account of the probable consequences of each possible course of action. Cross out each course of action that is rejected and write beside it why you rejected it.
8. *Which course of action will you follow? Why?*
   This should leave you with a preferred course of action. Sometimes, it may be possible to combine two or more actions, possibly as short-term and long-term initiatives.
9. *How should the course of action be implemented?*
   It is one thing to know what you *ought* to do. It is another to decide precisely *how you will do it.* At least, rehearse the words in your mind. There is nothing worse than doing the right thing, but badly. Remember that how the action should be carried out needs to take account

of your status. You will have to live with the consequences! Ideally, you might role-play the solution if you are working in a group.

10. *What does this incident teach about ethical decision-making?*
    Review the process. What have you learned that helps you to make sense of your experience and will help you make better decisions in the future? What does it show about you as a teacher?

In the background

When the process is employed, the participants in the workshops are also studying modules on professionalism and reflective practice, which are taught in parallel with the module on professional ethics. These provide an important context for decision-making about professional, as opposed to private ethics. Central to them are the notions that a professional teacher is a member of an historical community of practice with a *telos*, or general purpose, to which one must be committed to in order to be professional, and that membership of that community constrains the freedom of the individual practitioner by committing him or her to ethical principles and standards and the telos (Soltis, 1986: 3). This is used as the basis for raising questions about professional autonomy, professional virtues and Hoyle's concepts of restricted and extended professionality (Hoyle, 1975) which has enjoyed a revival of interest in recent years (Sachs, 1997; Evans, 1997). It also provides a useful basis to critically examine the recently-introduced professional standards for New Zealand teachers (Ministry of Education, 1998). For more detail on the ideas developed see Hall (2001).

The module on professionalism includes a critical examination of codes of ethics of some New Zealand teacher organizations. Generally speaking, New Zealand teachers, like practitioners in a number of other professions, and teachers elsewhere, show limited awareness of the detail of the codes of ethics of their teacher organizations (the New Zealand Educational Institute and the Post Primary Teachers' Association). We have found it most valuable to focus upon the underlying core values of the codes using Lovat's (1997) conclusion that the codes of teachers are based upon the same values that Beauchamp and Childress (1997) consider to be the basis of codes of practice in bio-ethics. The four core values are client autonomy, justice, beneficence and the avoidance of maleficence[3].

The studies of teacher professionalism and teacher codes of ethics also stress that particular virtues are expected of professional teachers, as they are of the members of other helping professions, although the virtues tend to be implied and are seldom spelled out. We raise questions about teacher virtues, using a set based on those applied to medical doctors by May (1980), which appear relevant to helping professions in general. They include honour, perseverance, public-spiritedness, integrity, veracity, fidelity, benevolence and humility.

In sum, the process occurs against a background of studies of professionalism, stressing professional purpose and obligation, the core values of teacher codes of ethics, and some virtues expected of professional teachers.

Strategies

When using the questions to explore and hopefully solve an ethical problem, there are helpful techniques to use. Most of these were suggested to early childhood educators in America by Kenneth Kipnis (1987), when their national association, the NAEYC, developed a code of ethics that later became the basis of the New Zealand and Australian early childhood codes. As they work on the problems we encourage students to try the following:

[3] A national working group, convened by the New Zealand Teacher Registration Board, which is currently drafting a code of ethics for all registered teachers in New Zealand, has formally accepted that these values will be the core values of the draft code (Teacher Ethics Working Party, Online).

- *Distinguish clearly between personal values and preferences and professional obligations.* In effect, as discussed earlier, this involves being clear about the limits of private beliefs when fulfilling public roles. This kind of reconciliation is not always easy.
- *Test the appropriateness of any proposed course of action by asking the question: What would happen if everyone did that?* Thus, for example, a single lie that may appear rather innocuous assumes a different significance if lying is generally accepted. If consistency across the profession is an important ideal, then this technique of generalization becomes important. In a sense, it represents a search for general rules of conduct.
- *Vary the variables.* This is another way of generalizing. It involves saying: What if the student was an adult? Sometimes teachers are tempted to adopt courses of action with children that would be considered reprehensible by adults. For example, the general searching of children's bags or desks for stolen objects, without any reason to suspect specific children, would be ethically and legally unacceptable were the subjects of the search adults. Similarly, it might be useful to consider how the case might be seen if the subject was of a different gender, ethnic group, or social class.
- *Restate the problem in terms of what teachers owe to their students? To their students' parents? To the profession? To themselves?* Such questions provide alternative perspectives on ethical problems stated in terms of professional obligation. One advantage is that problems are seen as professional, rather than individual practitioner problems. Another way to restate is to ask: What would happen in an ideal world? Or what would the virtuous teacher do?
- *Nurture disagreement.* It is sometimes considered that disagreement hinders effective ethical decision-making. Kipnis (1987) points out, however, that "those who disagree can nearly always teach us something new or remind us of something forgotten" (p.30). He argues that enlightenment often lies at the end of disagreement so that careful attention to conflicting positions in a disagreement is frequently richly rewarded. However, it must be noted that Kipnis assumes the presence of a general will to *resolve* disagreement and achieve some kind of consensus by at least agreeing on the main issues in the debate. In other words, disagreement provides a starting point, rather than an end.

III. AN APPLICATION OF THE PROCESS

The following problem is one of those explored by students in the workshop on *in loco parentis*. The problem is followed by an analysis following the process outlined in the preceding section.

Predicament at Camp Hoha

Recently, you joined the staff of Lowdown School where you teach a Year 6 class in the room next to Walter Marsden, who is something of an institution in the district, having taught there since he first started teaching. When you arrived, your class and his were paired to go on a school camp, in only two months time, as a part of the school's outdoor education programme.

Prior to your coming, a meeting of parents had been convened by Walter to outline the plans for the camp and a number of very willing parents were recruited to act as helpers. It turned out that most of them had done the same job for Walter on previous occasions and because you were new, you were happy to follow the established pattern. In a sense, this left you as something of an outsider, still to be fully accepted.

This afternoon, you all arrived at Camp Hoha. The children were very excited. So, while Walter and most of the helpers sorted out the kitchen and cooked dinner, you and a few helpers took the children for a long walk to get them oriented, at the same time wearing them out physically to ensure that they would sleep well on the first night. After dinner, you played some games in the hall, sat around and sang and then after a story, dispersed the children to their huts where the adults helped get them settled. Later, the adults drifted to the room off the camp hall that had been set aside as a kind of staff room.

As arranged, you drove to the village to pick up fresh milk and bread at 9:00 pm and on your return, about 9:30, carried the fresh supplies into the kitchen. As you came out, you could hear music in the staffroom. You walked around the huts to check that all was well and then headed for the staffroom.

When you open the door, to your surprise there is a generous supply of beer and spirits on the table. Walter, with whisky in hand, is already talking loudly and all the parents are really into the swing of things. It is clear that this is yet another of the routines associated with camps run by Walter.

"Come in Ann", Walter says. "What will you have? A gin?"

Suddenly, you realise that all eyes are on you. What will you do?

Analysis and Solution

1. The problem and the principle/s involved

While the immediate question facing Ann is whether or not she should accept a drink, the central issue in the incident outlined concerns the responsibility of the staff members (Walter and Ann) for the safety and well-being of the school children for whom they are *in loco parentis* and their capacity to discharge those responsibilities during the night if they have been drinking. If the teachers (and the parent helpers) drink, it can be argued that their professional judgements might be affected, placing the well-being of the children at risk if an emergency such as a fire were to occur during the night or if was necessary for someone to drive for other help. It is also possible that the teachers may be responsible for the administration of medication for an individual or they may have been asked to remain vigilant to possible sleeping problems with an individual child.

The problem would be exacerbated were this to continue as the pattern of teacher supervision throughout the camp.

On the other hand, it may be argued that the adults have the right to relax in their own time, even though they are at a school camp. Thus, the incident embodies a conflict between the interests of the children, whose safety and well-being must be assured, and the teachers, who may believe that once the children are in bed for the night, they can relax, as they might at home, after a day at school.

2. Stakeholders and their interests.

Those with immediate interests in the problem are:

a. The children, who are the most vulnerable party. Under the doctrine of *in loco parentis* they can expect the teachers, as agents of their school, to take all reasonable steps to ensure their wellbeing, while they are at school. During a school camp, school is in session for 24 hours a day.

b. The parents of the children. I have identified the parents as having a separate interest in this problem because most of them are not present at the camp. Nevertheless, as the legal guardians of their children, the school, is answerable to them for the children's wellbeing.

c. The school. This includes the principal and the board of trustees that remains legally responsible for any misadventure while children are at school. The principal is responsible to the board for the management of the school. Both the principal and the board of trustees will expect the teachers to take all reasonable precautions to ensure the wellbeing of the children while they are at the camp. Usually schools have policies that spell out their expectations for off-site activities including camps, and detail safe and acceptable practices.

3. Law/s, regulation/s, or section/s of the appropriate code of ethics relevant to the problem

The legal system of New Zealand recognises the doctrine of *in loco parentis*. That doctrine expects that any teacher will exercise a standard of care of children in his or her change that might reasonably be expected of a parent with a very large family.

In its Code of Ethics, the New Zealand Educational Institute expects teachers to attend to the welfare of children. It points out that teachers have a responsibility for their actions and judgements and expects

them to maintain the honour and dignity of the profession. It might be argued that drinking while they are on duty (as they are throughout a school camp) represents a lack of attention to the welfare of children and that doing so with parent helpers shows a disregard for their responsibilities that is not in the best interests of the profession. That is not to argue that teachers should not socialise with parents, but to do so in ways that possibly risk the well-being of pupils is irresponsible and does not reflect well on the profession.

The incident description makes no mention that Lowdown School has a school camping policy. If it did, that would be highly relevant. Perhaps there is a policy that has not been properly disseminated.

4. Which stakeholder should be given priority?

Ann's primary responsibility is to the school pupils (the most vulnerable party because it is their wellbeing that may be at risk) and their parents (the legal guardians of the children).

She has a duty of loyalty to the team at the camp (Walter and the parent helpers), to help it run well, for the sake of the children, and within reason to avoid unnecessary friction that could undermine the spirit and quality of the camp.

She has a duty to her school (other teachers, principal and board) to ensure that the interests of the children are looked after, to ensure that the curriculum objectives of the camp are achieved, and to maintain the good reputation of the school.

5. Precedent Cases

There are two relevant precedents. Firstly, it is clearly unacceptable in New Zealand schools for teachers to drink alcohol at school during the school day. Even for teachers in schools to drink alcohol off the premises (say at lunchtime) before returning to duty would be considered at least questionable by parents, employers and members of the profession. However, it is acceptable for teachers to drink alcohol at staff and parent-staff functions held in their schools when the school is not in session. Indeed, many school boards have policies to formalise both these precedents. The case under consideration is different from these precedents, however, in that a school camp involves the school being in session, away from the school site, and at hours that do not conform to the usual school day. In effect, it is in session for 24 hours a day.

6. Possible courses of action

a. Accept the drink and join the party.

b. Refuse the drink and openly berate Walter for drinking, possibly indicating that you intend to take the matter up with the principal

c. Say that you think that someone (one of the teachers) should abstain from drinking to ensure the safety of the children and accept the responsibility that evening, possibly with the intention of taking the matter up privately with Walter in the morning. Ask for a fruit juice.

d. Walk out and ring the principal about what is happening.

7. A preferred course of action is arrived at by elimination.

Option A:

Rejected on the grounds that the course of action would be irresponsible. The well-being of children would be disregarded. To do that would be to breach the legal expectations of *in loco parentis*. If something untoward happened, and it later transpired that the teachers had been drinking, not only would that reflect badly on Walter and Ann's discharge of their professional duties, it would also affect the school's reputation and under some circumstances the trustees could be subject to litigation. Such incidents also reflect badly on the profession at large.

Options B & D:

Also rejected on the grounds that while the actions might be justified, the repercussions for the rest of the week in camp are unacceptable if the safety of the children can be ensured via a more moderate course of action. Such courses of action could also have important consequences for Ann's relationships with her fellow-teachers back at Lowdown School. If there was no other way of ensuring pupil safety, then one of these options might be required. However, in this instance, Option C is more acceptable in terms of its consequences.

Option C:

Preferred because (a) it ensures that there is at least one teacher in a position to deal with an emergency, thereby reducing the possibility of harm to the children; (b) Ann can still remind Walter (and the parents) of their collective responsibility, possibly by following up the matter next morning; and (c) she can still discuss the matter with the Principal, possibly when they return to the school. However, (d) this option is less likely to negatively affects the camp programme.

8. A proposed course of action and 9. How the course of action will be implemented

(a) Immediate Action:

"I think that I should have a fruit juice, Walter," says Ann. "It's not a good idea for both of us to drink. I'll have some orange and do the night patrols and in the morning, we can sort out the arrangements for the other evenings."

"Come on, Ann. Don't be a wowser. One drink won't hurt. What about some white wine. We're off duty now. Relax."

"No, Walter. I take *in loco parentis* seriously. In my view, the school is open 24 hours a day while we are on camp and no one would suggest that we should be allowed to drink during the day at school. We can talk about it in the morning."

And that is what she does. She drinks fruit juice with the others, but does regular rounds of the dormitories and reports to the others after each round.

Next morning, in a private conversation with Walter, she makes it clear that she does drink alcohol, but that she thinks that they need to sort out the arrangements for the remainder of the camp. She makes it plain that she does not wish to spoil the camp by creating unnecessary discord. In her view, the choices are either that they sort out an acceptable arrangement or that she calls the principal in to do so. With some reluctance, Walter agrees to them taking turns at being on duty, night about, and not to drink on the duty nights. Ann accepts that as a somewhat unsatisfactory compromise. However, she makes it clear that when she returns to school she will talk with the principal about getting agreement on a school policy on alcohol at school camps.

Walter is not ecstatic about the solution. But he goes along with it

b. Long-term solution

Ann will talk with the principal about the need for a clear policy on the matter and for every parent to know what the policy is before they agree to their children going on the camp, which is necessary for them to give informed consent to their children attending a camp. She will point out to him the potential consequences for the school if there is an overnight emergency at a camp when teachers have been drinking.

10. Reflection

The incident highlights the need to think about the *in loco parentis* implications of outdoor education activities and the need for clear policies.

It also shows how similar outcomes may sometimes be achieved by adopting a less high-minded and confrontational approach. However, if such a course of action is adopted, it is important for the

teacher to decide how far he or she is prepared to go with a compromise. In this instance, Ann was quite clear that the safety of the children was her bottom line requirement. Had Walter not conceded, she was prepared to ring the principal, even if that might have had a negative effect on the team atmosphere at the camp.

This might be interpreted as a test of Ann's capacity to ethically care for the children at the camp. Ethical care is used in the sense that it is used by Noddings (1986) who regards it as an expression of "fidelity to persons" (p.497).

In a sense, Ann's immediate action was a 'damage control' measure that dealt with an unsatisfactory situation. It reduced the risk of potential harm to her primary clients, the children, but did not really solve it. The solution to any similar predicament in the future lies in longer-term action by her principal. A clear policy on the matter that is understood and accepted by board of trustees, staff and parents will be the basis for a more effective long-term solution.

IV. DISCUSSION

The response to the case analysis experience of both pre-service students and practicing teachers has been overwhelmingly positive. One reason appears to be that the cases are considered "real" problems and there is evidence that although problems of the kind considered are not uncommon in the experience of teachers, they tend not to be discussed openly with other teachers. In some instances, there has been almost a sense of relief amongst practicing teachers when a problem was teased out, as if individuals have felt uncomfortable about other similar situations in the past, but were unclear about the reason for their discomfort. This suggests that the positive reaction to the case analysis is not simply because the cases are considered relevant by the students, but also because the process advocated provides a line of attack to tease out and comprehend what can be intuitively-troubling situations. Thus, mastery of the process is empowering for practitioners, especially when it results in a proposed solution and encourages paying attention to how that solution might be implemented.

Secondly, however, the effectiveness of the process is enhanced or limited by the knowledge of students and tutors. It would be easy to follow the process mechanically without engaging in any serious ethical thought. Much depends upon the framework of ideas and the thinking skills that students and particularly the tutor bring to the process. The tutor's knowledge is obviously important because she cannot teach what she does not know and the role of the tutor in ethical case analysis is clearly to draw attention to the ethical, to inject ideas or assign relevant reading where necessary, and to draw attention to both sound and faulty thinking.

Thirdly, our experience suggests that case analysis, as a group activity, has both strengths and limitations. The strengths lie in the requirement for individuals to contribute and consider the contributions of others. In our experience, these group activities generate high degrees of what teachers in schools refer to as "on-task activity" and generate a rich basis for reflection. Nevertheless, the fact that the group members participate in the process collectively can easily give group members the illusion of individual competence when, in fact, each is dependent upon the other group members. Ideally, in my view, the group process (which provides an invaluable starting point) should be followed by each group member writing an individual case analysis to be read and commented on by other group members. Group activities provide a rich starting point, but in the end, ethical decision-making is an individual activity that needs individual practice.

Writing an individual analysis requires every participant to state and justify his or her own conclusion. In my view, that should include the tutor. Some tutors feel that they should withhold their conclusions in order to encourage students to draw their own conclusions, and avoid the inference that there is any 'correct' or official 'right answer'. While that may be a worthy intention, it is equally important for students to know that their tutors hold justifiable points of view which they are capable of defending, using the kinds of skills being taught in the course. Indeed, most students are interested to know where their teachers stand on controversial issues and I argue that if tutors do not declare their positions at some stage, they run the risk of implying that it is acceptable not to have a point of view.

The most important matters for tutors probably centre on *when* to declare without stifling inquiry and debate, and *how* to also acknowledge that there are other alternative and sustainable points of view.

It is important for students to appreciate that while there may be more than one ethically acceptable response to any problem, some solutions are still unacceptable. Unless tutors are vigilant, it is easy for students to gain the impression from discussions of ethics that every potential solution is equally acceptable. In my view, pre-service teachers are especially prone to this because they are keen for everyone to participate and for their contribution to be valued. This is one of the advantages of using a brain-storming technique to list possible courses of action, and why even hare-brained possibilities should be listed. It is important that participants practice ruling out some possibilities as clearly unacceptable.

Our experience suggests that greater awareness of more general ethical issues emerges more clearly when several related problems are explored. Four related problems used to explore the issue of privacy of information appear in Appendix A. When students have worked through several of these problems, not only is their use of the process more practiced, but they develop a broader appreciation of privacy of information in its many guises, than may be achieved by the analysis of one problem. This means, therefore, that the development of an appreciation of the more general issues takes time and suggests that the exploration of fewer issues, more thoroughly, is likely to be more profitable than exploring more issues, in less depth.

Alternative Possibilities

We have been encouraged by the outcomes of the process as evidenced in the quality of the discussions and presentations, an open book test where individual students write their analysis of a new problem and the general reactions of students, including course evaluation comments. However, while case analysis, using the methodology outlined in this paper, may be valuable in the context of a course, it serves only as an introduction to a form of critical reflection which should ideally be on-going, throughout an individual's professional life, where professional colleagues act as critical friends. For that to happen, the ideal group with whom such a process might be developed would be a functioning professional group such as the staff of a smaller school or a department of a larger one. Under those circumstances, the life of the group would not be limited by the end of a course, as happens in Professional Practice 4 at Waikato, so that conversations begun during the course might continue beyond its conclusion.

An additional advantage of the school staff as a group employing such a process lies in the potential for group discussion and consensus, where that is achieved, to influence the culture of the school. It is sometimes pointed out that the cultures of organizations such as schools are expressions of the collective values and world views of those who control the practices (Schein, 1985) and it is observed how changes to practices tend to be superficial unless the school's values base is addressed. It seems to me that the issues that form the core of the Waikato module on dealing with ethical problems has the potential to clarify and challenge the values base of most school cultures if they are explored by the staff collectively in an on-going way. That is entirely consistent with Fullan's desire for the staff of every school to develop a shared vision (Fullan, 1992).

An alternative way to achieve ongoing discussion is via online discussion. One of the limitations of face-to-face group activities results from the fact that the discussion is synchronous, requiring the participants to respond immediately. The limitation occurs when we sometimes have good ideas *after* a discussion and think "I wonder what Amelia would have thought about that" without having the opportunity to try the idea on Amelia and the other members of the group. If the group is a stable one, like the staff of a school, at best, it might be taken up if another suitable occasion arises. Online discussion, however, opens up the possibility of asynchronous discussions where the requirement to respond immediately or miss out, does not occur. Discussion lists and online forums provide greater opportunities to think and contribute considered responses.

The University of Waikato School of Education enrols about 60 students a year in its Mixed Medium Programme (MMP) of pre-service teacher education for mature applicants who are not able to enrol for campus-based studies. These students who are now located all over the North Island of New

Zealand come on campus for the first week of every semester and then complete their studies via online discussions with the support of staff in local schools. The online discussions are asynchronous and the staff teaching online students are consistently impressed by the quality of the student contributions, compared with the contributions of other students taught synchronously in face-to-face forms of the same courses. Unsurprisingly, having time to think appears to favour reflection as does having to write a contribution in order to submit it.

Currently, we run sessions on professionalism and ethics for the MMP students during their on-campus weeks. The students are introduced to and use the process for case analysis outlined in this paper. However, later this year it is planned to try a continuation of this process via an online discussion forum. We know already that many of the MMP graduates now working as teachers continue to maintain professional online links with their fellow students. It is not hard to imagine how those online discussions might include consideration of ethical problems in much the same way that the members of a school staff who have been through a common programme might maintain ongoing conversations.

Conclusion

Our experience in developing a process for ethical decision-making, outlined in this paper, indicates that the achievements to date have been encouraging. The process based on case analysis is well-received by both pre-service students and practising teachers. It encourages a measured consideration of a range of aspects of the problems posed. The background studies of professional responsibility, ethics and virtues are important because the effectiveness of the process is dependent upon students and tutors bringing ethical knowledge to the case analysis process. Group analysis of cases provides a rich starting point for developing both ethical consciousness and the cultivation of skills for ethical decision-making. However, it is also important for participants in the process to craft their own positions on the problems, because in the final analysis ethical decision-making is an individual activity. A deeper appreciation of ethical themes such as privacy of information appears to be achieved when more than one problem on a topic can be explored. I have suggested that the process might be profitably developed with the staffs of schools in order to achieve collaborative ethical discussion beyond the life of a course and also suggested that online discussion, with the advantages of asynchronous discussion offers rich possibilities to enhance the quality of reflection.

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