

## Hypothetical Ethical Dilemma

### Learning task 2: the ethics assignment

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## **Scenario**

The following scenario occurs when Bill 24 was in effect in Alberta. A high school student in your class (Student A) has below average cognitive levels of functioning and weak social skills. You noticed Student A did not have many friends until they recently were welcomed into the school's Gay-Straight Alliance (GSA) club. After joining, you noticed Student A appearing to be acting out of character; down, sad, irritable. You are under the impression that other students in the GSA are encouraging Student A to transition to the opposite gender, as they believe this would make Student A happier. Student A's home life may be a factor, but you are concerned their behavior is related to the influence from the GSA. You would like to discuss this, and the well-being of Student A, with their parents but Bill 24 and your principal prevent you from contacting them. What do you do?

## **Virtue Ethics**

Virtue ethics does not have a set list of what is ethically 'good' or 'bad', but instead looks at a person's individual aspects of character: cognitive, affective, relational; and uses the sum of these elements to determine if one is virtuous (Donlevy, 2019b). However, it cannot truly be known until an ethical matter is acted on, as the revealing nature of Virtue Ethics "is in the doing" (Donlevy, 2014, pp.16). For the purposes of this argument, we believe teachers are virtuous in nature, have a love for children, strong hopes of their student's success, and an instinctual desire to keep their students safe. Based upon this assumption, the decision to disregard the advisement of the principal and act against Bill 24 would be in alignment with our fundamental beliefs and character (Donlevy, 2019b).

Although this opposes Bill 24 related to disclosure of private information, we would still inform the parents as this is in the child's best interest. The School Act amendment regarding Bill 24, Section 50.1 for student privacy states:

“For greater certainty, parental notification around courses of study, educational programs or instructional materials, or instructional exercises does not apply to student participation in voluntary student organizations, including GSAs and QSAs.

This clarifies policy that is already in place through the Guide to Education. Requirements for notice to parents remain in place where courses of study, educational programs or instructional materials, or instruction or exercises, include subject-matter that deals primarily and explicitly with religion or human sexuality.” (Donlevy, 2019a).

The decision to tell the family is made based on a previous holding of ethical thought that was established prior to the dilemma; that student safety is the top priority while they are in our care, regardless of legal consequences. This holding is not based on existing law or policies and in fact may have been established, at times, despite them. A value of character existing independently from, and at times larger than, law (Donlevy, 2019b) is demonstrated by Martin Luther King Junior (1963) in his Letter from a Birmingham Jail King states, “One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws”.

Those that we admire, specifically those who work with children, have repeatedly shown that they put students first. Ethically, we believe they too would inform Student A's parents. Further, we believe people would admire our decision to talk to Student A's family, as we are doing what is in the best interest for a student. If a student's involvement in a GSA needed to be

revealed to the parents to ensure and maintain the student's well-being, we believe people would agree with our decision to go against policy (Donlevy, 2019b).

### **Postmodern**

Our immediate reaction is to help the student and contact the parents. There would be guilt and regret if our decision not to intervene by contacting the parents resulted in negative consequences. As a human being, we have a responsibility to step in and an obligation to help those in need (Donlevy, 2019b). As a teacher we are acting in place of a guardian, and the student's safety comes above all else. We are prepared to face the consequences of opposing Bill 24 in this matter as the contrary are the potential consequences of what Student A may do as a result of our inaction. Bill 24 was put in place to make students safer in schools, but in this scenario we believe it is not doing so, as such it would be detrimental to follow this protocol and policy.

Through a postmodern lens, we can envision ourselves in this student shoes or pretend that this is happening to someone we care about. If that were the case, we would want somebody to notice and intervene. We would disregard Bill 24 and help that student because that is how we would hope ourselves or a loved one would be treated in a similar situation and because it is morally right (Donlevy, 2019b). Inevitably, there will be consequences for going against Bill 24, but these would be easier to accept, then not acting and have the student harm themselves or another person. We will not seek refuge behind the school policy and abandon our obligation as a teacher to keep our students safe and protected (Donlevy, 2014).

## **Deontological Ethics**

A main element in Deontological Ethics is to do the right thing regardless of the consequences - and to follow your duty (Donlevy, 2019 pp 7). The question arises if the duty owed is to the profession of teaching (we would follow policy and avoid informing parents) or to Student A (we would have a conversation with the parents). In order to answer this, we examine other key elements of deontological ethics.

One such element is if proposed decision meets the Golden Rule condition; deontologists have slightly altered the Golden Rule Principle, “Do unto others as one would have them do unto themselves” to “do unto others as they could have you do unto them” (Donlevy, 2014, pp. 18). If we look at this statement substituting ‘others’ with Student A, we believe Student A would want their teacher to make their well-being the ultimate priority. If we look at this statement substituting Student A’s parents for ‘others’ we are of the belief that parents would want to hear from a child’s teacher when the teacher is concerned for their child’s well-being. Both analysis of the condition supports the teacher breaking policy and conferring with Student A’s parents.

This decision is further supported when looking at the Categorical Imperative condition, which states that ethical decisions must be universally applicable and leaving no opportunity for special cases (Donlevy, 2014). Our belief is that should a teacher deem necessary to confer with a Student’s family due to concerns of the student’s well-being, they should be able to do so unhindered by policy. This belief of a teacher putting the well-being and welfare of their student above all else is a universal concept, and not only applied to select few students. We also see this belief as the underlying principle that must be adhered to, regardless of consequences to the teacher.

Analysing this scenario through a deontological framework supports the decision of the Teacher to break policy Bill 24, going against their principal to take their concerns to the parents of Student A.

### **Resolution**

We felt that we would want to converse with the family, to ensure that Student A's mental, physical, and emotional health was not at risk. However, as professional teachers, it is our duty to adhere to the Code of Professional Conduct and the Standards of the Profession. This includes an adherence to law and policy as seen in the Teaching Quality Standards, Section 6: teachers "engag[e] in practices consistent with policies and procedures established by the school authority" (Government of Alberta, 2019, pp.7). Meaning while Bill 24 was in effect, as a Professional teacher acting in accordance of the Code of Conduct, we would not be able to tell the parents.

To stay within our professional parameters, our first step would be to give all the information to the school counsellor. The counsellor at the school may also be bound by the ATA Code of Conduct (unless they are only a psychologist/psychiatrist, not a teacher), and if so, they would be required to adhere to Bill 24 as well. Due to this, we would continue our course of action.

According to The Alberta Teachers' Association (2018), information must be divulged if "in the judgement of the teacher, to do so is in the best interest of the pupil." We believe it is our responsibility to contact Child Protective Services to have them assess the situation and take appropriate steps to ensure Student A's health and well-being. We would also provide all students in the GSA information on counselling services in efforts to reduce the likelihood of this

situation re-occurring. Walker and Donlevy (2005, pp. 9) state, “Acting with personal integrity means that there is an alignment of what one knows, with what one believes, and what one does”; therefore, taking all the steps stated above are necessary when acting with personal integrity while in the best interest of Student A.

## References

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