"Academic Ethics: Shoes for the Cobbler's Children"
Michael Davis, Editor, CSEP, Illinois Institute Of Technology

All the cobbler's children I ever knew had shoes-shoes made by someone else. But, once upon a time, cobbler's must have been too busy making enough money to feed their children to make shoes for them. Hence, the old saying.

Academics do not have the same excuse for ignoring their own ethics. They do, however, have others. As I prepared this issue, for example, I worried that non-academics would find the subject too parochial. A number of my colleagues said something like: "Academics already have a reputation for spending too much time looking at their navel." The only reason I persevered was that, when I mentioned the topic to non-academics, what I heard was something like a rousing, "It's about time!" So, the subject of this issue is academic ethics, what professors (and other college teachers) should do, how they fail to do it, and what can be done about it.

We begin with a university president, Diether H. Haenicke, chiding academics for devoting so little study to their own ethics when they spend so much time studying everyone else's. No doubt he would have little sympathy for what that old saying about the cobbler's children implies. If the children need shoes, they should have them. And, he argues, they certainly need shoes.

Prof. Haenicke's piece is not likely to have a calming influence on any academic who reads it. I, for example, cannot help responding that Perspectives has not ignored questions of academic ethics. All the research scandals mentioned in our last issue involved university researchers, academics by any definition.

My guess is that Prof. Haenicke would not be very impressed with my response. Of course, academics have discussed particular academic scandals over the years. The Chronicle of Higher Education (the ivy tower's equivalent of Wall Street's journal) has regularly reported this case of plagiarism or that case of research fraud. But we academics have not thought of these individual "scandals" as part of a more general problem. Instead, we have talked about "a few rotten apples."

Or, at least, that's what we did until very recently. That seems to be changing. For example, a Chronicle article of February 1, 1989 carried the title "Rash of Ethical Lapses Spurs Colleges to Study Their Moral Responsibilities." The article reported a pattern of wrongdoing among academics—or, at least, a pattern of wide-ranging criticism of academics as a group. The article also reported that academic ethics is "becoming a hot topic for books, reports, and conferences." The litany of problems is sobering: drug use, conflict between athletic programs and education, racism, loss of intellectual independence because of participation in economic development or industry research, sexual harassment, discrimination, try hiring, research fraud, friendship between professor and students, underwork, neglect of students.

The Chronicle was nonetheless hopeful. Two books on the subject of academic ethics are now in press as well as three, ProfScam, Personal Fouls, and Saints and Scamps, that have, recently appeared). The Graduate School of the City University of New York is offering a new course entitled "Academic Ethics." There have already been several national conferences on academic ethics. A new field of applied ethics, academic: ethics, seems to be forming. Whether it will be a field of professional ethics remains to be seen. But our other two pieces seem to lead in that direction.

In one, Michael Sing, a professor of law, asks how much
| "Academic Malpractice: The Need for a Code of Professional Ethics"  
Diether H. Haenicke, Western Michigan  
  
People who live, in glasshouses should not throw stones. Frankly, I believe the academic profession disregards this proverbial wisdom by throwing stones with great tone to every possible direction. Hardly a university is left whose philosophy department is met teaching well-attended courses about business ethics, medical ethics, ethics for lawyers, etc., thus providing ample, and often unsolicited, advice for other professionals. However, one, still waits for the course on ethics in academia to be taught witty the same enthusiasm and indignation. The walls of the academic glasshouse areshattered, but its inhabitants remain reluctant to put dawn the stones they am so fond of throwing and put their own house in order first.  

It has always amazed and pleased me that other professions-business, law and medicine in particular have, at least on the academic level, been so willing to listen to the lectures on ethics from practitioners in other fields. I have observed a great willingness of business and law school deans to add ethics courses to their instructional offerings (or to make such courses a requirement, as is the case in some medical schools). Moreover, as practicing professionals, lawyers and physicians-and many other processions-have established professional review boards which do disbar attorneys, remove judges from the trench and withdraw hospital privileges or  

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| unable licenses from unqualified doctors. These and most other professions have self policing procedures that are not in, frequently employed and that men; often than not stop incompetent or unethical practitioners from practicing.  

The professoriate knows no such mechanism. Occasionally, in some university rule book, we, list procedures describing the mechanics of removing a faculty member for "grow incompetence." These rules ere hardly ever invoked, but in the taw cases where we may be able to prove incompetence, we can subsequently never agree if we are really dealing with "gross" incompetence. In close to thirty years of professional life on the campuses of three very large universities, I have never seen a faculty member removed by judgment of his or her peers for behavior that, were it to occur in another profession, would certainly bring to the fore our academic ethics lectures. This fact aggrieves me: terribly. I am very proud of my profession and have during my academic career enjoyed the company of persons of great integrity, dedication and devotion.  

Our academic profession has its toll share of outstanding practitioners, just as all other professions do. However, it also has its rotten apples; and it troubles me that we do so little to eliminate them, that we are so reluctant to face this problem, and that we tend to be so appallingly  

self-indulgent, seeing slivers in the eyes of others while being blind to the logs in our own.  

Our professional organization, the AAUP, has historically interpreted its role as defender of
faculty even when their behavior is questionable; and on campuses where the AAUP has become the agent for collective bargaining, it is a ready expectation that the union will defend its members no matter how outrageous the conduct. To my distress I have observed too many cases where we actually reward unethical behavior. Since faculty members will almost never find sufficient cause for dismissal when they are sitting in judgment of colleagues, academic offenders (sexual harassers, plagiarists, severe alcoholics, drug addicts, etc.) will be placed "on leave," or on medical disability with pay and with the option to return to teaching when rehabilitated, or are offered the option of resignation, often with a handsome severance payment and the promise of assistance in finding employment at another university. Administrative acquiescence in cases like the last is often as unethical as the alleged violation.

I have been arguing my point that academia has to develop its own code of ethics for several years in speeches, papers and the like-with little resonance or success. (See Haenicke, "Ethics in Academia," Papers Presented to the Center for the Study of Ethics in Society, Vol. 1, No. 2, Jan. 1988). Recently James W. Nickel of the University of Colorado ("Do Professors Need Professional Ethics as much as Doctors and Lawyers?" Papers Presented to the Study of Ethics in Society, Vol. 2, No. 2, Jan. 1989) has suggested that several reasons for the relative neglect of academic ethics: Academics have not experienced a crisis in public confidence; the consequences of academic malpractice are less grave than those of legal and medical malpractice; and the temptations of professors are not as large or enticing as those of doctors.

Nickel does, of course, not argue against an ethics code for faculty; and all his reasons are, at least in part, convincing. But he may have written his paper before Charles Sykes' book ProfScam (1988) appeared, a scathing attack on university professors which certainly levels severe charges against our profession. In spite of the predictable cries of indignation, many a faculty member should have recognized his face in the mirror that Sykes is holding up to our profession. Similarly, when the Accuracy in Academia movement visited our campuses two years ago, most of us cried foul and ran for the cover of academic freedom. Too few of us were ready to examine what had caused this outside initiative and whether a good measure of ideological bias and indoctrination had replaced proper academic instruction.

Moreover, faculty teaching loads, the disarray of our undergraduate curriculum, and the absence of tenured faculty from undergraduate teaching in some of our leading universities are constant agenda topics of state legislators and the popular press, not to speak of the complaints from students and their parents. To assume that the academy has not or is not experiencing a confidence crisis means seeing things through rose-colored glasses. So much for Nickel's first argument.

I agree more with his second argument that assumes graver consequences of malpractice in medicine or law than in teaching. Certainly, a patient can lose his life, a client her freedom, in the hands of an incompetent doctor or lawyer. The incompetent professor seldom creates damage beyond severe disappointment or disillusionment in the student whose time and money is wasted in a poorly taught class. However, what of the damage created by the professor who sexually harasses a student, who demands sex for improved grades, for a recommendation, or in exchange for an assistantship? Though not life threatening acts, they are nevertheless of grave psychological or economic consequences for the student who finds himself in that position.

Nickel's last argument that the temptations are not as great for professors as they are for doctors (performing unnecessary operations) or lawyers (milking their clients) is only persuasive when applied to money. But even in that area they are relative. To neglect teaching or research in favor of a paid consulting job, to pursue university business ventures at the expense of academic work, these are not unheard of options a faculty member may choose. The difference may be the amounts the physician or the professor may respectively earn through unethical practices, but the relationship to their regular income may be comparable.

And while speaking of temptation, Nickel must certainly consider another area, i.e., that of sexual harassment, where the temptation might indeed be greater for professors than for any other professional since the faculty member deals day in, day out almost exclusively with young, often very attractive, inexperienced and impressionable people who, if not sexually harassed can be seduced into so
called "consensual relationships, "the true nature of which is almost always questionable. The vehement opposition on practically every campus against establishing a clear-cut policy condemning sexual relationships between professors and their students is testimony to the fact that such relationships are widespread and widely tolerated in the academic community.

I continue to argue strongly for a written code of ethics for the academic profession. The policy statements issued by the AAUP do not suffice, mainly because they are vague in their essentials and, most importantly because, to the best of my knowledge, there is not a single case in the history of the AAUP that involves even as little as a public reprimand of one of its members for ethical or professional misconduct, not to speak of dismissal. Campus faculty themselves have to develop these ethics codes, and some campuses have already begun. We need to find standards that speak not only to sexual harassment but to consensual relationships; that examine conflicts of interest and conflicts of commitment; that illuminate our professional obligations to students and colleagues; and that wed our desire for shared university governance with the commitment to be held collectively responsible for what goes on and what goes wrong in the university. In recent years, the public eye began to rest more watchfully than ever upon public institutions and their representatives; the moral conduct of politicians is under increased scrutiny; the personal conduct of athletes, stockbrokers, industrialists, physicians and lawyers is constantly questioned and investigated. But we naively consider ourselves exempt from scrutiny and are out there with the public lecturing others-as we do so well-on proper ethical behavior. Are we beyond reproach? Should we wait until others begin to lecture and regulate us?

It behooves us to look at ourselves, to overcome our intolerable selfindulgence, and to prove that our profession does not have to shy away from scrutiny. Only if we ourselves begin a regimen of selfdiscipline and only after we have established a code of ethics for ourselves may we count on the respect of those to whom we lecture about ethics. Let us get on with it.

"Faculty Grievance Hearings and Due Process"
Robert Ladenson, Humanities, Illinois Institute of Technology

Grievance procedures for faculty in American colleges and universities generally include a hearing conducted by a committee of faculty members as a major part of the grievance process. The AAUP's Recommended Institutional Regulations on Academic Freedom and Tenure (1984) allot a critical role to faculty hearing committees in grievance proceedings related to a wide array of issues, including termination owing to conditions of financial exigency, discharge of faculty for cause, imposition of sanctions other than dismissal upon a faculty member, and faculty initiated grievance complaints.

Until recently, I shared the widely accepted belief that academic due process with respect to the above issues absolutely requires faculty hearing committees. I shared this belief, however, as a firmly held, but essentially unexamined assumption. Several years of active involvement with grievance matters here at IIT, as well as some experience in the capacity of a state hearing officer in public employee discharge and discipline cases, have prompted me to look more closely at this assumption. As a result, it now seems to me that the grievance procedure familiar in the non-academic world, involving arbitration by neutral party, would be preferable in most cases to the use of a faculty hearing committee.

I have participated directly in faculty grievance hearings at IIT several times, once many years ago as a grievant myself, and more recently on several occasions as a hearing committee member. In the last five years, I served as Chairman of IIT's Faculty Senate and as Chairman of the Faculty Senate's Academic Freedom and Tenure Committee. Both of these positions required keeping informed about grievance matters within the university.

The grievance procedures at IIT closely follow those recommended by the AAUP In all of my personal experience, the faculty who served on grievance hearing committees, and the members of the administration with whom the committees dealt, fulfilled their responsibilities in a conscientious and professional manner. Nonetheless, it now seems to me that the IIT grievance procedures, and others like them, have a major inherent problem.

The problem is not the neutrality of hearing committee members.
Neutrality for an adjudicator—that is, the absence on her part of a predisposition to favor either side in a controversy—becomes extremely difficult to maintain in the context of a grievance hearing when members of the hearing committee have had close personal involvement with any of the parties. Such a circumstance is, however, avoidable in all but, perhaps, very small colleges.

Some would argue that even when faculty hearing committee members have no strong personal relationship with the grievant, neutrality still remains a troubling issue because of a more or less natural inclination of faculty to identify with the grievant as a fellow faculty member. Based upon my personal experience,

However, I would say that the above viewpoint exaggerates the difficulties in this regard. One may assume that faculty members tend to identify sympathetically with each other's plight but, for the most part, not to a point that irreparably distorts their sense of professional responsibility.

The major problem with faculty grievance hearing committees does not concern their neutrality or lack thereof, but instead involves a closely related, but distinct, consideration. Under any procedure that calls for faculty to adjudicate controversies involving fellow faculty, circumstances often arise that make it difficult for the members of a grievance hearing committee to exercise the kind of independent judgment that is essential to the adjudicatory role. Depending upon the situation, members of a hearing committee may see the resolution of a particular grievance as having implications for other issues within the college or university that directly affect them. Policy questions, or issues of academic politics, can become involved in the deliberations of a hearing committee, almost unconsciously, in ways that shift its focus away from the task of rendering justice in the grievant's individual case.

A related problem is the continuing relationships of the faculty who serve on grievance hearing committees with other faculty or members of the administration. It seems to me that grievance hearing committees often become influenced in subtle, yet definite, ways by concern about how various constituencies in the college or university will react to the resolution of a particular grievance. This concern often leads, I think, in the drafting of a final hearing committee report, to an inordinate concern with matters of draftsmanship that relate more to maintaining face than doing justice. In the worst instances, one sees a disheartening failure of nerve in which the unwillingness of a committee to please the administration, or fellow faculty, results in a grievant clearly not receiving her due.

The major problem with faculty hearing committees thus concerns factors that tend to distort the independent judgment of committee members, factors that derive almost invariably from the shared institutional affiliation of the committee members and the parties to the grievance.

This statement of the problem indicates a path to follow for resolving it. Under the system for grievance resolution widely used by nonacademic organizations, grievances proceed through a series of steps that culminate in a hearing presided over by a hearing officer, or arbitrator, from outside the organization. Having no personal stake in the outcome, and only as much knowledge about background conflicts within the organization as the parties reveal, an outside hearing officer would seem much better situated than a faculty hearing committee to render decisions uninfluenced by organizational politics. An outside hearing officer, not part of the nexus of continuing relationships that bind individuals in the organization together, will not, in all likelihood, concern herself excessively with how various organizational constituencies view her decision.

The use of outside hearing officers to adjudicate grievances involving college and university faculty thus addresses the aforementioned problems with procedures in which faculty hearing committees play a major role. Based upon my experience, I would also say that, on balance, a switch to outside hearing officers would substantially reduce the economic costs associated with resolving grievances.

The AAUP has taken a stance decidedly at variance with the one proposed in this article. According to the AAUP, resolution of faculty grievances by outside hearing officers should not replace faculty hearing committees, but instead, should only enter into the grievance procedure as an additional step at the end. An outside hearing officer "should give great weight to the findings and recommendations of the faculty hearing committee." (AAUP, 1984, p. 68.)

The AAUP's position on the use of outside hearing officers stems from the extremely high value that the AAUP places upon faculty
Academics have the potential for engaging in a wide range of immoral, illegal activities. The pressures of competition for government or foundation funding may prompt researchers to falsify their findings. Competition for academic positions may prompt applicants to falsify their credentials. The publish or perish syndrome may encourage scholars to take short cuts by plagiarizing the work of others. Sexism, sexual harassment of colleagues, or students may be at the top of the list, but teachers can also continually miss class, not teach according to the syllabus, force their own political or social views on students, or generally be abusive to students, colleagues, or staff.

Students are also not immune from immoral or illegal conduct. Among the more obvious forms of misconduct involving immoral or illegal conduct are cheating, lying, and stealing. Recent outbursts of racism, sexism, and anti-semitism among students is also cause for concern.

The responsibility of academics to report misconduct of colleagues or students they have observed is a matter that should be the subject of serious study. Do academics have a legal duty to report misconduct? Or do they simply have a privilege to do so? Is the person who reports misconduct a hero or a snitch, a busy-body, spy, or informant in the worst sense of social institutions?

The legal profession, hit by a number of scandals in recent years, has now joined by a number of scandals in recent years, is now joined by a number of scandals in recent years. Attorney disciplinary rules require an attorney to report misconduct of another attorney's misconduct. Attorney disciplinary rules require an attorney to report misconduct to appropriate authorities. The legal profession, hit by a number of scandals in recent years, has now joined by a number of scandals in recent years. Attorney disciplinary rules require an attorney to report misconduct of another attorney's misconduct.
lawyer-academics to state licensing authorities. But the Himmel decision raises moral concerns common to all professionals, including the professoriate. The absence of a legally enforceable rule that requires the reporting of misconduct does not excuse the professoriate from what may be at least a moral responsibility.

Academics may not be professionals in the same sense as are lawyers, medical doctors, or psychologists. These have grouped themselves together to regulate admission into their respective professions, to promulgate ethical standards, and to discipline their members. Academics are not members of a self regulating profession in that sense, but they do consider themselves to be members of a profession with a strong service ethic and special moral responsibilities.

I have no ultimate answer to the question whether academics have a duty to report the misconduct of their colleagues and students to the appropriate authorities. My objective now is simply to prompt my fellow academic professionals to think seriously about the question. Do we want to impose a professional or legal duty upon members of the professoriate to report misconduct or do we want to leave the decision to individual discretion? What is our real opinion of whistleblowers? Forced reporting often smacks of totalitarianism. One need only think of the McCarthy era for a parade of horribles in which one academic was asked to inform on another. Forced reporting may implicate important first amendment rights such as the right not to speak-rights that were secured only after years of painful litigation. On the other hand, we would not have had the disclosures of Watergate and the Iran-Contra scandal without whistleblowers. Recent examples of fraudulent research and plagiarism by academics were uncovered only because of the persistence of other academics. If we are going to encourage or require such reporting, are we prepared to protect those persons who come forward from the job harassment or actions for defamation that may follow?

Assuming there is a duty to report, to whom must one make the report? Is it sufficient to alert one's department head or the university administration? Must one also inform law enforcement authorities, state licensing bodies, or prospective employers?

There is also the question of what must be reported. The Himmel court exempted privileged information. The law recognizes that lawyers, medical doctors, and the clergy have a privilege not to disclose information given to them in confidence. The AAUP "Statement on Professional Ethics" requires professors to respect the confidential nature of the relationship between professor and student. Yet the law generally does not recognize a professor-student privilege for confidential communications. Can we then speak realistically of confidentiality if the communication is given no legal protection? If legal protection is to be given, how much should be given? When should professor student communications be deemed confidential?

Finally, we need to consider what sort of information should trigger disclosure. Should disclosure to appropriate authorities be made whenever a colleague or a student has done something wrong or only when the conduct concerns illegal activities involving moral turpitude? Should one report misconduct based upon mere suspicion or, at the other extreme, only when one is morally certain that a wrong has been committed?

The Himmel case raises such questions without answering them. They are questions that at one time or another we as academics all face, questions we need to think through together.

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"Letters to the Editor"

...I liked the Woodward article (Jan '89); I wish he could expand it, and send it off to a magazine like the Nation, or Mother Jones, so that it could get the wider readership it deserves.

Oscar Hechter
Emeritus Professor,
Northwestern University
Medical School

...in the lead article on the ethics of scientific research (Jan '89), there is mention of the case of the social work researcher, Dr. William Epstein, who was charged with violating NASW standards by using deception methodology in his research on the editorial bias of social work journal editors. This is a case in
which I gave written testimony, an decision that Dr. Epstein violated NASW standards was overturned on appeal. I am concerned that the real issues involved in Epstein's case will not be adequately publicized.

Joan E. Sieber
Professor of Psychology
California State University at Haywood

The January 1989 issue of *Perspectives*...came at the right time. I have been asked to give a talk to engineers from two federal agencies (ARC, SCS) on the oversight of research...I look forward to reading the articles in *Perspectives*, which I will take along to the meeting in Tucson. *Perspectives* certainly serves as an excellent medium for those with an interest in ethics in the professions.

Richard H. McCuen
Civil Engineering
University of Maryland

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"Announcements"

A National Institute for Engineering Ethics has been established by the National Society of Professional Engineers (NSPE). One of the Institute's major emphases will be engineering education. "There is concern that there is no infusion of engineering ethics in the undergraduate engineering curriculum," according to the Institute's first chairman, Herbert Koogle, president of Koogle and Pools Engineering, Inc. of Albuquerque. The Institute's first major project is a videotape that will "document what it's like to be in an engineer's shoes." CSEP's Director, Vivian Weil, is a member of the Institute's Board of Governors.

CONFERENCE: The Individual Versus Society, the Third International Congress on Ethics in Medicine, Karolinska Institute, Stockholm, Sweden, September 12-15, 1989.

Main topics will be Priorities in Health Care, Clinical Freedom, Ethical Problems in Epidemiological Research, Integrity and Autonomy, and Ethical Aspects of HIV Infection. Contact Elliot Leiter, MD, Beth Israel Medical Center, First Avenue at 16th St., New York, NY 10003 (ph. 212-420-4082).

A Time to be Born and a Time to Die: Ethics of Choice, October 15-17, 1989, Hebrew Union College-Jewish Institute of Religion, Cincinnati. Contact: Phyllis BinikThomas, Starkoff Institute of Ethics, 3101 Clifton Avenue, Cincinnati, OH 45220 (ph. 513-221-1875).

Thirteenth Annual Humanities and Technology Conference, October 19-20, 1989 Marietta, Georgia (Metro Atlanta). Contact Charlie Weeks or Herb Smith, INTERFACE, Department of Humanities and Social Sciences, Southern College of Technology, Marietta, GA 30060 (ph. 404-424-7202).

Business, Ethics, and the Environment, the Eighth National Conference on Business Ethics, October 26-27, Bentley College, Waltham, Massachusetts. Contact Robert E. Frederick, Assistant Director and Conference Chairperson, Center for Business Ethics, Bentley College, 450 Beaver St., Waltham, MA 02154-6270 (ph. 617-891-3433).


SUMMER SEMINAR: Medical Ethics, August 7-12, University of Washington School of Medicine. Contact Division of Continuing Medical Education, University of Washington, 1325 Fourth Ave., Suite 2000, Seattle, WA 98101 (ph. 203-5431050).

The Center for the Study of Ethics in the Professions at the Illinois Institute of Technology was established in 1976 for the
purpose of promoting education and scholarship relating to ethical and policy issues of the professions.

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