



Ethical and Legal Issues in Teaching  
and Administration:

Some Types of Practical Ethical and  
Legal Issues You'll Encounter in Your  
Administrative Odyssey

IAL, September 2022

**Nancy A. Stanlick, Ph.D.,  
Professor of Philosophy  
and Associate Dean  
College of Arts and  
Humanities  
University of Central  
Florida**

# Contents

Prologue: Something I said this morning....

Part 1: Brief Introduction

- I've been around the block a bunch of times, but the neighborhood is different and unrecognizable almost every day.

Part 2: Theorizing: Fuzzy Distinctions Between Ethical and Legal Issues

- Not much seems to be what you think it is.

Part 3: Cases

- These are fun.

Part 4: Grade Appeals, Student Privacy, Title IX, and other Minefields

Part 5: Some More Problems and Good Stuff, Too.

# Part One: What I Do in the Dean's Office: Lots of Chair Support, and More!

- Faculty and Staff Affairs (grievances, complaints, LOI, LOC, LOR)
- Student Affairs (grade appeals, complaints, parent inquiries); Title IX Liaison
- CAH Liason for Policies, Regulations; Conflict of Interest Reporting
- University Research Misconduct Committee
- College and University-Wide Program Assessment
- Student Perception of Instruction; Dean's List Distribution
- CAH Policy Creation, Editing, Management; Property Mgmt
- Manage Research Training for Faculty; CAH Director of Research
- AESP Development for 3 CAH Departments
- Faculty Qualifications Management
- “Other Duties as Assigned (or not)” - my own research; professional service; search committees; honors team teaching; ethics bowl coaching; occasional "Acting Chair," and I can't remember the rest of it...

# What Do You Do as Chair/Director?

## Budget, Scheduling

- Allocating resources
- Staffing classes
- Following departmental by-laws
- Interpreting and applying university rules/procedures/regulations
- Juggling Faculty Preferences and Departmental Needs
- Facilitating faculty research time
- Answering to the Dean
- And a whole lot more

## Employee Relations, Faculty Evaluations, Promotion and Tenure

- Annual Evaluations
- Promotion and Tenure Processes and Your Part of the Decision
- Assigning Duties
- Hiring faculty and staff
- Interpreting and understanding the labyrinth of requirements
- And a whole lot more

## General Management

- Mediate faculty and staff disputes
- Mentor junior faculty members
- Deal with progressive discipline
- Manage stakeholders in your department
- Consider the interests of individuals
- Balance individual interests and department needs
- Meet some unreasonable deadlines
- Handle emergencies
- Direct or facilitate program assessment, and more!

## PART TWO:

Theorizing. What's the practical difference between ethical issues and legal issues? It's fuzzy.

- Regulation, Policy, CBA, and Legal Issues:
  - codified in university policies, procedures, and regulations associated with state and federal laws (such as Title IX, FERPA, and discrimination)
- Some issues you encounter are both ethical and legal
- Many times, the distinctions are not clear
  - You have to learn to live with that.
- So, what do you do?

# Perhaps your view of ethics will inform your practice

## Utility and Happiness

- Consequences
- The good
- Maximizing pleasure; minimizing pain
- Greatest happiness for the greatest number
- The individual and the community

## Duty and Contract

- Determining obligations apart from consequences
- The right
- Primacy of agreements
- Highly individualistic; often self-interested

## Virtue and Care

- The influence of the community on the character of the individual; and the reverse
- Developing virtuous character through virtuous communities
- Focuses on dignity and value of the human being
- Morale is important

**Which theory takes precedence for you in determining what YOU do/how you manage your department or unit?**

Your Department  
Community in  
Dealing with  
Ethical and Legal  
Issues in Teaching  
and  
Administration

The person of the Chair or Director

It is a matter of who you are, what you do, and how you conceive of *your* place in a community.

The community of faculty, staff, and students

- Understand and appreciate the role of the individual in the community
- Cultivate civic friendship between and among community members
- To produce individual and community benefit
- And, for you: to be, most importantly, an exemplar. Model what you expect.



# PART THREE - CASES

## Theorizing is over. Maybe.

On to cases





Some ethical  
and legal  
examples\*  
and their  
administrative  
significance

Examples are drawn from  
“real life” cases related to  
teaching, to personnel, and  
your administrative  
actions.

\*Identifying information has been  
removed to protect the innocent  
and the guilty -- *and me*. Some  
examples may have been  
embellished to add “dramatic”  
effect.

A graduate student's grading process: It's a slippery case. What did Smith, the grad student, do wrong? (Be careful what you assume....)

- **A student initiates a grade appeal. It comes to you as Chair.**
- **The student tells you the following:**
  - **Grad Student Smith is taking 3 grad seminars.**
  - **She grades for Professor X and is TA also for Professor Y**
  - **She also teaches 2 classes at a local state college**
  - **She is the married mother of 3 kids under 15**
  - **The grad student didn't grade papers correctly, according to the student grade appeal, because:**
    - **There were fifty 1000-word papers to grade in 7 days**
    - **Grades were based on past performance on previous papers and on how the paper was formatted**



## Cheating and Plagiarism: A Common Issue in Teaching

- The most pressing issue is not necessarily students who cheat and plagiarize. It is your faculty members' responses to those occurrences.
- How you support your faculty will make all the difference.
- ***The Reporting Problem:*** There's the most pressing ethical issue
  - Fear of retribution
  - Concerns about teaching evaluations
  - Concerns about faculty reputation

### **The Harm in Hallway "Discussions":**

- Faculty A says X about Faculty B to Faculty C
- Several staff members hear Faculty A. It's all loud and clear
- Faculty B is around the corner in the mail room and hears the WHOLE conversation
- Faculty A continues to trash Faculty B
- Faculty B leaves your department visibly distraught.
- Two faculty members and a staff member report the hallway "discussion" to you the next day
- What should you do?

### Faculty Comments in Public



Stock image

## Another Amusing Example: Your Faculty and Their Teaching Assignment(s)

Associate Prof M receives largely negative student evaluations every semester

He rarely holds office hours and cancels class at least 5-6x per term

Most students reported that last semester, he *cancelled class EVERY Tuesday, every week*

At the end of the term, the **local state college dean** calls your office asking where your associate prof is since he has failed to submit grades for the term at the state college.

You are **informed by YOUR dean** that the associate prof is teaching at the state college AND one of his classes in your department meets in F2F mode at THE EXACT ITME OF DAY TWO DAYS A WEEK that he is scheduled to teach a class at the state college.

What should you do?

# The Case of the Absent Professor

- Professor Zing has been at your university for 10 years.
- Professor Zing has an aging, ill parent in England. He arranges FMLA with HR to take care of her in the spring term.
- You and HR approve Prof. Zing to teach 3 online classes and 35% research. He will have no service duties since he cannot be on campus.
- In the middle of the spring term, you find out from a friend in Denmark that:
  - Prof. Zing is at her university in Denmark, where he is preparing his tenure application. Your friend says she saw Prof. Zing yesterday, and he asked her not to tell *YOU* that she saw him there.
  - WHAT SHOULD YOU DO?

## Another health-related case: What's Right??



- Marching band student – health condition causing loss of consciousness
- Carries a heavy instrument; climbs bleachers during non-marching time
- She says a friend will watch out for her. No need to call 911. She always wakes up within a minute or two
- The assoc dean asks you to ask the student to go to Student Accessibility/Disability Services for an accommodation. In the meantime, the student cannot march for practice or during game-time.
- A university lawyer calls you the next day: you cannot prohibit the student from marching, practicing, or playing in the band. Not to allow her to participate is discrimination and it will not be tolerated.
- The university will call 911 if the student faints during any activity of the band.



More  
Good  
Deeds  
Going  
Punished

You have been Chair for a couple years (or associate dean for 12). You moved through the ranks from within the department.

Many faculty members are your friends.

What are you to do and why must you do it in cases like these, no matter who the faculty person is and the relationship you have/had with them?

1. "Missing" faculty member
2. Insufficient or missing sick leave reporting
3. Threat of suicide
4. "Counseling" sessions
5. Willful violation of policies, procedures, or laws
6. Insufficient research productivity



**Problem:** Your relationship with friends/colleagues is different now that you're the Chair.

You are sometimes left out of conversations. You weren't invited to a party. They used to invite you....



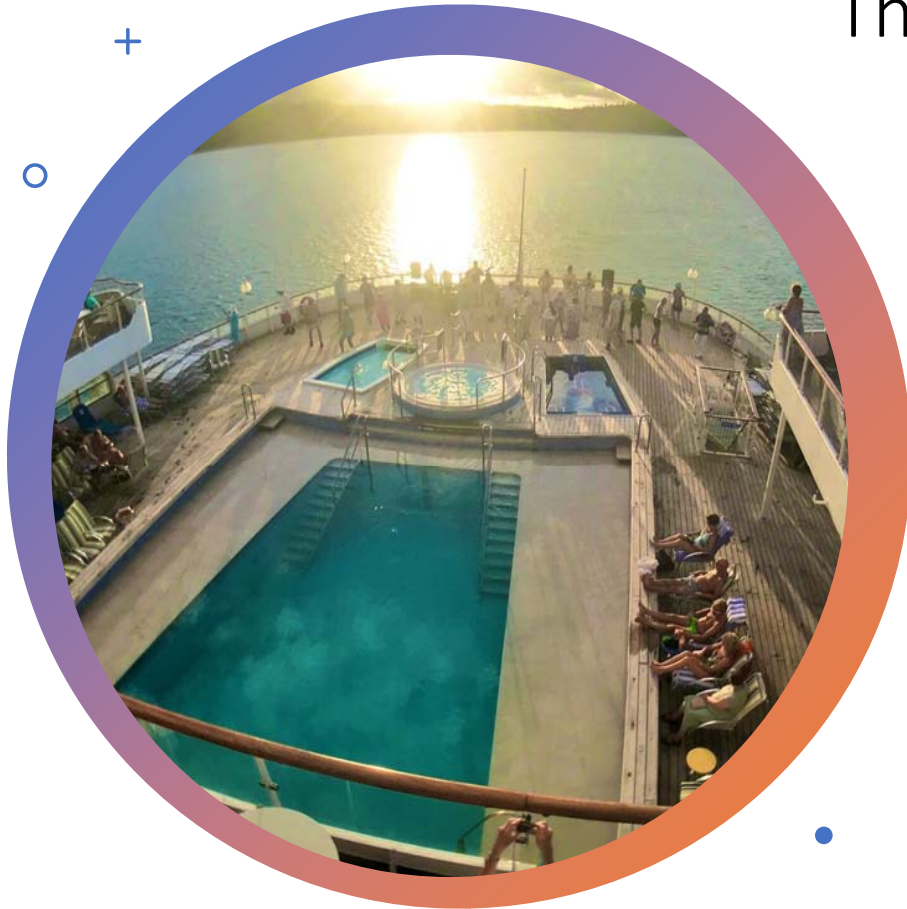
You do annual evaluations. You make tenure recommendations. You write disciplinary letters. You manage the budget.

Your comments are often no longer part of ordinary conversations. They are instead often interpreted as mandates or criticisms. And yet, the faculty want you to be their advocate. You want to be their advocate.

So, finally....

**Solution (the good stuff):** Make new friends in administration. We're civilized. You might even like us!

## The Vacation



- Faculty ADA accommodation to teach fully online due to inability to come to campus
- Posted pictures of a vacation taken in spring term on a cruise
- Refuses to attend in-person meetings or classes on campus due to fear of COVID
- You have classes that need to be covered – in person
- What do you say to this faculty member?
- What do you report to EOAA/OIE?

PART FOUR:  
Some more  
Problems.  
You can turn  
them into  
Good Stuff,  
Too

Authority in  
teaching: opinions,  
opinions – facts,  
reasoning – DEFEND  
YOUR FACULTY. I  
think I smell HB7....

The syllabus and its  
importance –  
FACILITATE FACULTY  
EXCELLENCE

FERPA, Grade  
Disputes, and  
Parental Calls, Visits,  
Complaints, and so  
on, and on .... - KEEP  
YOUR FACULTY  
INFORMED

Student Conduct –  
when is enough,  
enough? - HELP  
YOUR FACULTY

# Grade Appeals: These are Great Fun, too!

Whose “side” do you take?

Do you and your faculty know the university's published  
process for this process?

What happens if you or your faculty violate the process?

## Title IX: Sexual Assault, Discrimination, Harassment

When you are teaching and when you are an administrator, you are a “responsible employee.”

What does this mean? Report it

Unwillingness to report: some problems and solutions

## Be Aware of These Minefields - and Know the Safe Spaces to Walk with People Who Know Where the Mines Are

Threats of grievances and suits from students, parents, and faculty.

Incomplete information on which you are expected to make instant decisions on any matters.  
*Take your time.*

The fact that you will make mistakes, that you will sometimes face animosity -- and that you can make it through this.

Elements of the CBA, University policies and regulations.

Know the offices and people on campus who are *your allies* – Deans, Other Chairs

**Remember that *you are not alone*.** Seek help when you need it.

# Some Advice



Administration isn't **easy**. If you think it is, you're doing it wrong.



Seek out the people in the dean's office and in your department who know the things you need to know and do.



If you don't know the rules and procedures in your college, ask the DEAN or associate and assistant deans.



Your administrative support people are usually smart and experienced. Be sure to be nice to them. Respect them. And insist that others in your department do the same.

HB7:  
What  
shall we  
do?

- It's vague.
- It worries people who are teaching.
- It worries administrators and what they're supposed to do about it.



# Some Recent Comments and Questions about HB7

## From Faculty

- I will intentionally violate HB7 every day.
- Will the administration use someone as a scapegoat to ensure funding is not lost?
- What does it mean to present information in an "objective" way? Somebody said, "both sides." Only TWO sides??
- What if my research includes taking a side on an issue covered by HB7?
- What if I offer two versions of my course?

## From Administrators

- How can we defend a person who publishes the statement that he will violate HB7 everyday?
- We will handle HB7 violations as we handle all others
- "Objective" doesn't mean you have to defend "both" sides.
- HB7 doesn't refer to research....
- TWO versions of your course? What?