A Contingency Model for Ethical Decision-making by Educational Leaders*

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1 Introduction

The notion that ethics should be incorporated into the curriculum for preparing leaders in education dates to the earliest programs in educational administration (Elias, 1989). However, recent scandals occurring in some of society's leading institutions have raised awareness for the importance of professional ethics; and increasingly graduate education programs worldwide are responding with more explicit instruction in ethical standards. This heightened interest in ethics education has resulted in a wide range of approaches, including instruction in ethical theory and frameworks for ethical decision-making (Walker & Green, 2006). Courses in educational administration that address ethical decision-making typically present a variety of ethical theories derived from axiological arguments, which then become models for ethical decision-making. Several widely used textbooks apply these models to problems in educational administration (Shapiro & Smith-Rosenberg, 1988; Strike, Haller & Soltis, 2005), although none as yet presents any evidence of how administrators actually go about making ethical decisions in their professional practice. In this investigation

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I set out to examine ethical decision-making by school administrators. Specifically, I explored the kinds of ethical dilemmas school administrators typically face and, more importantly, the process they use to justify the ethical claim for their decisions.

2 Review of Literature

2.1 Historical Perspectives

The idea that leaders of educational institutions should be ethical is not new. Historically we have assumed that leaders of educational institutions represented the highest moral standards of our society (Beck & Murphy, 1997). Administrators in American public education during the 19th Century were responsible for establishing and nurturing the moral climate of the school community (Tyack & Hansot, 1982). At the heart of administrator preparation programs was the expectation that leaders would embrace the values and ideals of their culture, and formal efforts to prepare administrators for their roles of moral leadership were influenced by two scholar-practitioners of the day, William Howard Payne and William Torrey Harris (Culbertson, 1988.) Payne and Harris developed a set of "ethical maxims" that were intended to guide administrators. In addition, these maxims were grounded in religious beliefs clearly Judeo-Christian in origin.

Early in the 20th Century the social sciences began to replace religion as the foundation for educational thought, and decision-making skills needed by school administrators began to be defined by efficiency, rather than morality (Campbell, Fleming, Newell, & Bennion, 1987). Preparation programs began to emphasize the management of economical, productive, and efficient institutions. In the 1930s a convergence of social forces and political issues became the impetus for another shift in the philosophy of administrator preparation programs, giving rise to a "human relations" movement (p. 51). As a consequence, the ethics education that was grounded in moral absolutes during the late 19th Century and the cult of efficiency during the early 20th Century focused on social norms during the 1930s and 40s. In the 1950s and 1960s another pattern began to evolve as scholars deliberately attempted to define the field of educational administration built upon the idea that theories derived from value-free inquiry could produce a scientifically supported professional knowledge base (Crowson & McPherson, 1987). This conscious attempt to distance the professional education of administrators from social philosophy was viewed as a way to elevate the status of educational administration to that of the other historic professions, such as medicine and law. During the 1970s and 1980s several studies on the curriculum of programs in educational administration were conducted, and conclusions uniformly revealed that ethics education was given little, if any, attention by this time (Farquhar, 1981; Norton & Levan, 1987; Silver & Spuck, 1978).

2.2 Ethics Education in Educational Administration Programs

Beck and Murphy (1997) observed a revival of interest in ethics education among programs for preparing educational administrators. Although, they reported that only 60% of the institutions responding ($N = 42$) characterized their programs as giving "somewhat" or "a great deal" of attention to ethics. The other 40% of the participants indicated that the attention they gave to ethics education was "very little" or none. Beck and Murphy further reported several themes on ethics education that emerged from their analysis. First, professors of educational administration viewed ethics as an aid to problem solving. Second, ethics was a distinct part of the knowledge base of educational administration. And third, professors of educational administration viewed leadership as a fundamentally ethical endeavor. Recognition of the moral dimension of leadership (Hodgkinson, 1991; Shapiro & Smith-Rosenberg, 1988; Slater, 1991; Sergiovanni, 1992; Willower, 1988) continues to give impetus to ethics education in the preparation of school administrators.

2.3 Theoretical Perspectives on Ethical Decision-making

In their recent update on Beck and Murphy's (1997) study, Walker and Green (2006) observed that nearly all administrator preparation programs in Canada and the USA claim to include ethics education in their

curriculum. Moreover, most indicated that the central approach utilized was ethical decision-making through case studies. Indeed, several popular textbooks featuring the case study approach were reported as widely used. Typical is the textbook by Strike, Haller, and Soltis (2005) in which students are introduced to theoretical frameworks for making ethical decisions, with numerous cases illustrating how each of the frameworks can be applied to the various kinds of ethical dilemmas administrators routinely face.

Strike, Haller, and Soltis (2005) have suggested that ethical decisions can be approached in either of two ways: "The principle of benefit maximization" or "The principle of equal respect" (p. 17). As they have explained, these two frameworks are derived from the utilitarianism of Jeremy Bentham and John Stuart Mill and the deontological philosophy of Immanuel Kant. The many cases they provide in their text help readers analyze whether the ethical claim for a decision should be based upon *consequences*, or whether it should be based upon *principle*.

In Wilkens' (1995) introduction to ethical theory, aptly titled *Beyond Bumper Sticker Ethics*, ethical decision-making is explained in as many as nine distinct theories: 1) Cultural relativism, 2) Behaviorism, 3) Egoism (objective rationalism); 4) Utilitarianism; 5) Deontological duty; 6) Virtue; 7) Situation ethics; 8) Natural law; and 9) Divine command. In each theory the leading proponent has argued that ethical claims are best understood in their own terms. In other words, when we make ethical decisions we are left with the choice of ascribing to one theory or another.

As illuminating as the philosophical arguments have been, from Plato to Ayn Rand, they do not reflect the actual experience of decision-makers when faced with ethical dilemmas. Our own experience suggests that we apply different theories given different situations or the intensity of the situation. In one case we may decide it is "ethical" to "go with the flow," and in another we may decide to weigh the consequences and try to achieve maximum benefit for the greatest number. Then, in another case we may decide to stand on principle regardless of the consequences. The question that follows is whether there is a prevalent ethical theory used by educators.

2.4 Research on Ethical Decision-making

Several researchers have examined frameworks for ethical decision-making using Kohlberg's (Kohlberg, Levine & Hewer, 1983) theory of moral development and Rest's (Rest et al., 1986) model for moral behavior as their foundation. Kohlberg theorized that human beings develop their sense of moral reasoning in six sequential stages, beginning with the first stage of obedience and punishment and moving through successive stages to the sixth and final stage of universal ethical principles. Kohlberg's work has been criticized by Gilligan (1982), who found the final stages take on a different orientation according to gender. As a consequence, Gilligan has proposed a theory for moral development specific to females that is based on an ethic of caring, rather than Kohlberg's ethic of justice. Rest (1986) has built upon Kohlberg's and Gilligan's theories by devising the Four Component Model, which explains ethical dilemmas as being resolved through a process having four distinct components: sensitivity, judgment, motivation, and courage. They concluded that a person's moral failure, when contending with an ethical dilemma, occurs because of a deficiency in any one of these four components. Further, Rest and his colleagues claimed that these four components are sequential when they stated, "The four processes are present in a logical sequence, as an analytical framework for depicting what must go on for moral behavior to occur" (p. 5). The Four Component Model has been supported by Hunter (1997), who found evidence that moral sensibility can be reliably assessed, and Bebeau (1994), who found moral motivation connected to professional identity.

Klinker and Hackman (2003) sought to apply Rest's Four Component Model in their mixed method investigation into how secondary school principals made ethical decisions. While they confirmed that Rest's four components are essential elements, their findings did not include a framework that describes the process for resolving ethical dilemmas. Moreover, their investigation asked for participants to respond to scenarios depicting various ethical dilemmas rather than exploring the ethical dilemmas that the participants had encountered in real life.

The process of making ethical decisions has been explored in business environments, and several models have resulted. Ferrell and Gresham (1985) developed a framework for decision-making based on contingencies

that emerge from both individual and organizational contexts. In addition, Dubinsky and Loken (1989) have proposed a model for ethical decision-making that is based on a theory of reasoned action. These models, and others, have been synthesized by Jones (1991) into a single model that relies upon Rest's four components as its foundation. Jones' contribution is the addition of a component that acknowledges the characteristics of the ethical dilemma itself as a variable in determining the outcome. Specifically, he has proposed that the moral intensity of the issue is a contingency that influences the decision. However, Jones' work is based upon a review of other theoretical models and studies, not empirical evidence. Further, we have yet to see a study that examines the ethical decision-making process of educators – teachers and administrators – based upon the real ethical dilemmas that they have encountered in their own professional practice.

3 Methods

This investigation utilized a qualitative design based upon case studies written by students enrolled in a doctoral level seminar titled "Ethical Dilemmas in Educational Leadership," a required course in a program leading to the doctor of education degree in a mid-sized western university. In the final course project students identified and analyzed an ethical dilemma they had encountered. Each case study consisted of the background, analysis of the personal and professional values held by all the persons material to the case, analysis using any of the historic ethical theories studied during the course, and an explanation of the final decision along with its "ethical claim" (i.e., a statement justifying that the decision is ethical). Each report represented an authentic dilemma and was rich in detail describing both the nature of the ethical problem and the steps in the decision-making process used to resolve the dilemma.

A total of 24 case studies comprised the sample, collected from educators employed in a wide variety of school settings – small church related schools, suburban public schools, large urban public schools, and in one case a state university. The participants included eight classroom teachers, ten assistant principals, four principals, an assistant superintendent, and a varsity coach.

3.1 Research Questions

The primary purpose of the investigation focused on describing the types of ethical dilemmas that educators encounter and exploring the decision-making process that educators use to resolve ethical dilemmas. Accordingly, the following research questions guided the investigation:

1. What kinds of ethical dilemmas do educators face in their professional practices?
2. Which ethical theories do educators use as they confront their ethical dilemmas?
3. When educators are confronted with ethical dilemmas, does any ethical theory emerge as more prevalent than others in the decision-making process?
4. What steps do educators include in the ethical decision-making process as they attempt to resolve ethical dilemmas?

3.2 Data Analysis

Analysis of data utilized grounded theory, which is recommended for use when an investigation seeks to explain a process (Creswell, 2003). I first read the reports of ten case studies and identified the central themes that characterized the kinds of ethical dilemmas. Then, I read the case studies again to identify themes that characterized the ethical theories used in arriving at an ethical claim for the final decision. A semester later I added a second data set of eight case studies to the first ten, and once again I analyzed the data to explore the types of ethical dilemmas and the ethical theories utilized to resolve the dilemmas. In addition, I performed two additional levels of analysis: first, to explore possible relationships between the type of ethical dilemma and the ethical theories used to resolve the dilemma; and second, to assess the level of moral intensity represented in the ethical dilemmas. After another semester had lapsed, I added a final data set of six case studies and performed a final stage of analysis. In addition to confirming the categories

for the types of ethical dilemmas and the ethical theories, I began to look for patterns that might describe the steps that participants had taken to make their ethical decisions.

4 Results

Although results are tentative, they suggest that the type of ethical dilemma and the level of moral intensity of the dilemma will influence the theoretical approach used by educational administrators when they make ethical decisions. In other words, educators will vary the framework that they utilize when they process their ethical decision according to the characteristics of the dilemma itself.

4.1 Types of Ethical Dilemmas

The types of ethical dilemmas that participants encountered varied widely, although most fell into a category that was finally labeled as "professional behavior of supervisors, peers, or subordinates." Eleven, or nearly one half of all the ethical dilemmas analyzed, involved conflict over what to do about another person's professional performance or personal conduct. For example, one principal had to decide how to follow-up on a child's allegation that a teacher had touched inappropriately, when the principal had grounds to question the truth of the allegation. Another category was finally labeled "curriculum/policies" in order to include conflicts stemming from whether an educator should follow a curriculum or school policy that was in conflict with that educator's professional judgment of best practice. The "curriculum/policies" category appeared to be related to the intense pressure teachers and principals are faced to raise test scores, oftentimes at the expense of a well-rounded curriculum or in conflict with best teaching practice. The other two categories included "student issues" and "career decisions." An example of a case in the "student issues" category consisted of whether to promote or retain a student in grade level. The "career decisions" category included the case of a varsity coach at a university who had been offered a head coaching position at another, high-profile institution after he had promised his student athletes that he had recruited for his current team that he would be their coach through their graduation. Table 1 contains the four categories and their frequencies.

Categories of Ethical Dilemmas

Category	Frequency
Professional behavior	11
Curriculum/policies	5
Student issues (discipline/retention-promotion)	5
Career decisions	3

Table 1

4.2 Ethical Theories

The course in which the case studies originated included instruction in the full range of ethical theories – relativism, egoism, utilitarianism, eudaimonism, natural rights, deontology, natural law, and divine command. For purposes of data analysis, I collapsed these theories into three categories: relativism, consequentialism (i.e., teleology), and non-consequentialism (i.e., deontology), borrowing the terms of "consequentialism" and "non-consequentialism" from Strike, Haller, and Soltis (2005). Then I analyzed the rationale given for each of the decisions made in each of the case studies in order to determine whether there might be a prevailing category. Table 2 depicts a nearly even split between consequentialism and non-consequentialism.

Categories of Ethical Theories

Category	Frequency
Non-consequentialism	12
Consequentialism	11
Relativism	1

Table 2

4.3 Moral Intensity

Analysis of the cases further revealed varying degrees of moral intensity. The phenomenon of moral intensity in making ethical decision has been explored by several researchers, and its validity as a construct is grounded in logic and experience (Jones, 1991). As explained by Jones, we view some ethical dilemmas as more grave than others; and, as a consequence, the gravity influences what we might decide. As an example of "low intensity," one participant wrote, "I wasn't losing any sleep over it." Whereas another, representative of "high intensity," wrote, "I knew I could get fired over this." This stage of analysis revealed that most of the decisions were "moderate" in their intensity, followed closely by "high intensity." Table 3 depicts the levels of intensity for the ethical dilemmas, as revealed by how the participants described their experience of deciding the resolution.

Levels of Moral Intensity

Level	Frequency
Moderate	14
High	9
Low	1

Table 3

4.4 Type of Decision by Ethical Theory

Since one of the purposes of this investigation was to try to explain the process of making ethical decisions, I examined the complete data set to explore relationships that might exist between ethical theories and the types of dilemmas discussed by the participants. Table 4 depicts the resulting matrix for types of dilemmas and ethical theories, and as shown, "personnel issues" appear to call for a more non-consequential (i.e., deontological) approach.

Type of Decision by Ethical theory

	Non-consequentialism	Consequentialism	Relativism
Curriculum/polices	2	3	
Professional issues	7	3	
Student issues	2	4	
Career decisions	1	1	1

Table 4

4.5 Level of Intensity by Ethical Theory

I performed a similar analysis to explore whether there might be a relationship between the ethical theories utilized to process the dilemmas and the level of moral intensity that characterized the dilemmas. With this analysis the data suggest that a high level of moral intensity and a non-consequentialist (i.e., deontological) theory are related. The matrix for level of intensity and ethical theory is contained in Table 5.

Table 5. Ethical Theory by Level of Moral Intensity

Ethical Theory by Level of Moral Intensity

	Non-consequentialism	**Consequentialism**	**Relativism**
High	7	2	
Moderate	6	8	
Low			1

Table 5

5 Discussion

Several observations can be made regarding the types of ethical dilemmas identified through the case studies and the ethical theories that participants chose to use. First, decisions of high moral intensity tended to follow from a non-consequential (i.e., deontological) approach. In other words, when much was at stake the participants tended to make their ethical decisions principle-driven. Second, decisions involving personnel issues also tended to take a non-consequentialist (i.e., deontological) approach. Other types of dilemmas, such as decisions involving curriculum and/or school policy conflicts, tended to follow a consequentialist (i.e., teleological) approach. In these cases, participants considered the likely consequences and decided on the basis of the common good. Likewise, ethical dilemmas that fell into the category of moderate moral intensity followed a consequentialist (i.e., teleological) approach.

Also clear from the analysis of the data was the deliberate use of a decision-making model as participants sought to resolve their ethical dilemmas. Although, the participants use of a model can be attributed to instructions they were given before they wrote their case studies. The model I had devised for the case study assignment consisted of five steps:

1. Acknowledge the ethical dilemma;
2. Assess values and beliefs of everyone involved; assess organizational, social, and cultural norms that are pertinent; identify rules, policies, and laws that are pertinent;
3. Analyze the conflict;
4. Make the decision;
5. State the ethical claim for the decision (i.e., what makes the decision ethical).

Notwithstanding participant's use of this model, also evident in the final round of data analysis was that participants had modified it in consistent fashion. The type of the dilemma and the level of moral intensity of the dilemma had influenced which ethical theory the participants chose to frame their analysis of their problem. In effect, they were inserting a loop into the model that they had been given to use. Instead of moving from their analysis of their problem directly to their decision, then grounding their ethical claim in one of the theories, they were selecting a framework for making their decision (one of the ethical theories) after a preliminary analysis of the gravity, or moral intensity, of the dilemma. Then they conducted another level of analysis consistent with that theoretical framework. In other words, they were analyzing their problem first in terms of who was affected and how they were affected, then they selected an ethical theory, then they re-analyzed the problem. If they were using a consequentialist (i.e., teleological) approach, then

they predicted the consequences and weighed them in terms of the common good; but if they were using a non-consequentialist (i.e., deontological) approach, they reasoned their way to the applicable universal principal and made their decisions regardless of the consequences. Figure 1 depicts the steps as revealed in the case studies.

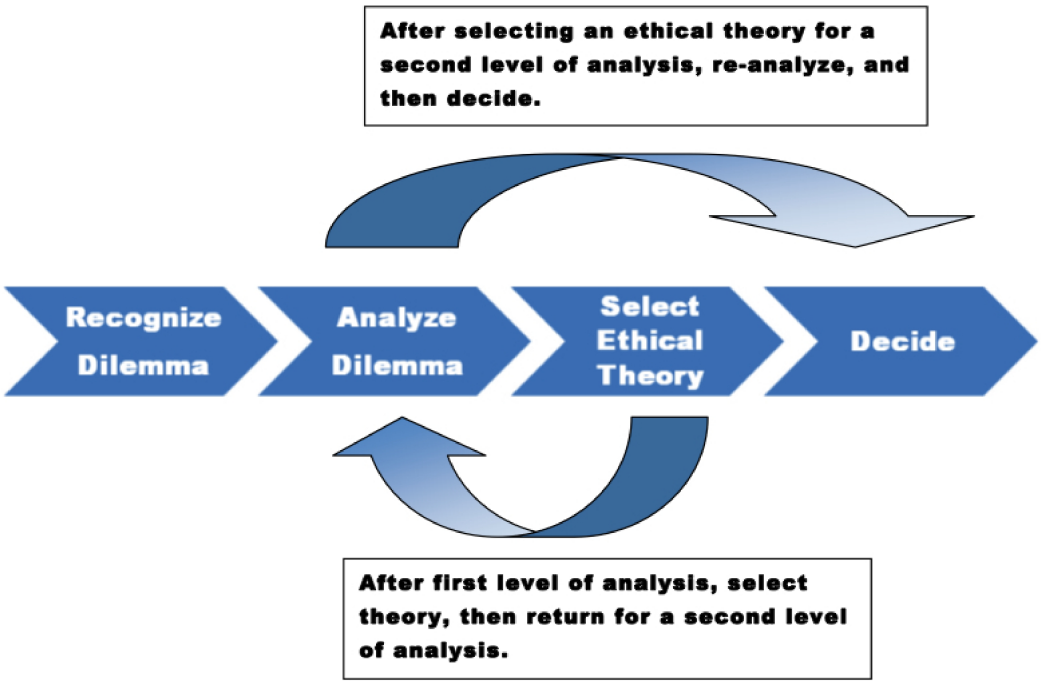

Figure 1: Steps in Ethical Decision-making

I am calling the model that emerged from the data analysis a "contingency model" because the ethical theory that participants chose to use to frame their analysis of their dilemmas appeared to be contingent upon the kind of dilemma and the moral intensity of the dilemma. This "contingency model" adds to Rest's (1986) Four Component Model as it does not depend upon a deficiency to explain the phenomenon of ethical decision-making. Further, it adds to Ferrell's and Gresham's (1985) because it incorporates provides a framework for the analysis of ethical dilemmas.

6 Conclusion

Educators are bombarded daily with the necessity of making ethical decisions. While most are not life-altering, some are. Moreover, our personal and professional character is defined as much by the sum of the many, seemingly insignificant, decisions we make daily as the more infrequent ones that are, in fact, our defining moments. Aristotle's frequently quoted aphorism succinctly summarizes the goal of ethical decision-making: "Virtue, then, is not an act, but a habit."

Professional organizations for educational administration agree with unanimity that educators must be prepared to make ethical decisions and to help foster ethical organizational cultures. Thus, preparation in ethical decision-making becomes central to the process of professional education. Understanding the kinds of dilemmas that educators routinely face; grappling with the conflicting beliefs, values, and norms that

educators encounter; and analyzing dilemmas with the aid of theoretical frameworks all are part of the ethical education of professional educators.

This investigation builds upon work of ethicists and researchers in ethical decision-making. While findings are limited to the participants only, they underscore previous theory on contingency models in ethical decision-making. Further, they suggest that the type of ethical dilemma and the level of moral intensity of the ethical dilemma can influence the decision-making process. In addition, a contingency model for ethical decision-making by educators is proposed for further study and possible use in professional education programs. It is expected that findings will help inform planning courses in ethics education and add a new dimension to the discussion of ethical dilemmas in school communities.

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