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Ethics Meets Culture: Gray Areas In The Postsecondary ESL Classroom

This paper advocates closer and more systematic attention to ethical issues which, because of the various cultural and religious backgrounds of ESL students, are particular to the field of ESL. Two broad sets of issues are discussed. The first set, responsibilities of faculty members, can be further subdivided into faculty-student interactions and student-student interactions, and includes such topics as confidentiality, advice giving, political discussion, and tutoring. The second set, ethical systems in conflict, focuses on three areas: gift giving, plagiarism and cheating, and interaction with government and other outside institutions. Cautions are given regarding respecting cultural differences, understanding complicating factors such as gender and class, and acknowledging ambiguities in all ethical systems.

Professional ethics are the codes and standards of behavior expected of an individual in a particular field. Ethical issues encompass understandings of right and wrong and are based on religious and cultural underpinnings. While law and medical curricula frequently include courses in ethics and discussions of ethics are common in these professions, only recently has ethics become a focus in the ESL profession.

Ethics in the broader field of education as a whole has been addressed to some extent, but not systematically and not enough. Scriven (1982) speaks of "the virtual absence of courses on ethical problems for the teacher (or researcher) in either the precollege or the college area" (p. 311). He argues that ethics should be part of the curriculum, and, further, that

instructors need to be concerned with their own ethics regarding such issues as whether the class covers the material promised, whether testing is fair, and whether faculty keep abreast of new developments in their fields. On a more theoretical level, proponents of critical pedagogy, such as Giroux (1992), state that ethics must be a central concern in pedagogy. They maintain that educators should "attempt to understand more fully how different discourses offer students diverse ethical referents for structuring their relationship to the wider society" (p. 74).

NAFSA, TESOL, the Center for Applied Linguistics and other educational associations deal with professional standards (e.g., the Center for Applied Linguistics' *Guidelines for Selecting Language Training Programs,* 1978, and *TESOL Core Standards*, 1984) and have committees that deal with ethical issues of international education. Of particular interest is the NAFSA Ethics Program established in 1991. The NAFSA Ethics Program includes the NAFSA Code of Ethics, the Principles for International Educational Exchange , and NAFSA's procedures for handling ethics-related complaints (NAFSA, 1994). The NAFSA Code of Ethics "sets forth a number of general guidelines for ethical conduct applicable to all NAFSA members and then details principles pertaining to many of the various activities members undertake" (p.5). These professional guidelines, although necessary and appropriate, by their nature cannot account for the ambiguities inherent in ESL. Moreover, ethics and associated ambiguities are seldom systematically presented in TESL education curricula nor routinely discussed among ESL professionals.

This paper argues that in addition to issues prevalent in most educational settings and in elaboration of the professional standards issued by the NAFSA Ethics Program (1991), there are several ethical issues in ESL specifically which are worthy of examination. Because of the different religious and cultural backgrounds of ESL students, these issues may not appear in quite the same way in non-ESL classes.

These ethical issues can be grouped into two broad categories or sets of issues: first, responsibilities of faculty members toward students, and second, ethical systems in conflict. The first set of issues involves the particular responsibilities of faculty toward ESL students; the nature of our ESL student body requires kinds of responsibilities that would be found only to a lesser degree in other types of academic environments. The second set of issues, here termed *ethical systems in conflict,* is far more complex and involves examining areas in which students' cultural backgrounds, traditions, and understandings may conflict with those of the instructor and/or with those of other students in the class. Such conflicts highlight our ethical responsibility to help students recognize and understand what happens

in the United States, so once they exit our programs and enter other educational environments, they are aware of what is appropriate. Helping students understand what is appropriate in U.S. education involves looking at our own ethical systems very carefully. Professionals in ESL have usually had background courses in culture, but some issues require more than just studying surface-level cultural differences. They demand working through what a culture considers right and wrong.

A word of caution is in order. When we examine other cultures and their ethical systems in relation to our own, it is important that we examine our own ethical systems honestly, without hypocrisy. We need to be very aware of weaknesses, inconsistencies, and blind spots in our ethical systems and especially in the gap between our professed ethics and our society's actual practices. We need to respect other cultures and peoples while assisting students to better understand what happens in the U.S. and in education—the systems by which others will interpret their actions. In addition, we need to be aware that ethics in U.S. society are far from monolithic; in fact, our multicultural, multireligious society contains a multitude of cultural differences, including different concepts of certain ethical questions.

Thus, we identify issues of ethical concern in these two broad areas: first, faculty responsibilities, and second, systems of ethics in conflict. While many of the questions we raise do not have easy solutions, we, nevertheless, feel it is important to raise them. In addition, we offer practical classroom suggestions and insights from experienced practitioners.

Note that although we focus on the postsecondary level, many of the issues we discuss here are also of concern to teachers in secondary and even elementary ESL classes.

Faculty Responsibilities

There are several issues of ethical concern in the area of faculty responsibility that are related to the students' special international and multicultural backgrounds; these issues can be grouped under the categories of faculty-student interactions, in and out of class, and student-student interactions, mainly in class. For example, ESL instructors often find that their role includes more than classroom teaching. Sometimes the instructor must be a friend and helper, since students may feel they have nowhere else to go for guidance. If the problems brought forward are simple, such as how to get a drivers' license, there is usually no difficulty. However, problems are often more complex, such as medical or even psychiatric problems. Requests or pleas for assistance may appear in conversations outside class or in the dialogue journals students write. If, for example, a student threatens suicide in a journal, what should an ESL instructor do? Or if a student does

not explicitly mention a problem, but is clearly stressed, nervous, and on the edge, should one ask if there is a problem? And if there is a problem, how should one handle it? It seems that, if the problem is serious, the appropriate response is to make a referral to a professional and follow up to see if the student actually sees a counselor or therapist. In some states, the law specifies that teachers must refer suicidal students to professional help. We need to know the limits of our expertise.

We need to find the right balance in responding to students with problems, respecting the confidentiality of anything that students confide in us, yet insuring that they get the professional help they need, if appropriate. It is essential for students to know that their journals and other private communications are kept in strictest confidence, yet we need to let them know that if they write about or tell us about a dangerous situation, we may need to inform someone who can help them (Peyton & Reed, 1990, p. 68). It is true that in some cultures, seeing a therapist is an unfamiliar or even unacceptable course of action; we need to be aware of this possibility, yet make students aware of this avenue of assistance. Assurances that the meetings with a therapist are confidential, and perhaps mentioning one's own experience with therapists, or those of other (unnamed, of course) students, may somewhat alleviate students' concerns. Or in some cases a student may find it more acceptable to be referred to a trained professional such as a minister or social worker rather than a therapist.

A related problematic area is giving advice, even solicited advice, on issues which may be filled with cultural land mines. For example, a student came to a sympathetic teacher with concerns about her marriage; her husband didn't really want her to learn English and to succeed academically–especially when her success outstripped his—and, according to the student, he both actively and passively belittled her and hindered her progress. An American teacher might feel inclined to advise that the student stand up for her rights or even leave if the situation became untenable. But such advice would not take into account the cultural, social, and financial issues particular to that student's national and ethnic background. It may be that the teacher's role must be confined to attentive and empathetic listening, perhaps with some gentle suggestions which might help the student make small changes in her life and in her relationship. Even this limited faculty role may be somewhat helpful to the student, although it clearly does not address the underlying societal and cultural issues.

Exploitation of students because of their backgrounds is another faculty ethical issue. This area is multifaceted. For example, if an instructor is a learner of another language, s/he should not use ESL students to practice on or with, certainly not in class, and probably not out of class. The students come to class with the expectation of learning English, not conversing with the instructor in their native tongue. This does not necessarily affirm the English-only rule. There may be an appropriate place and time for the use of the student's native language, but it cannot be overused for the benefit of the instructor. Nor should students, generally, be pumped for information for the instructor's advantage, say for a trip s/he is planning, or a book s/he is writing; if students' work is used for faculty research or writing, students' permission should be asked, and they should be given credit. Classroom-based research is laudable, but such research should be done under stringent guidelines which protect students, their time, and their privacy. Even when such activities take place outside of the classroom, there may be issues of power inequity, in which "consent" may not be true consent. Wong (1994) cautions the teacher/researcher that a person's responsibility to students does not end when students sign an informed consent form but rather that "ethical responsibilities of qualitative research are ongoing" (p. 13). The teacher/researcher must be ever mindful of how writing up the research and the way it is written up may affect students and their lives (e.g., students or their families may be undocumented).

In the same way, an instructor should consider carefully before hiring students to do such jobs as working in the instructor's yard or on the instructor's car, or babysitting children. Although s/he is being paid, the student may not recognize that there is an option to say "no" to the job, or may feel the pay is not enough, or may feel exploited, with no recourse because of the power the instructor has to give grades or otherwise to influence the student's academic life and future.

Another example of exploitation of a student's background is a case in which an ESL student is used as a source of political or other types of information. In one instance, an ESL instructor was approached about using class time and Southeast Asian students to assist groups in locating servicemen who were missing in action in Vietnam; this is inappropriate, as the power relationship is unequal. The NAFSA Code of Ethics (1992) states that NAFSA members shall "not exploit, threaten, coerce ... students or scholars." (p. 6). With regard to student information, the Code goes on to advise members to "secure permission of the student or scholar before sharing information with others inside or outside the organization, unless disclosure is authorized by law or institutional policy, or mandated by previous arrangement" (p. 6). Members are also cautioned to "keep in mind that policies on the confidentiality of information apply to law-enforcement organizations as much as they do to any other type of organization" (p. 10).

We also need to be sensitive to any political dynamics that might be operative among the students in the class. Experienced ESL instructors can

tell many war stories about political situations which have unexpected implications in the classroom. For example, before the breakup of the Soviet Union, East Europeans and Russians found themselves together in one ESL class. When the East Europeans secretly read Solzhenitsyn in the library, they were reluctant to answer an innocent question from the instructor about what they had read over the weekend for fear that the Russians would report them to the authorities. Although it may be difficult for an instructor to anticipate such unfortunate events, it behooves us as ESL teachers to make ourselves familiar with the political conflicts and tensions which may enter the classroom with students from varying backgrounds. When students with known conflicts find themselves together in a given class, it is wise for an instructor to be aware of this potential problem. It is unlikely that the instructor can be the ultimate peacemaker, and one should have no such illusions. However, because these conflicts frequently have a power element associated with them and are not conflicts between equals, teachers need to be aware of the power differential and need to take care not to put students in awkward or maybe even dangerous positions, at least in the classroom, the one place where we have some control. If the problem becomes serious and disruptive, an instructor may want to have the students separated.

Finally, tutoring is another area in which ethics can be important. Many students request tutors in English upon their arrival in the United States. They may even ask their instructors to tutor them privately after class. While this could be potentially lucrative for an instructor, is it ethical? May an instructor accept a few limited tutoring obligations? Should students be referred to other instructors who then, in turn, refer their students back? How much tutoring is ethical? Is tutoring students in the same program in which one works at all acceptable? These issues really do not have a single answer. But, at the minimum, it is unethical to accept tutoring assignments from one's own students. In the process of tutoring one could, for example, accidentally divulge test information or become particularly fond of a student, always giving that student the benefit of the doubt. Since many ESL instructors need tutoring jobs for financial reasons, it seems unrealistic to suggest no tutoring at all. However, tutors need to exercise extreme caution in how they recruit students and whom they accept as students.

Systems of Ethics in Conflict

Sometimes ethical issues arise when there are cultural differences in the concepts of right and wrong, or acceptable and unacceptable, behavior. These issues arise so frequently that we may take them for granted and rarely think of them as underlying ethical concerns. Complicating the issue are factors such as gender, race, class, religion, and region, which also present cultural differences regarding ethical concepts. For example, research indicates that males and females sometimes make ethical decisions differently, with men basing their decisions on abstract principles and women basing theirs on the ways the decisions will affect people (Gilligan, 1982). As ESL instructors, we often confront problems in which ethical systems from various cultures appear to conflict. We have a responsibility to help our students understand the nature of these conflicts and possibly modify their behavior if they plan to remain in the United States for any length of time. Below we focus on three ethical issues: gift giving, plagiarism/cheating, and interaction with government or other outside institutions.

One issue of ethical concern that often arises in ESL classes is gift giving. In some cultures, gift giving is a much more important part of social interaction than it is in the United States. According to Seward (1972), the Japanese, for example, use the word on for obligations they "believe they incur passively or automatically just by being Japanese—these include obligations to their parents, teachers, and the emperor. They must try to repay, at least in part, these obligations" (p. 33). Condon (1984) further reports, "Gift giving in Japan reflects much of the culture and so is very different from gift giving in the United States. Not only who gives gifts, but what kind of gifts are given, when they are given, and how they are given are all equally important" (p. 81).

Within the United States, the system is different, and faculty may be troubled about the significance of accepting gifts. Often ESL students bring a little memento from their home countries to instructors. Such a token is usually perfectly acceptable, but anything more than a token may be problematic. If the student does not come from a background of means, buying such a gift might well have been a financial hardship. From the point of view of an instructor from the United States, it may seem wrong to accept an overly expensive gift. From the students' point of view, however, it is insulting for an instructor not to accept it. A particular problem arises when a gift is given shortly before a test or before grades are assigned. The gift then takes on the character of a bribe, although it is probably not intended as such. Leki (1992) points out that such small gifts can be viewed as "tokens of respect and gratitude with no baser intentions in mind at all" (p. 56). The NAFSA Code of Ethics (NAFSA, 1994) addresses the question of accepting gifts by cautioning members to be sensitive to the varying cultural practices of gift giving but to refrain from accepting any gifts that are expensive or could be intended to influence them as they perform their professional responsibilities (p. 7).

What do we do about these situations? It may be appropriate to take class time to discuss the entire issue of gift giving with students. Classes can work with differences in the connotations of words. A *memento* or a *token* is just a small gift with very little monetary value, whereas a *gift* per se is usually something a little larger. A gift given before a test could be viewed as a *bribe* and is not appropriate. Students should be taught that such gestures may be considered unethical and unacceptable.

Gift giving behavior, however, is very difficult to change. Even setting a program policy of no gifts may not work. Penny Larson (personal communication, 1994), a former community college administrator, reports that when her institution banned even group or class gifts, teachers then found themselves "receiving many individual gifts, which defeated the original purpose of the ban." Even after learning about bribes, students may offer a gift and actually say, "This is not a bribe." Sharon Seymour (personal communication, 1994), a community college instructor, suggests that instead of a gift the "whole class could do an album of pictures from everyone." It may be necessary to broach the issue with each new class of incoming students and tell them that a memento may be appropriate but that gift giving should not get out of hand. Each situation must be handled with tact and cultural understanding. ESL students need an understanding of the ramifications of their gift giving behaviors within the ethical and cultural milieu of the United States.

Dealing with plagiarism and cheating is a second common ethical issue in our profession. While anyone in education can expect problems in this area, the problem is more complex in ESL because of cultural differences in the definitions of plagiarism and cheating and in the various behaviors surrounding them. These topics can be hot points for faculty, who feel that their concept of academic honesty is an absolutely integral part of the educational process and that any violation is extremely serious.

Specifically, regarding plagiarism, what is defined as such in the United States may simply not have the same implications in some other cultures. In the United States, we put great value on originality and creativity in our writing and regard our writing as our personal possession (Leki, 1992). However, our thoughts and ideas must be supported by references to other writers and scholars in the field. This requires thorough documentation. This ideal writing style in the U.S., consisting of the writer's opinion and voice and style, supported by references to the work of others, may seem self-evidently appropriate to U.S. instructors (and often, but not always, to native writers of English); it may seem to be a confusing and alien amalgam to many ESL writers.

ESL students represent a range of different understandings of ownership of writing. In some cultures, the words of ancient scholars are valued, and it is seen as presumptuous to claim originality, as if one's own ideas were as good as or better than those of established writers (Leki, 1992). For example, Shen (1989) has written that as a student in China, he was forced to refer to experts in his papers because the Party taught that as an individual he had no claim to original ideas. In the U.S., then, he had to learn to find his voice by assuming another persona, an American self, to write the way American professors wanted him to write. Thus, perhaps, when students are taught that everything must come from the voice of others, they may feel that there is little need for documentation. In the U.S., however, because writing requires a combination of original ideas and references to others, it is important to clearly demarcate the two by means of appropriate documentation. Perhaps misunderstandings can be ameliorated by classroom discussion of the cultural differences and the ethical and practical considerations of switching or adopting the American mode of writing. Many ESL writing texts provide guidance in documentation (e.g., Axelrod & Cooper, 1994; Spack, 1990). In any case, it is unfair and even unethical to neglect this area of instruction if our goal is to prepare students for additional education in the United States.

Of interest is an exchange on plagiarism in recent issues of the *Journal of Second Language Writing*. Deckert (1993) found that first-year students at a tertiary-level institution in Hong Kong had a limited ability to recognize plagiarism or what would be considered plagiarism by Western standards. Pennycook (1994) took issue with Deckert's "understanding of the complexity of plagiarism," contending that Deckert's

> basic premise that plagiarism is clear and objectifiable and can therefore be easily recognized is much more open to question. More specifically, I think he oversimplifies what is in fact a highly complex issue, is dismissive of Chinese practices of learning, and suggests solutions to the 'problem' that lack sensitivity to the context of education here [Hong Kong]. (pp. 277-278)

Pennycook further contended that students' deviation from Western norms should not be simply explained by cultural differences and be considered something to be remedied, but should be questioned and may even be considered a kind of "cultural imposition" (p. 278). Naturally this assertion would have less validity in the United States, but it is still a viewpoint for ESL writing instructors to consider.

The issue of cheating, in forms apart from plagiarism (e.g., exchanging or copying answers during a test, stealing copies of a test in advance, having someone else write a paper, buying a paper from a commercial service or

another student, having someone else take one's seat at an exam) has related cultural dimensions. In the United States there is a tradition of individualism in which each person is expected to do his or her own work. However, in *Habits of the Heart* (Bellah, Madsen, Sullivan, Swidler, & Tipton, 1985), the authors point out that there are numerous ambiguities associated with individualism in the United States. While we rigorously affirm our right to individuality, we must also acknowledge our civic responsibilities to our fellow human beings. "Philosophical defenders of modern individualism have frequently presumed a social and cultural context for the individual ..." (p. 144).

Current educational practices in the United States provide a microcosm of this ambiguity. Many educators now advocate cooperative learning, an approach in which students teach each other, and the teacher is no longer a sage on the stage, but rather a guide from the side. At the time of tests and exams, however, the cooperative principle is no longer operative. While there are numerous studies showing that up to three fourths of native U.S. college students have cheated and have justified it on pragmatic grounds (e.g., Kibler, 1994; McLeod, 1994), anyone caught assisting another during an examination is subject to any one of a number of severe punishments. Are we perhaps sending a mixed message here? And by being harshly judgmental of international students who cheat, are we perhaps being somewhat hypocritical?

There are numerous cultural differences surrounding this issue. Leki (1992) points out that in many parts of the world, exam results can determine a student's whole future; thus it is accepted that "friends and relatives have the right to call upon each other for any help they need, and that the call must be answered. Some students feel as much obliged to share exam answers or research papers as they would to share their notes of that day's class or to share their book with a classmate" (p. 53).

Cultural differences are explored in the research of Kuehn, Stanwyck and Holland (1990), which deals with the self-reporting of attitudes toward three cheating behaviors: using crib notes, copying from someone else, and allowing another person to copy. The subjects included native-born U.S. students, Arabic speakers, and Spanish speakers. Analysis of written comments provided the following conclusions: "More than any other group, U.S. students categorized all three behaviors as cheating. Arabic and Spanish speakers tended to describe the behaviors as 'dishonest' instead of 'cheating.' No Spanish speakers used the word cheating to describe allowing someone to copy" (p. 316). The authors conclude that "What is cheating in one culture may have an entirely different value in another" (p. 317). One of our own students recently said that for scholars from the Ukraine it is moral and appropriate to help each other on the exam. In the U.S., if you ask someone during the exam to help you, you will be considered as a cheater. However, in the Ukraine, you participate in a kind of collective effort, not in a 'fight for yourself' struggle (Shats, 1994).

This issue is difficult to teach. We as instructors have strong feelings about the issue, combined with, perhaps, a sense of being personally betrayed by cheating in our classrooms. In fact, our obviously strong feelings may be a signal to the students of the importance of this issue and of the seriousness of cheating behaviors. W. Jon Lambden, a community college instructor, reports obtaining some success with this issue by asking his students at the beginning of the term whether they want to do their tests individually or cooperatively. They almost always prefer to do the test cooperatively. However, cooperative testing also entails cooperative grading. Thus, students quickly see the value of working individually, and by the end of the semester prefer to take tests individually. It is better for students to learn these concepts early, in the fairly sheltered environment of ESL, rather than later in their mainstream classes. Explicit discussion of Western standards regarding cheating and plagiarism is useful; some textbooks include readings on the topic (e.g., Kibler, 1994). Smith (1994) outlines a unit on cheating in which students analyze the causes and results of cheating and develop a class policy on cheating.

A third area in which cultural understandings may come into play is in the way different cultures interface with bureaucratic agencies or other individuals or organizations outside the academic setting. ESL instructors are sometimes asked to intercede on behalf of a student before the Immigration and Naturalization Service (INS). This might involve simply writing a letter on behalf of a student asking for a practical training extension or verifying information on an I-20 form. Such requests generally present no problem. However, any type of fabrication of information for the INS or attempts to offer extra monetary compensation for services rendered is clearly problematic. This may be a new understanding for students who come from countries where government bureaucracies can be easily bribed and are perceived as having little integrity. Instructors may also be asked to write a letter to parents or scholarship-granting organizations stating (falsely) that the student is no longer taking English classes, or is taking English classes at a higher level than s/he really is, or is getting better grades in the English classes than s/he really is. Or a student may ask for a favor or a change in grade, mentioning that s/he has connections with important people in the university or the government. Although instructors are unlikely to agree to such requests, and should not do so, an understanding of the cultural background that allows students to make such requests may help us in dealing with them.

However, understanding such issues is not a straightforward matter. There are many examples of ambiguity, both in the U.S. and in other countries. According to Reisman (1979), "a transaction bribe, or a TB, is a payment routinely and usually impersonally made to a public official to secure or accelerate the performance of his prescribed function. Examples of transaction bribes include...the bribe given to a customs official on the Mexican border to move things along more rapidly" (pp. 69-70). Furthermore, "In different societies there appear to be sectors in which TBs are acceptable according to an operational code and sectors in which they are not" (pp. 72-73). Noonan (1984) points out that holiday tips routinely given to letter carriers in the United States "and any other tips to federal employees are by law classified as bribes" (p. 688). Yet the practice is widespread in the United States and very much a part of our culture. This is a clear example of the necessity of examining our own cultural systems as well as those of our students. Such issues warrant class discussion. In addition to discussion, instructors can invite local, state, and federal officials to class to provide a more in-depth look at these issues.

In this paper we have limited ourselves to two broad areas of professional ethics that relate to what happens in the classroom and what happens between faculty and students: faculty responsibilities to students, and systems of ethics in conflict. This is not to say that other important ethical issues do not exist in the profession, for they do (e.g., recruitment of students, placement of students, program standards, employment issues, and faculty-faculty interactions). Rather, we have chosen these broad areas and our examples to illustrate the wide range of ethical issues that an ESL faculty member encounters. Faculty in the classroom for the first time as well as seasoned teachers face these and similar situations. Often we are unsure of how to deal with these issues, wanting to balance sensitivity and respect for our students and their cultural beliefs with knowledge of what is considered appropriate behavior in the U.S. Definitive answers as to what to do in each situation cannot be dictated for faculty or for students, yet by examining our own and our students' beliefs about what is right and wrong, we can better understand ourselves and others while assisting our students in becoming aware of what is appropriate in U.S. education. TESL education programs and the ESL profession must continue to grapple with these and other ethical issues. ■

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