

# Professional Ethical Dilemmas in Universities in Spain and in Mexico

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## Abstract

*This article provides theoretical and empirical elements about professional ethical dilemmas derived from the Research Project about Professional Ethics developed in the National Autonomous University of Mexico (UNAM). In the first part, we introduce some theoretical elements such as ethical dilemmas, non ethical behaviour, the three types of mediations that influence the behaviour of professionals in their workplace and the principles and rules of professional ethics. In the second part, we discuss the empirical information from the answers to an open ended interview applied to the forty graduate program coordinators in UNAM and fourteen professors from three Universities in Valencia in Spain: University of Valencia, Polytechnic University of Valencia and Catholic University of Valencia "Saint Vincent Martyr".*

## 1. Introduction

The article is part of the Research Project about Professional Ethics developed in the National Autonomous University of Mexico (UNAM). The project has two purposes: to contribute to the generation of knowledge about professional ethics and to design guidelines to teach professional ethics for university students in the graduate level. The research was based on a qualitative approach that led us to construct an open ended interview and to carry out the data analysis. Taking into account theoretical ideas and the information provided by the Mexican and Spanish professors, we constructed categories and subcategories of analysis and assessed them using content analysis. We also compared the answers given by the professors from the four universities in which we applied the empirical instrument.

In this article, we examine the information about professional ethical dilemmas that, in the opinion of academics from Mexico and Spain, graduate students face in the labour market: the forty graduate program coordinators in the UNAM, interviewed in 2009, and the fourteen professors from three universities in Valencia: University of Valencia (UV), Polytechnic University of Valencia (UPV) and Catholic University of Valencia "Saint Vincent Martyr" (UCV), interviewed in 2011.

The forty graduate programs in the UNAM cover all the graduate studies, classified into four knowledge areas: Physical - Mathematics and Engineering, Medical and Biological Sciences, Social Sciences and Humanities and Arts. The interviewed professors in Valencia were mostly from the educational sciences and some from Physics, Mathematics, Pharmacy and Biology. Some of the interviews in Valencia were conducted as three focal groups.

This work is divided into two parts. The first one is a conceptual deliberation about ethical dilemmas, non ethical behaviour in scientific research and professional ethics principles and rules. The second one encompasses the classification we made with the information provided from our research subjects.

## 2. Theoretical elements

### 2.1. Ethical dilemmas

We based our theoretical framework on five fundamental authors: Tom Beauchamp and James Childress [2] from the United States of America; Augusto Hortal from Spain [5] and Martin Aluja and Andrea Birke from Mexico [1]. Their approach about the wide thematic field of professional ethics helped us to analyze the ethical dilemmas stated by the 54 professors.

According to Tom Beauchamp y James Childress [2] moral dilemmas "are circumstances in which moral obligations demands or appear to demand that a person adopt each of two (or more) alternative actions, yet the person cannot perform all the required alternatives. These dilemmas occur in at least two forms: (1) some evidence or argument indicates that an act is morally right, and some evidence or argument indicates that it is morally wrong, but the evidence or strength of argument on both sides is inconclusive and (2) an agent believes that, on moral grounds, he or she is obligated to perform two (or more) mutually exclusive actions" [2]. "Conflicting moral principles and rules may create dramatic dilemmas": principles have a high level of abstraction and serve as a reference framework to interpret situations in real life, meanwhile; rules are more specific in their content and have a more restricted scope than principles.

Most of the authors that work in the field of professional ethics have agreed on four principles [2], [5]: Beneficence, Nonmaleficence, Autonomy

and Justice. Beneficence includes all the goods and services that a specific profession provides to society. It takes into account the direct and indirect beneficiaries of the professional work and the difference between intrinsic (essential aspects of the profession) and extrinsic (indirect aspects) benefits. A very difficult problem arises when the extrinsic benefits, for example job conditions and rewards, become more important than the intrinsic ones for institutions and professionals.

The principle of Nonmaleficence refers to the idea that professionals have the obligation to avoid damage to patients and subjects that participate in research projects. This principle is mostly used in Biological and Health Sciences.

Autonomy can be understood in two aspects. One is the need for professionals to be autonomous, that is, to be able to take their own ethical decisions. The other refers to the beneficiaries from the professional activities that have to be able to participate in the decisions that affect them. Professionals contribute to promote beneficiaries' autonomy and we think that this latter can also be enhanced with self-regulated learning processes [6]. The principle of Justice relates professional ethics to social ethics, especially in reference to the necessity to distribute limited resources to solve or diminish multiple problems and necessities [2] [5].

These dynamic principles, developed especially after the Second World War and the Nuremberg Code from 1947, alongside with the diverse international codes regulate the research with human beings, especially in Health Sciences. Because of their relevance, they have also an enormous impact in all the other knowledge areas [4].

Beauchamp & Childress [2] hold that the principal moral rules are: veracity, privacy, confidentiality and fidelity. Veracity "refers to comprehensive, accurate and objective transmission of information, as well as the way the professional fosters the patient's or subject's understanding. The obligation of veracity is based on three aspects: respect owed to others, a close connection to obligations of fidelity and promise keeping and that the relationships between health care professionals and their patients and between researchers and their subjects ultimately depend on trust".

Privacy focuses on an agent's control over access to himself or herself. Anita Allen [2] identified four forms of privacy: informational, physical, decisional and proprietary. The authors [2] include a fifth category that is relational or associational. "Confidentiality is a branch or subset of informational privacy- it prevents *redisclosure* of information that was originally disclosed within a confidential relationship-. "Fidelity means to act in good faith to keep vows and promises, fulfil agreements, maintain relationships and discharge fiduciary responsibilities".

## **2.2. Unacceptable and questionable actions in scientific research**

Martin Aluja and Andrea Birke [1] classified a great range of non ethical actions in scientific research making a synthesis from several international documents and defining two categories: unacceptable and questionable behaviour. They defined the scientific ethics as the standards of conduct that allow us to distinguish between correct and incorrect comportment. They stated that there has been an increase of non ethical conduct in professional exercise. Some of the reasons that can explain this situation are: very limited job creation, reduced financing, pressure to publish, the necessity to engender research resources and the demand to meet several and exhausting administrative procedures.

The three unacceptable ethical actions according to most of the international documents are: data fabrication "that refers to the invention of data and experiments that were never done or the description of artefacts and objects that never existed"; data forgery that is about "the alteration of experimental data with the intention to produce an outcome that adjusts to the researcher's expectations" and plagiarism that refers to "the appropriation of ideas, innovative methods, data or body of a text written by others, without quoting the source or recognizing the creator of the original idea" [1].

Regarding questionable ethical conducts, they refer to multiple practices in the process of publication [1], for example: hide crude data avoiding that other researchers can replicate, confirm and verify them; make *post-hoc* analyses without informing about them; select the use of information; use incorrect citation; negligence; send an article to more than one journal and fragment a complete work into pieces. There are also several "conflicts of interests" that are all those actions which are used to obtain personal gain in an abusive manner.

One of the conclusions from these authors [1] is that both types of misconduct may be more frequent if they are not included in codes of scientific ethics.

## **2.3. Conditional aspects of professional exercise**

Augusto Hortal [5] declared that almost all professions are exposed to three types of mediations: technological, economical and organizational. The first one is about the influence of the enormous expansion of technology in the world. This situation has generated important changes in professional development. One of the most important consequences is that it restrains the ethical responsibility of professionals, because it privileges means over ends.

The economical mediation refers to the limitation of all type of resources. Professionals have to work with these limited resources and take also into account the necessity to preserve the organizations in which they work. In a context with very limited creation of new good jobs (permanent, with high salaries and stable conditions) there are few opportunities for professionals to be able to take ethical decisions.

The third one relates to the link between professionals and institutions or organizations in terms of their ethical conduct. If the institution promotes an ethical comportment, the professional will be able to act with responsibility. If the institution does not promote an ethical conduct, professionals will have problems to act ethically. The author [5] considered that even when there is a difficult situation to find a good job, in extreme cases, professionals will have to search for a different one if they need to preserve their own principles.

We propose other types of mediations, related to the social and cultural context of professional exercise. For example, the condition of multiculturalism present in our societies: "Multiculturalism as social reality, is recognized by the presence of different cultural groups in the same society" [3].

### **3. Empirical analysis of professional ethical dilemmas**

To organize the information, we defined analytical categories and subcategories (Table 1).

**Table 1. Categories and subcategories of professional ethical dilemmas**

Categories y subcategories	Mexico	Spain
1. Dilemmas and non ethical conduct in workplaces		
a. Economical resources management	UNAM	UV
b. The difficulty to find good job alternatives	UNAM	UV
c. Workplace pressures	UNAM	
d. Taking unacceptable decisions because of the pressure and external factors to the profession	UNAM	UCV UV
e. Dilemmas because of the type of work that the profession demands.	UNAM	
f. Dilemmas for evading professional responsibility		UCV UV
2. Science is strongly affected by corruption and impunity of the country		
3.Dilemmas and non ethical conduct in reference to	UNAM	

research, publications and teaching		
a. Ethical conduct in research and teaching	UNAM	
b. Telling the truth in scientific results	UNAM	UV
c. Plagiarism	UNAM	UV
4.Handling of the information and the rules of professional ethics		
a. Informed consent	UNAM	
b. Rules of professional ethics	UNAM	UCV
c. Ethical dilemmas about knowledge	UNAM	UCV UV
5.Inequality in working conditions		UPV
6.Dilemmas generated by multicultural conditions		UPV
7.Ethical decisions are taken despite external pressures	UNAM	UV

#### **3.1. Dilemmas and non ethical conduct in workplaces**

In this category we found more information and coincidences between Mexico and Spain.

The main subcategories were a) Economical resources management, b) The difficulty to find good job alternatives, c) Workplace pressures, d) Taking unacceptable decisions because of pressures and external factors to the profession, e) Dilemmas because of the type of work that the profession demands and f) Dilemmas for avoiding professional responsibility. This last subcategory was generated only in Spain.

One of the challenges of the work market in both countries is the capacity to offer good posts to graduate students. The professors recognized that the university makes the effort to prepare them with the best quality possible. However, it is not easy to find opportunities to exercise the cognitive and ethical competencies they acquired.

In relation to the first subcategory: economical resources management, we found the concern of how to use the financial resources in a proper manner so that it can benefit university students and academics and in some cases also the general public. In Valencia one of the cases presented was about the unethical deviation of the economical resources from the public to the private sphere.

Graduate students face strong dilemmas when they are forced to accept jobs that are not related to the profession they studied, provoking in many cases professional identity crises. Another serious problem is that in some workplaces, graduate students are pressured to make unethical decisions, due to institutional corruption. The professors of the two samples emphasized that the necessity to find and keep a job makes very difficult for professionals to be able to take good ethical decisions.

As we said in the theoretical part of the article, regarding Augusto Hortal [5], the opinions expressed by the UNAM coordinators and the professors of the three universities in Valencia agreed with the economical and organizational mediations that complicates the possibility for professionals to act with responsibility. The pressures that some organizations impose to increase the productivity of their employees may cause problems with severe consequences. The case pointed out, for example, by the UNAM graduate program coordinator of Engineering is very explicit, because he explained the case of a graduate student, expert in plane maintenance that had to impose his ethical criteria to avoid approving flights with grave risks.

Some professions demand decisions that can affect the beneficiaries of their activity. In the UNAM, there were some answers related to this aspect from the coordinators from two Social Sciences (Law and Administration) and two from the Biological Sciences (Production and Health Animal Sciences and Ocean and Limnology Sciences). In the first two, the problem is the way that lawyers act in relation to their cases and to their clients, which can affect other people. In the case of administrators, they can face ethical conflicts, for instance, when they are ordered to fire workers. In Spain, the examples presented were about Law, Medicine and Teaching, for instance, public lawyers that are not well prepared and have very limited time to assist their defendants, doctors that work in public institutions and are pressured to serve many patients in a short time, and professors that misjudge their students' conduct because they do not make the effort to find out their necessities. Some of the professors gave examples of situations when the institutions or the professionals avoid their responsibility and show a lack of interest in their elected profession.

### **3.2. Science is strongly affected by corruption and impunity of the country**

Even though the university is a privileged space where the ethical principles are a significant part in the academic and scientific processes, some of the coordinators in the UNAM (Music and Biochemical Sciences) expressed that the political and social context of Mexico affect the ethical decision making in all the universities.

### **3.3. Dilemmas and non ethical conduct in reference to research, publications and teaching**

Some of the subcategories we found in the empirical work were: a) ethical conduct in research

and teaching, b) veracity of scientific results and c) plagiarism. The coordinators in UNAM considered that the infringement of scientific integrity has increased in the last decades. In the universities in Valencia plagiarism was also mentioned.

As we can see, the UNAM coordinators mentioned the three unacceptable ethical conducts that were considered by Aluja and Birke [1]: data fabrication, data falsification and plagiarism and also the enormous pressure to publish, that in some cases, force academics to publish a lot, but not always with quality. We know that one of the important elements for the evaluation of professors and researchers in both countries are publications. A positive evaluation can lead to economical rewards and prestige.

### **3.4. Handling of the information and the rules of professional ethics**

Here, the subcategories were: a) informed consent (which is part of the principle of Autonomy), b) rules of professional ethics (veracity, confidentiality and fidelity) and c) ethical dilemmas about knowledge.

Two graduate program coordinators from the Health Sciences in the UNAM highlighted the relevance of informed consent. It has to do with the obligation that researchers, teachers and professionals have to explicitly explain the information that the direct and indirect beneficiaries need from the professionals and to obtain the necessary consent when the beneficiaries are satisfied with the information received. The principal reason is to promote autonomous decisions of the subjects.

Three rules about professional ethics were mentioned: confidentiality and veracity in both samples of professors and fidelity only in Spain.

Some of the program coordinators in the UNAM, from Humanities and Arts, were concerned about the role they play as experts that can influence the beneficiaries' perception. In Spain, one of the preoccupations was the secondary position that teaching professional ethics have in the university *curricula* and the necessity to promote processes of self-regulated learning. Some answers were about the fact that many graduate students do not have the necessary knowledge to make appropriate decisions regarding the ethical dilemmas they face in their workplaces.

### **3.5. Inequality in working conditions**

One professor from the Polytechnic University of Valencia stated the presence of inequality conditions, for example to charge more money for doing the same work. Inequality conditions also interfere with professional promotion

### **3.6. Dilemmas provoked by multicultural differences**

We found another problem in the interviews in Valencia. It refers to the conflict between the recognition of the different visions of the world which affect the decision making processes in some jobs. The example expressed by one of the professors is about the security of construction workers that because of their religion wear turbans and refuse to use security helmets. This is a very difficult situation for the architects and the supervisors that, on one side, want to respect the cultural choices from the foreign workers and, on the other side; they have to fulfil the Spanish regulation.

### **3.7. Ethical decisions are taken despite the external pressures**

Despite the pressures and corruption in some public and private organizations and institutions, to force the professionals to take inadequate ethical decisions, the coordinators and professors concluded that the majority of their graduate students are able to resist the pressures and assume their responsibility.

## **4. Conclusions**

Based on the information provided by the graduate program coordinators in the UNAM and the professors in Valencia, we can say that there are many ethical dilemmas and non ethical conducts that affect professional practice.

We found many similarities between the professional ethics theory and the answers provided by the subjects of study. One example is the existence of the three unacceptable ethical actions presented by Aluja and Birke [1]: data fabrication, data forgery and plagiarism in the university.

Another important issue expressed by the authors, coordinators and professors is that the misconduct attitude in science damages the prestige of science, institutions, researchers, teachers and students even more than it does to the offenders.

The authors, coordinators and professors also agree in the necessity to teach professional ethics and specially ethics in scientific research to all students with explicit and systematic strategies.

Another element to be considered is that even when professionals are being pressured in different institutions and organizations, they take ethical decisions.

We also found that professionals may develop self-regulated learning practices to face the different requirements in their work. From the theoretical framework and the answers from the research subjects, we identified several non ethical conducts.

Finally, we discovered some elements that allow us to say that many professionals are aware of the incidence of professional dilemmas and have a positive disposition to reflect about them and find solutions. The professional ethics principles and rules are a strong reference framework to make the best possible decisions [4].

## **5. References**

- [1] M. Aluja and A. Birke, "General panoramic about the ethical principles in scientific research and higher education", in M. Aluja and A. Birke (editors), *The role of scientific ethical research and higher education*, Economical culture publisher and Mexican Academy of Science, Mexico, 2004, pp. 87-143.
- [2] T. Beauchamp and J. Childress, *Principles of Biomedical Ethics*, Oxford University Press, New York, 2001.
- [3] C. Hirmas, et.al, Educational politics for the attention of cultural diversity. Brasil, Chile, Colombia, Mexico and Peru. Santiago de Chile: UNESCO, 2005.
- [4] A. Hirsch, "Professional ethics based on principles and the relation with teaching", EDETANIA 43, Catholic University of Valencia San Vincent Martyr, July 2013, pp. 97-111.
- [5] A. Hortal, General Ethics of Professions, Desclée de Brouwer, Bilbao- Spain, 2002.
- [6] C. Navia, Teacher's Self-regulated learning in the Edges of the Educative System. Culture Experience and Learning Interaction, Mexico, Pomares-Corredor, 2006.