

ETHICS CASE STUDIES

1. Placement Agency

Scenario

A placement agency approaches a college international admissions officer regarding prospective students from China. The agency is eager to place Chinese students at the college, but the students can't afford the costs stated on the promotional materials. Since Chinese students tend to live off-campus in groups of three or four and eat very inexpensively, the agency representative argues, the college should accept verification of a lower figure for these students and issue Forms I-20 accordingly. The admissions officer, upon reviewing subsequent applications from the agency, finds its students to be academically and linguistically qualified. S/He accepts the students and issues the Forms I-20, listing a standard of financial resources \$1500 lower than that listed for all other international students.

Question

Is it unethical to accept from one nationality group a standard of financial resources that is significantly different from that required of other nationality groups?

Answer

Yes. It is important to maintain a high level of professional conduct and keep the needs of the student in balance with the needs of the institution. The institution is responsible for providing accurate and realistic cost information to all applicants.

NAFSA's Statement of Ethical Principles References

The following are the most applicable provisions of the Statement:

1. NAFSA Members Have A Responsibility To:
 - a. Balance the wants, needs, and requirements of program participants, institutional policies, laws, and sponsors. Members' ultimate concern must be the long-term well being of international educational exchange programs and participants.
 - b. Resist pressures (personal, social, organizational, financial, and political) to use their influence inappropriately and refuse to allow self-aggrandizement or personal gain to influence their professional judgments.

2. In Relationships with Students, Scholars, And Others, Members Shall:
 - a. Respond to inquiries fairly, equitably, and professionally.
 - b. Provide accurate, complete, current, and unbiased information.

3. In Administering Programs, Members Shall:

Clearly and accurately represent the identity of the organization and the goals, capabilities, and costs of programs.

4. In Making Public Statements, Members Shall:

Provide accurate, complete, current, and unbiased information.

2. Withdrawal for Medical Reasons

Scenario

An undergraduate student transfers from one U.S. university to another. Upon transferring, she immediately begins to experience medical problems, which she attributes to homesickness and poor eating habits. After withdrawing from school mid-semester and taking the summer off, she re-enrolls, only to be hospitalized for alcohol-related illness.

In an effort to help, the foreign student advisor consults with his counterpart at her previous school and then informs her parents as well as the Department of Homeland Security (DHS).

Question

Should the FSA have discussed the case with the previous school, DHS, and the student's parents?

Answer

Probably not. Except in life-threatening situations, a student's health problems are confidential and the FSA should not have discussed such matters with individuals or agencies outside the university. It would have been more appropriate for the FSA to urge the student to discuss her problems with a counselor and/or her parents.

NAFSA's Statement of Ethical Principles Reference

The following are the most applicable provisions of the Statement:

In Relationships with Students, Scholars, and Others, Members Shall:

- a. Maintain the confidentiality, integrity, and security of participants' records and of all communications with program participants. Members shall secure permission of the individuals before sharing information with others inside or outside the organization, unless disclosure is authorized by law or institutional policy or is mandated by previous arrangement.
- b. Identify and provide appropriate referrals for students or scholars who experience unusual levels of emotional difficulty.

3. Issuance of an I-20 Form

Scenario

Three weeks prior to the beginning of fall semester, a student enrolled in the campus intensive English programs requests that the international student advisor issue an I-20 form for his wife and children, who are still in their home country. A letter in the student's file indicated that his government will provide an official financial guarantee for his academic work as soon as he achieves a TOEFL score of 525 and is accepted unconditionally into a graduate program. The letter further states that the student must return to work if he doesn't achieve the level of English proficiency necessary to enter the university in the fall.

Without the letter of financial support, the student—whose most recent TOEFL score is only 475—can neither demonstrate sufficient resources to obtain the I-20 nor add his name to the lengthy waiting list for family housing. Because the student is short of funds, he requests that the ISA issue the I-20 based on the letter in the file as well as advance him funds until such time as his scholarship goes into effect. The ISA refuses both requests.

Question

Should the ISA have issued the dependent I-20 and/or advanced the student living expenses?

Answer

No. It is not appropriate to issue visa documents for family members without assurance of sufficient resources for their support. Neither is it appropriate to reserve scarce housing for someone who does not yet meet the qualifications for that service. Finally, advancing funds against a scholarship that may never materialize not only sets a dangerous precedent, but also exposes both the student and the university to unreasonable financial risk. The sponsor has not authorized the university to act as its agent.

NAFSA's Statement of Ethical Principles Reference

The following are the most applicable provisions of the Statement:

1. NAFSA Members Have a Responsibility to:
Make every effort to ensure that their services are offered only to individuals and organizations with a legitimate claim on these services.
2. In Relationships with Students, Scholars, and Others, Members Shall:
Respond to inquiries fairly, equitably, and professionally.

4. Student Health Problem Abroad

Scenario

Ignoring a long history of respiratory problems often triggered by alcohol, a twenty-two-year-old study abroad participant in Mexico drinks to excess and experiences a severe attack. When the student's breathing stops, the program leader is able to resuscitate him. After several similar incidents disrupt program activities, other participants urge the leader to send their friend home. The leader, who believes that his CPR skills enable him to handle the situation satisfactorily, refuses to send the student home, asserting that he will not act *in loco parentis*.

Question

Did the leader violate the Statement?

Answer

Yes. The leader is responsible for the entire group and must take appropriate action to maintain the integrity of the program. Furthermore, the leader should not make medical decisions which are beyond his area of competence.

NAFSA's Statement of Ethical Principles References

The following are the most applicable provisions of the Statement:

1. NAFSA Members Have a Responsibility To:

Balance the wants, needs, and requirements of program participants, institutional policies, laws, and sponsors. Members' ultimate concern must be the long-term well-being of international educational exchange programs and participants.

2. In Their Professional Preparation and Development, Members Shall:

Recognize the limits of their expertise and confine themselves to performing duties for which they are properly educated, trained, and qualified, making referrals when situations are outside their area of competence.

3. In Relationships with Students and Scholars, Members Shall:

Identify and provide appropriate referrals for students or scholars who appear to be experiencing unusual levels of emotional difficulty.

5. Faculty Roles and Responsibilities Abroad

Scenario

Upon arriving home from a study abroad trip to Greece, several students drop by the Study Abroad Office to report on their adventure. After visiting with the students and reviewing their written evaluations, the director notes repeated references to intoxication and other unprofessional behavior on the part of the professor assigned to lead the group. One report states that the professor was not available to the students during a four-day period in which he attended a professional conference. In a discussion between the director and the faculty member, the latter acknowledges the veracity of the allegations and promises to mend his ways. When the professor recommends offering the same program for the following year, the director (in consultation with the dean) denies the request.

Question

Was the director's action in violation of the Statement?

Answer

No. The director acted appropriately, particularly if s/he was able to refer to a signed agreement outlining the responsibilities of a study abroad program leader, a manual for program leaders, or an orientation session for leaders (or any combination thereof).

NAFSA's Statement of Ethical Principles References

The following are the most applicable provisions of the Statement:

1. NAFSA Members Have a Responsibility To:

- a. Maintain high standards of professional conduct.
- b. Balance the wants, needs, and requirements of program participants, institutional policies, laws, and sponsors. Members' ultimate concern must be the long-term well-being of international educational exchange programs and participants.

2. In Administering Programs, Members Shall:

- a. Recruit individuals, paid and unpaid, who are qualified to offer the instruction or services promised, train and supervise them responsibly, and assure by means of regular evaluation that they are performing acceptably and that the overall program is meeting its professed goals.
- b. Strive to establish standards, activities, instruction, and fee structures that are appropriate and responsive to participant needs.

6. Admitting Students Without Required English Proficiency

Scenario

The intensive English program (IEP) on the campus of a four-year college works in tandem with the Biology Department to develop a six-week non-credit international project for students with low intermediate levels of English proficiency. The project calls for three hours of English each morning, followed by an afternoon of non-credit course work with biology faculty. At the conclusion of the program, as a courtesy to the sponsor and the Biology Department, the IEP administers a pencil-based TOEFL; students score in the 440 – 470 range.

When the group sponsor expresses a desire to enroll three of the students, who meet academic standards, the academic department head requests that the college's language requirement (525 pencil-based TOEFL) be waived. When admission is denied, the department head then seeks support from higher-ranking administrators, who in an effort to foster a good working relationship with the sponsor, direct that the students be admitted.

Question

Does this course of action involve a breach of ethics?

Answer

Yes. Fostering relationships with sponsors should never override established institutional policy. A more appropriate response might be for the department head to recommend to the sponsor that the students enroll in the IEP until such time as they achieve the level of English proficiency necessary to do academic work.

NAFSA's Statement of Ethical Principles References

The following are the most applicable provisions of the Statement:

NAFSA Members Have a Responsibility to:

- a. Follow ethical practices outlined in the Statement of Ethical Principles. Strive to follow the ethical practices outlined in the Principles for International Educational Exchange.
- b. Balance the wants, needs, and requirements of program participants, institutional policies, laws, and sponsors. Members' ultimate concern must be the long-term well-being of international educational exchange programs and participants.
- c. Resist pressures (personal, social, organizational, financial, and political) to use their influence inappropriately and refuse to allow self-aggrandizement or personal gain to influence their professional judgments.

7. Personal Morality Issue

Scenario

It comes to the attention of the foreign student advisor that a male student is living with a female student in university housing. Personnel records indicate that both are married, but not to each other.

Question

May the foreign student advisor report what she has learned to the spouses?

Answer

No. This is a private matter, on which the advisor should not act.

NAFSA's Statement of Ethical Principles References

The following are the most applicable provisions of the Statement.

In Relationships with Students, Scholars, and Others, Members Shall:

- a. Recognize their own cultural and value orientations and be aware of how those orientations affect their interactions with people from other cultures.
- b. Demonstrate awareness of, sensitivity to, and respect for other educational systems, values, beliefs, and cultures.
- c. Maintain the confidentiality, integrity, and security of participants' records and of all communications with program participants. Members shall secure permission of the individuals before sharing information with others inside or outside the organization, unless disclosure is authorized by law or institutional policy or is mandated by previous arrangement.

8. On-The-Spot Admission

Scenario

An international admissions officer makes annual recruitment trips, working with local agencies in each of the countries she visits. Upon reading her advertisements in the local newspaper, prospective students flock to see her, academic credentials in hand. The admissions officer assesses English proficiency through personal conversations with these individuals and, provided they meet academic and financial requirements, offers them admission on the spot.

Question

Has the admissions officer violated the Statement?

Answer

Yes. The admissions officer should not have made a determination of English proficiency

for the purposes of admission. Furthermore, it is a violation of federal regulations to make admissions decisions anywhere but at the school's U.S. location. "The written application, the student's transcripts and other records of courses taken, proof of financial responsibility for the student, and other supporting documents [must be] received, reviewed, and evaluated at the school's location in the United States." Code of Federal Regulations 214.2(k) (2).

NAFSA's Statement of Ethical Principles Reference

The following are the most applicable provisions of the Statement:

1. NAFSA Members Have a Responsibility to:
Maintain high standards of professional conduct.

2. In Their Professional Preparation and Development, Members Shall:
 - a. Accurately represent their areas of competence, education, training, and experience.
 - b. Recognize the limits of their expertise and confine themselves to performing duties for which they are properly educated, trained, and qualified, making referrals when situations are outside their area of competence.

9. Proselytizing

Scenario

The leader of a community religious group is a member of a local organization which serves international students and which holds an organizational membership in NAFSA. Many of the organization's members join the host family association and, at association events, distribute brochures describing their group's efforts to achieve world peace through work with internationals. Occasionally, members include foreign students in parties and other social events at which religious testimony is given. While students are surprised by invitations to join the group, they are often too polite to decline and excuse themselves. When a complaint concerning the religious nature of these gatherings reaches the International Office, the foreign student advisor meets with the leader of the group, who takes offense at the mention by the FSA of NAFSA guidelines on proselytizing. He states that he is acting in a personal capacity to help students find salvation.

Question

Are the actions of the community leader appropriate?

Answer

No. The leader, acting as a representative of his group rather than in a personal capacity, has not accurately portrayed the services and programs of his organization. In emphasizing global issues and world peace, the organization has not made clear its religious nature. The students learn of its religious intent only after attending informal social gatherings. Members of the organization should be informed by their leader that surreptitious, deceptive, or coercive proselytizing is unacceptable.

NAFSA's Statement of Ethical Principles Reference

The following are the most applicable provisions of the Statement.

1. In Relationships with Students, Scholars, and Others, Members Shall:
 - a. Not use one's position to proselytize.

2. In Administering Programs, Members Shall:
 - a. Clearly and accurately represent the identity of the organization and the goals, capabilities, and costs of programs.
 - b. Provide adequate orientation and training for volunteers
 - c. Provide appropriate orientation, materials, and on-going guidance for participants.

10. Staffing Intensive English Programs with Qualified Professionals

Scenario

An intensive English program (IEP) is directed by a continuing education specialist, who employs a teaching staff of native English speakers, most of whom are spouses and friends of university faculty members. While the teachers exhibit cultural sensitivity and enjoy working with international students, they do not have specific education or training in teaching English as a second language.

Question

Is the IEP appropriately staffed?

Answer

No. No matter how well-intentioned its teachers, the IEP is not staffed in accordance with NAFSA's Statement of Ethical Principles or the Principles for International Educational Exchange.

NAFSA's Statement of Ethical Principles Reference

The following are the most applicable provisions of the Statement:

1. NAFSA Members Have a Responsibility to:
Follow ethical practices outlined in NAFSA's Statement of Ethical Principles. Strive to follow the ethical practices outlined in the Principles for International Educational Exchange.

2. In Administering Programs, Members Shall:
Recruit individuals, paid and unpaid, who are qualified to offer the instruction or services promised, train and supervise them responsibly, and assure by means of regular evaluation that they are performing acceptably and that the overall program is meeting its professed goals.

11. Police Request for Information

Scenario

When three sexual assaults occur on the college campus in a period of one year, local police offer assistance in apprehending the assailant. Since each of the victims has reported that her attacker spoke with a foreign accent and since two female international students have told police that they have been followed by a man whom they believe to be Turkish, the police make a written request for information about all male Turkish students on campus. Specifically, they ask for the visa classification, grade point average, and class schedule for each. Wanting to assist the police in their efforts and to reestablish a safe environment on campus, the foreign student advisor complies with the request.

Question

Has the FSA acted appropriately in this instance?

Answer

No. NAFSA's Statement of Ethical Principles does not permit the disclosure of confidential information—even to law enforcement agencies. Law enforcement agencies may, based upon probable cause, obtain a subpoena for information and/or a warrant for a search or an arrest.

Despite his/her good intentions, a NAFSA member who reveals confidential information violates the code.

NAFSA's Statement of Ethical Principles

The following is the most applicable provision of the Statement.

In Relationships with Students, Scholars, and Others, Members Shall:

Maintain the confidentiality, integrity, and security of participants' records and of all communications with program participants. Members shall secure permission of the individuals before sharing information with others inside or outside the organization, unless disclosure is authorized by law or institutional policy or is mandated by previous arrangement.

12. Scholarships

Scenario

The university's financial aid policy states that scholarships are available to international students on a merit basis. However, financial aid officers automatically exclude from consideration international applicants who show evidence of being able to pay full fees.

Question

Is it ethical for the financial aid officers to exclude international students from consideration because they show no need for financial assistance?

Answer

No. Unless there has been some form of exclusionary statement regarding those capable of paying full fees, this practice is unethical.

NAFSA's Statement of Ethical Principles References

The following are the most applicable provisions of the Statement:

1. In Relationships with Students, Scholars, and Others, Members Shall:
Respond to inquiries fairly, equitably, and professionally.
2. In Administering Programs, Members Shall:
Clearly and accurately represent the goals, capabilities, and costs of the programs.

13. Students' Right to Privacy**Scenario**

An attractive young Asian woman, Amy, enrolled in a university-affiliated intensive English program (IEP) confides to one of her teachers that the "homestay father" of a friend, Sharon, has made unwanted sexual advances toward her. Amy had been visiting her friend, Sharon, a student at a college in a neighboring city, when the incident occurred. The teacher, upon hearing the details of the event, shares the information with the IEP director, who quickly requests that the faculty member encourage Amy herself to inform the director. Once informed personally by Amy, the director confirms the facts, encourages her to avoid the man in the future, and praises her for having come forward with her story. With Amy's full knowledge and agreement, the director subsequently reports the information, including the man's name, to the neighboring foreign student advisor (FSA), who is responsible for the homestay program in question. The FSA assures the IEP director that s/he will discuss the situation with the "homestay father" and take appropriate action.

Question

Did the IEP director act appropriately? Was Amy's right to privacy violated?

Answer

The director acted appropriately in that the information was provided directly and voluntarily by Amy, the student, and in that she gave permission for the IEP director to report the incident. The student's right to privacy was not violated. If Amy had appeared to be experiencing a great deal of emotional distress related to the incident, the director might also have informed her of the services available in the campus counseling unit and urged her to seek professional help.

NAFSA's Statement of Ethical Principles References

The following are the most applicable provisions of the Statement:

In Relationships with Students, Scholars, and Others Members Shall:

1. Maintain the confidentiality, integrity, and security of participants' records and of all communications with program participants. Members shall secure permission of the individuals before sharing information with others inside or outside the organization, unless disclosure is authorized by law or institutional policy or is mandated by previous arrangement.
2. Inform participants of their rights and responsibilities in the context of the institution and the community.
3. Identify and provide appropriate referrals for students or scholars who experience unusual levels of emotional difficulty.

14. Can an English Program Guarantee English Proficiency?

Scenario

In regular newspaper advertisements, an intensive English program (IEP) guarantees that its students will achieve a TOEFL score of 500/173 (pencil-based tests/computer based tests) after two semesters of study.

Question

Was it ethical for the administrator of this program to place an advertisement which guaranteed a particular TOEFL score?

Answer

No. While an administrator can guarantee a quality instructional program provided by well-qualified faculty, no administrator can honestly predict the level of English proficiency that will be achieved by his/her students.

NAFSA's Statement of Ethical Principles References

The following are the most applicable provisions of the Statement.

1. In administering Programs, Members Shall:
Clearly and accurately represent the identity of the organization and the goals, capabilities, and costs of the programs.
2. In Making Public Statements, Members Shall:
Provide accurate, complete, current and unbiased information.

15. Organization Identification

Scenario

Interested in international student ministry, the leader of a community religious organization asks to have an article published in the university's international newsletter. The article extends an invitation for international students to attend an upcoming event sponsored by the organization. The community leader does not adequately identify his/her organization and is not pleased when the editor runs a clear identification line at the end of the article. A subsequent article submitted by the same individual contains a specific request not to identify the group.

Question

May the newsletter editor require the identification of the organization as a condition to publishing the article announcing the activity?

Answer

Yes. Community groups offering programs to international students should clearly identify themselves and their objectives.

NAFSA's Statement of Ethical Principles References

The following are the most applicable provision of the Statement:

In Administering Programs, Members Shall:

Clearly and accurately represent the identity of the organization and the goals, capabilities, and costs of programs

16. Involvement in Pyramid-type Activities

Scenario

A member of the local community who is active in international programs at the local college recruits international students through the programs as sales agents in a pyramid-type company. The students are assured that they can make a lot of money by spending time promoting the company's products—especially to fellow international students. They feel pressure to spend time selling when they need to be studying. They are not fully informed that this activity is considered employment and is, therefore, in violation of their student-only visa status.

Question

Is the action of the community member unethical?

Answer

Yes, the action of the community member violated the code. Staff administrators of the international programs that involve community members have the responsibility for providing appropriate orientation and materials in order to ensure that participants

understand their responsibilities and uphold NAFSA's Statement of Ethical Principles.

NAFSA's Statement of Ethical Principles References

The following are the most applicable provisions of the Statement:

1. NAFSA Members Have a Responsibility To:

Resist pressures (personal, social, organizational, financial, and political) to use their influence inappropriately and refuse to allow self-aggrandizement or personal gain to influence their professional judgments.

2. In Relationships with Students, Scholars, and Others, Members Shall:

- a. Not exploit, threaten, coerce, or sexually harass others.
- b. Inform participants of their rights and responsibilities in the context of the institution and the community.

3. In Administering Programs, Members Shall:

- a. Provide appropriate orientation, materials, and on-going guidance for participants.
- b. Strive to ensure that the practices of those with whom one contracts do conform with NAFSA's Statement of Ethical Principles and the Principles for International Educational Exchange.

17. Health Insurance Program

Scenario

As a benefit of employment, graduate assistants receive health insurance coverage from the university. The insurance program stipulates that only those students who register for and attend at least a one-credit course are eligible for coverage.

A professor at the university informs the ISA that one of his graduate assistants has been seriously injured in an automobile accident while returning to campus from an out-of-state trip. The student has suffered brain injuries and, although his life is not in danger, the doctors are not certain whether he will ever awaken from the coma in which he now lies. He remains in intensive care and clearly will require specialized medical and rehabilitative services for the foreseeable future.

Although the professor orally offers to renew his student's graduate assistantship for the coming academic year, the student has not signed the standard contract, nor has he registered for fall classes. The professor is concerned as neither the student nor his family has the resources to cover the anticipated medical expenses. In cooperation with the student's parents, the ISA obtains from the treating physician a letter recommending medical leave for a period of one academic year. The ISA subsequently re-enrolls the student (in absentia), thus allowing his appointment as a graduate assistant and enabling him to continue to receive a monthly stipend and health insurance benefits.

Question

Did the ISA act appropriately?

Answer

Maybe. If there is a reasonable expectation that the student will recover and resume his education, the advisor's actions were appropriate. If not, it would be inappropriate to provide employment and services to an individual who is clearly unable to perform as either a student or an employee.

NAFSA's Statement of Ethical Principles Reference

The following is the most applicable provision of the Statement:

NAFSA Members Have a Responsibility to:

- a. Seek appropriate guidance and direction when faced with ethical dilemmas.
- b. Make every effort to ensure that their services are offered only to individuals and organizations with a legitimate claim on these services.

18. Articulation Agreement**Scenario**

An American university after reviewing a private college in Asia, agrees that students holding a two-year degree from the school will be admitted into the master's degree program in the American University—provided they complete an additional two years of study at the local private college, take the appropriate standardized graduate examinations, and achieve the requisite level of English proficiency. The widespread promotion of the affiliation, through signs and newspaper advertisements causes many parents and students to believe that the school will award an American degree. The logo of the American university is prominently displayed alongside the logo of the private college. Enrollment at the institution increases in spite of high tuition rates.

When the first batch of graduates under the affiliated program applies for graduate study at the U.S. University, their applications are rejected. In addition, the local government does not officially recognize the local private institution, thus, the local employers will not consider the graduates of this program as full-fledged four-year degree holders. Some graduates, instead, apply to local universities in order to improve their credentials, only to discover they have passed the acceptable age limit for admission. Frustrated and irate, they and their parents complain to the US Embassy in their country.

Question

Have the representatives of the American university acted ethically in this venture?

Answer

No.

NAFSA's Statement of Ethical Principles Reference

The following are the most applicable provisions of the Statement:

1. NAFSA Members Have a Responsibility to:
 - a. Balance the wants, needs, and requirements of program participants, institutional policies, laws, and sponsors. Members' ultimate concern must be the long-term well-being of international educational exchange programs and participants.
 - b. Resist pressures (personal, social, organizational, financial, and political) to use their influence inappropriately and refuse to allow self-aggrandizement or personal gain to influence their professional judgments.

2. In Relationships with Students, Scholars, and Others, Members Shall:
 - a. Demonstrate awareness of, sensitivity to, and respect for other educational systems, values, beliefs, and cultures.
 - b. Provide accurate, complete, current, and unbiased information.

3. In Administering Programs, Members Shall:
Clearly and accurately represent the identity of the organization and the goals, capabilities and costs of programs.

19. Appearance of Favoritism

Scenario

An international admissions officer for a well-known and highly competitive university regularly visits Asia. During these recruitment trips, he stays in the homes of friends he has made over the years and visits the prestigious local schools to promote his institution. Although students are informed that admission to the institution is very selective, they note that the children of the officer's friends are given admission even though their school records are weaker and their test scores lower than those of many who are denied admission.

Question

Are the actions of the admissions officer ethical?

Answer

No. It is improper for an admissions officer to admit students under these circumstances.

NAFSA's Statement of Ethical Principles Reference

1. NAFSA Members Have a Responsibility to:
Resist pressures (personal, social, organizational, financial, and political) to use their influence inappropriately and refuse to allow self-aggrandizement or personal gain to influence their professional judgments.

2. In Relationships with Students, Scholars, and Others, Members Shall:
Refrain from becoming involved in personal relationships with students and scholars when such relationships might result in either the appearance or the fact of undue influence being exercised on the making of professional judgments.

20. Study Abroad Program Costs

Scenario

When budgetary shortfalls and other financial constraints plague the university, the dean directs the coordinator of the study abroad office to inflate study abroad costs in order to generate revenue for the institution's general fund. The excess monies are returned to the university's central administration for distribution among various campus units.

Question

May the costs of the study abroad programs be inflated in order to offset central administration's budget deficit?

Answer

No. Study abroad charges must reflect the costs of the actual programs plus related services and administrative fees, if any.

NAFSA's Statement of Ethical Principles Reference

The following are most applicable provision of the Statement:

1. NAFSA Members Have a Responsibility To:
 - a. Maintain high standards of professional conduct.
 - d. Resist pressures (personal, social, organizational, financial, and political) to use their influence inappropriately and refuse to allow considerations of self-aggrandizement or personal gain to influence their professional judgments.
2. In Administering Programs, Members Shall:
Clearly and accurately represent the identity of the organization and the goals, capabilities, and costs of programs.

21. Issuing Visas

Scenario

Nominated by his employer, a young man is selected to receive a U.S. government-funded scholarship administered by a reputable programming agency. He is admitted to an American university as a graduate exchange student in biological sciences. Copies of the award letter sent to graduate admissions, the international student office, and the student's academic advisor clearly state that the student must return to his home country immediately upon completion of the approved training objective. The letter further

states that two consecutive degrees are not authorized and that the U.S. government will not release sponsorship of the J-1 visa.

Following completion of a graduate degree, the department chair offers the student an assistantship consisting of full tuition as well as an annual stipend of \$10,000 for the duration of a doctoral program. The director of the international student office reminds the student of his contractual obligation to return home, at the same time informing him that the university will accept him under the F-1 classification. He further explains that the student will have to apply for the F-1 visa at a U.S. Consulate abroad, where the consular official will determine whether to defer the two-year residency requirement and either issue or deny the F-1 visa. Effectively sending the student home to fulfill his obligation, the director authorizes a staff member to issue the Form I-20.

Question

Is it appropriate for the director, as the designated school official, to authorize the issuance of an I-20 under these circumstances?

Answer

Yes. Although an institution may bind itself contractually with a sponsor, which would prohibit the issuance of Form DS-2019 to a student currently attending under that organization's sponsorship, it may not refuse to admit qualified applicants.

NAFSA's Statement of Ethical Principles Reference

The following are the most applicable provisions of the Statement:

In Relationships with Students, Scholars, and Others, Members Shall:

- a. Inform participants of their rights and responsibilities in the context of the institution and the community.
- b. Provide accurate, complete, current, and unbiased information.

22. Cult Recruitment

Scenario

A member of the Committee on Ethical Practice (CEP) receives a telephone call on behalf of a Japanese couple, whose son has dropped out of an American university to join a religious cult. In the United States to locate their son, the parents have made contact with a cult representative, who refuses to give them any information, saying only that their son will contact them when he is ready. After their request for assistance from the university is denied, the desperate parents ask that NAFSA put pressure on U.S. government offices to "hunt down" their son and deport him. They even purchase a return ticket for the government to use when they locate the young man.

Question

Does the university have any responsibility to assist the parents?

Answer

No. The university in which the student was enrolled has no direct responsibility in this case. However, university and community organizations hosting international students might deter similar incidents by distributing to international students information about pressure and cultic groups.

NAFSA's Statement of Ethical Principles Reference

The following are the most applicable provisions of the Statement:

1. In Relationships with Students, Scholars, and Others, Members Shall:
Refrain from invoking governmental or institutional regulations in order to intimidate participants in matters not related to their status.
2. Maintain the confidentiality, integrity, and security of participants' records and of all communications with program participants. Members shall secure permission of the individuals before sharing information with others inside or outside the organization, unless disclosure is authorized by law or institutional policy or is mandated by previous arrangement.
3. Refrain from becoming involved in personal relationships with students and scholars when such relationships might result in either the appearance or the fact of undue influence being exercised on the making of professional judgments.

23. Disclosure of Personal Interest/Consulting Abroad**Scenario**

An American university enters into an agreement to offer a study abroad program on the campus of a Peruvian university. The program's resident director, a full-time tenured faculty member at the American university, divides her time each year between teaching on the home campus and managing the program in Peru. She also receives an annual consulting fee of \$7,000 from the Peruvian university for program development in American Studies. She asserts that this work is done in her home and does not interfere with her duties at the American university.

Question

Is it a breach of ethics for the study abroad program's resident director to receive compensation from the Peruvian university?

Answer

Unclear. It depends on the home university's policy on disclosure. If there is no conflict of interest and the university allows for outside work of this type, then she is justified in accepting the additional work.

NAFSA's Statement of Ethical Principles Reference

The following are the most applicable provisions of the Statement:

NAFSA Members Have a Responsibility To:

- a. Maintain high standards of professional conduct.
- b. Balance the wants, needs, and requirements of program participants, institutional policies, laws, and sponsors. Members' ultimate concern must be the long-term well-being of international educational exchange programs and participants.
- c. Resist pressures (personal, social, organizational, financial, and political) to use their influence inappropriately and refuse to allow considerations of self-aggrandizement or personal gain to influence their professional judgments.
- d. Seek appropriate guidance and direction when faced with ethical dilemmas.

24 Providing Leader's Spouse with Benefits Abroad

Scenario

Fifty American students participate annually in a study abroad program at a Russian university. The American university provides transportation and lodging for the program leader's wife, whose responsibilities to the project are outlined in the program description.

Question

Does the provision of transportation and lodging for the spouse constitute a breach of ethics?

Answer

No. Provided the spouse's duties are clearly defined in the program description, no violation has occurred.

NAFSA's Statement of Ethical Principles Reference

The following are most applicable provision of the statement:

In Administering Programs, Members Shall:

- a. Clearly and accurately represent the identity of the organization and the goals, capabilities, and costs of programs.
- b. Recruit individuals, paid and unpaid, who are qualified to offer the instruction or services promised, train and supervise them responsibly, and assure by means of regular evaluation that they are performing acceptably and that the overall program is meeting its professed goals.

25. Third-Party Recruiters

Scenario

The president of a small, moderately selective liberal arts college informs the director of the international programs office that discussions have taken place with an agent who claims to be able to recruit twenty qualified international students per year for the school. The president is convinced that the agent's extensive experience as a high school counselor gives him a keen understanding of the needs of international students. He further believes that a contract with the agent will assist the college in addressing its current fiscal dilemma. The director of the IPO, who has had prior dealings with the agent, speaks candidly to the president about the agent's unscrupulous behavior. Chief among his concerns are incidents of the agent's having lied about educational opportunities in the United States, having misrepresented program costs, and having overstated availability of scholarships for international students. Since a memorandum of understanding has already been signed, the president decided to proceed with a contractual agreement. "We can try this out and see what the bottom line is next year," he says.

Question

Has the college violated the Statement by entering into a contractual relationship with the third-party recruiter?

Answer

Unclear. The college has a responsibility to students (prospective and current), faculty, staff, and alumni to investigate the background of third-party recruiters. Furthermore, safeguards should be established to ensure that any individual engaging in recruitment activities provides an accurate portrayal of the college and its programs.

NAFSA's Statement of Ethical Principles References

The following are the most applicable provisions of the Statement:

1. NAFSA Members Have A Responsibility To:
Seek appropriate guidance and direction when faced with ethical dilemmas.
2. In Their Professional Preparation and Development, Members Shall:
 - a. Accurately represent their areas of competence, education, training, and experience.
 - b. Recognize the limits of their expertise and confine themselves to performing duties for which they are properly educated, trained, and qualified, making referrals when situations are outside their area of competence.

3. In Administering Programs, Members Shall:

Strive to ensure that the practices of those with whom one contracts do conform with NAFSA's Statement of Ethical Principles and the Principles for International Educational Exchange.

26. Immigration Issues

Scenario

Despite the fact that he has resources to fly home for summer vacations and drive to ski resorts during winter and spring breaks in his late-model sports car, a sophomore international student has a history of late payment of university tuition. In addition, his records note that in the past he has misrepresented the facts in order to obtain a loan through the foreign student advisor. With current tuition three months past due, the financial officer sends a notice requesting immediate payment. At the same time, he informs the student that he will not be allowed to attend classes next semester unless tuition is paid in advance.

Learning of the necessity for prepaying next semester's tuition, the student presents—for the signature of the FSA—an I-20 form from a very expensive private institution. Fearing that the student will transfer without fulfilling his financial obligations, the FSA, with full support of the financial officer and the vice-president of student affairs, refuses to provide the signature for transfer until the student clears his account.

Question

Can university officials refuse to endorse a student's I-20 for transfer because the student has failed to meet his financial obligations?

Answer

No. The signature may not be withheld because the student has not paid and will not, in all likelihood, pay in the future.

NAFSA's Statement of Ethical Principles Reference

The following are most applicable provisions of the Statement:

In Relationships with Students, Scholars, and Others, Members Shall:

- a. Demonstrate awareness of, sensitivity to, and respect for other educational systems, values, beliefs, and cultures.
- b. Refrain from invoking governmental or institutional regulations in order to intimidate participants in matters not related to their status.

27. Confidentiality

Scenario

A foreign student is funded by an agency in his country for study in a U.S. university. An agreement signed by the student, the sponsor, and a university official clearly states that the student is not to marry during his program of study in the U.S. It further states that the sponsor is to be notified in the event that the student does marry. During the second year of his program, the student marries a U.S. citizen.

Question

Is the foreign student advisor expected to notify the sponsoring agency of the marriage?

Answer

Yes. The FSA must notify the sponsoring agency of the marriage. The signed agreement takes precedence over confidentiality in this situation.

NAFSA's Statement of Ethical Principles Reference

The following are the most applicable provisions of the Statement:

In Relationships with Students, Scholars, and Others, Members Shall:

Maintain the confidentiality, integrity, and security of participants' records and of all communications with program participants. Members shall secure permission of the individuals before sharing information with others inside or outside the organization, unless disclosure is authorized by law or institutional policy or is mandated by previous arrangement.

28. Making Referrals

Scenario

A Muslim student confides in the director of the university's intensive English program that she is pregnant. Faced with guilt and indecision, the student seeks the director's advice on abortion. Although the director declines to offer advice on the issue of morality, she does encourage the student consider the implications of her actions and the effects they could have on her within the Islamic community both at the university and in her home country. In addition, she provides a list of agencies which provide therapeutic abortions as well as those which offer counseling and alternatives to abortion. When the student proceeds with an abortion and medical complications require that she return home, she is faced with religious persecution and is considered an outcast. Her parents blame the university and the IEP director for their daughter's abortion and subsequent medical complications.

Question

Did the IEP director act appropriately in this situation?

Answer

Yes. It is appropriate for the director to provide the student with a list of agencies offering counseling for unplanned pregnancies as well as clinics providing abortions. Further, the director's refusal to respond with personal advice or opinion is appropriate.

NAFSA's Statement of Ethical Principles Reference

The following are the most applicable provisions of the Statement:

1. In Their Professional Preparation and Development, Members Shall:
 - a. Accurately represent their areas of competence, education, training, and experience.
 - b. Stay abreast of laws and regulations that affect their clients.

2. In Relationships with Students, Scholars, and Others, Members Shall:
Provide accurate, complete, current, and unbiased information.

29. Professional Conduct**Scenario**

Shortly before retiring, the foreign student advisor sends a memo to the vice-president suggesting revisions to the FSA position description. In addition, she recommends enhancing qualifications as well as increasing the salary for the position. When the vice-president subsequently upgrades his secretary to foreign student advisor, the retired FSA writes to the president of the college and the president of the International Student Association as well as the campus and community newspapers. In her letters, she alleges that the vice-president is more interested in the tuition generated by international students than in the students themselves.

Question

- a. Is it appropriate for the vice-president to upgrade his secretary to FSA?
- b. Do the FSA's allegations and letter writing campaign represent a compromise in professional conduct?

Answer

- a. Unclear. Unless the vice-president appoints someone who is unqualified or unless s/he is unwilling to provide appropriate training and supervision (neither of which can be determined from these facts), there is no violation.
- b. Yes. The FSA has violated the Statement by writing to third parties regarding her perception of the vice-president's actions.

NAFSA's Statement of Ethical Principles Reference

The following are the most applicable provisions of the Statement:

1. In Professional Relationships, Members Shall:

- a. Show respect for the diversity of viewpoints among colleagues, just as they show respect for the diversity of viewpoints among their clients.
- b. Refrain from unjustified or unseemly criticism of fellow members, other programs, and other organizations.

2. In Administering Programs, Members Shall:

Recruit individuals, paid and unpaid, who are qualified to offer the instruction or services promised, train and supervise them responsibly, and assure by means of regular evaluation that they are performing acceptably and that the overall program is meeting its professed goals.

3. In Making Public Statements, Members Shall:

Clearly distinguish, in both written and oral public statements, between their personal opinions and those opinions representing NAFSA, their own institutions, or other organizations.

30. Erroneous Notification of Scholarship

Scenario

An international student receives notice of her admission to a college in the United States. In an effort to be efficient and personal, the college counselor calls the guidance counselor at the young lady's high school to relay good news about an award of financial aid. The guidance counselor is informed that the student has been awarded a full scholarship, to include room, board, tuition, and fees.

Realizing the next day that a mistake has been made, the admissions officer immediately calls to inform the counselor that, since the scholarship is restricted to students with demonstrated need and since the parents are clearly able to provide a good portion of all expenses, the scholarship is being modified to cover half of the student's expenses.

Question

Was it unethical for the admission officer to change the award once the offer had been made?

Answer

No. The admissions officer immediately acknowledged his error and made the correction before the student took action on the mistaken information. It is not unethical to make a mistake and rectify it.

NAFSA's Statement of Ethical Principles References

The following is the most applicable provision of the Statement:

In Relationships with Students, Scholars, and Others, Members Shall:
Provide accurate, complete, current, and unbiased information.

31. Admission of Sibling

Scenario

An international student, admitted to a U.S. college because of his high academic achievement and his status as a top-rated soccer player, experiences considerable difficulties in meeting his financial obligations even though he has substantial financial assistance from the school. Over the course of his studies at the school, his continued enrollment has repeatedly been threatened by his inability to pay his bills.

When his younger brother, another high academic achiever but not an athletic prospect, seeks admission, he is denied because of the continued financial problems associated with the enrollment of his older brother.

Question

Is it a violation to deny admission to the younger brother because his parents have already proven themselves to be less than reliable in meeting their financial obligations for their older son?

Answer

No. It is not a violation to deny admission based upon a family's history of not fulfilling its financial obligations in a timely fashion. Rather than deny admission, it would be preferable to indicate that the student is academically eligible but that the standards of financial documentation for issuance of an I-20 have not been met. In this way, the family is given the opportunity to submit supplementary financial documentation.

NAFSA's Statement of Ethical Principles Reference

The following is the most applicable provision of the Statement:

In Administering Programs, Members Shall:

Strive to establish standards, activities, instruction, and fee structures that are appropriate and responsive to participant needs.

32. Parent Seeks Visa Denial

Scenario

The USIS officer in an advising center abroad receives a call from the father of an international applicant to a U.S. university. The father states that his son has received an I-20 and will soon be applying for a student visa. The father, who is willing and able to pay for his son's education, is concerned because his son has informed him that he has no intention of enrolling at the school upon arrival in the U.S. Having clearly stated his intention to work in the United States, the son has informed his father that, if he is made to attend the university, he will bring dishonor on the family by breaking U.S. law. In light of these circumstances, the father asks that his son's visa application be denied.

Question

Is it ethical for the USIS advisor to intervene on the father's behalf and deny the issuance of the visa?

Answer

No. This is a family matter in which the advisor has no role.

NAFSA's Statement of Ethical Principles Reference

The following are the most applicable provision of the Statement:

In Relationships with Students, Scholars, and Others, Members Shall:
Maintain the confidentiality, integrity, and security of participants' records and of all communications with program participants. Members shall secure permission of the individuals before sharing information with others inside or outside the organization, unless disclosure is authorized by law or institutional policy or is mandated by previous arrangement.

33. Referral to Previous Adviser**Scenario**

An international graduate student seeks advice from the international student adviser about working off campus. Dissatisfied with the information she receives, she contacts her former international student adviser, who, informing her that the new international student adviser has given incorrect information, proceeds to offer different advice.

Question

Did the former international student adviser act appropriately?

Answer

No. The adviser should have referred the student back to the adviser at the school where she was currently enrolled and should not have criticized the other adviser.

NAFSA's Statement of Ethical Principles Reference

The following are the most applicable provisions of the Statement:

1. NAFSA Members Have a Responsibility to:
Make every effort to ensure that their services are offered only to individuals and organizations with a legitimate claim on these services.
2. In Professional Relationships, Members Shall:
Refrain from unjustified or unseemly criticism of fellow members, other programs, and other organizations.

34. Income from Vendor

Scenario

A well-regarded travel agency offers a university study abroad office a percentage of each student or staff purchase which lists that office's Statement number obtained from flyers posted on campus. The study abroad office uses the money collected from the travel agency to provide services (e.g., refreshments for orientation, welcome reception for returning students, etc.) they otherwise could not afford, crediting the travel agency as the sponsor of the activities.

Question

Is acceptance of this offer by the study abroad office a violation of the code?

Answer

No. No violation has occurred as long as office staff members do not place undue pressure on students to utilize the travel agency in question and do not permit the support to cloud their judgment in selecting travel providers for university staff.

NAFSA's Statement of Ethical Principles Reference

The following are most applicable provisions of the Statement:

1. NAFSA Members Have a Responsibility To:

- a. Balance the wants, needs, and requirements of program participants, institutional policies, laws, and sponsors. Members' ultimate concern must be the long-term well-being of international educational exchange programs and participants.
- b. Resist pressures (personal, social, organizational, financial, and political) to use their influence inappropriately and refuse to allow self-aggrandizement or personal gain to influence their professional judgments.

2. In Administering Programs, Members Shall:

Strive to ensure that the practices of those with whom one contracts do conform with NAFSA's Statement of Ethical Principles and the Principles for International Educational Exchange

3. In Making Public Statements, Members Shall:

Provide accurate, complete, current, and unbiased information.

35. Non-member Violations

Scenario

The leader of an independent religious group, not affiliated with NAFSA in any capacity, begins to attend meetings and activities for the express purpose of securing names and addresses of international students. When asked to discontinue this practice, he begins distributing his literature outside the buildings where the activities are held. Without clearly identifying his group's mission, he recruits students and subsequently touts their involvement in his program.

Question

Has the leader of the religious group violated NAFSA's Statement of Ethical Principles?

Answer

As a non-member, this person is not subject to NAFSA's Statement of Ethical Principles, and NAFSA has no authority to pursue a course of action against him. Under the circumstances, however, the local foreign student adviser (FSA) may offer to meet with the leader to discuss his inappropriate conduct and may refuse to distribute materials provided by this individual. The FSA may also want to consult with the campus ministers, group, the campus police, and the student affairs staff regarding such activities. The FSA may also wish to educate students regarding ways of recognizing and resisting the overtures of those who exert undue pressure on students to participate in their activities without clearly defining their intent.

NAFSA's Statement of Ethical Principles Reference

The following are the most applicable provisions of the Statement:

1. In Relationships with Students, Scholars, and Others, Members Shall:
 - a. Not exploit, threaten, coerce, or sexually harass others.
 - b. Maintain the confidentiality, integrity, and security of participants. Record all communications with program participants. Members shall secure permission of the individuals before sharing information with others inside or outside the organization, unless disclosure is authorized by law or institutional policy or is mandated by previous arrangement.

2. In Administering Programs, Members Shall:
 - a. Clearly and accurately represent the identity of the organization and the goals, capabilities, and costs of programs.
 - b. Provide adequate orientation and training for volunteers.

36. Romantic Involvement Between Teacher and Student

Scenario

Desiring to improve his English proficiency for business purposes, a mid-career professional from Colombia enrolls in an intensive English program (IEP) on a U.S. campus. What begins as a series of evening cultural enrichment events for program students develops quickly into a romantic relationship between the Colombian professional and one of his teachers. When cautioned by the director about the relationship, the faculty member asserts that his/her behavior is acceptable in this instance because the student is "mature" and has no intention of becoming a university student.

Question

Is the English teacher's involvement with this individual in violation of the code?

Answer

Yes. Even though the professional has no intention of enrolling in an academic program, he is a student in the IEP. Romantic relationships between teachers and students should be avoided.

NAFSA's Statement of Ethical Principles References

The following is the most applicable provision of the Statement:

In Relationships with Students, Scholars, and Others Members Shall:
Refrain from becoming involved in personal relationships with students and scholars when such relationships might result in either the appearance or the fact of undue influence being exercised on the making of professional judgments.

37. Using Fees for Study Abroad Scholarships

Scenario

The director of study abroad raises each participant's costs by \$100, using the extra money to establish a scholarship fund to assist needy students.

Question

Is it a violation for the study abroad office to charge an administrative fee to cover expenses of general study abroad overhead, including scholarships?

Answer:

No. It would be a violation, however, to collect such funds from students participating in the program if the scholarship awards were limited to students in another program.

NAFSA's Statement of Ethical Principles Reference

The following are the most applicable provisions of the Statement.

1. NAFSA Members Have a Responsibility To:

Balance the wants, needs, and requirements of program participants, institutional policies, laws, and sponsors. Members' ultimate concern must be the long-term well-being of international educational exchange programs and participants.

2. In Administering Programs, Members Shall:

- a. Clearly and accurately represent the identity of the organization and the goals, capabilities, and costs of programs.
- b. Strive to establish standards, activities, instruction, and fee structures that are appropriate and responsive to participant needs.

38. Community Recruitment of Student Workers

Scenario

A NAFSA member of a community organization is responsible for training missionaries from his church. Since he wants the future missionaries to learn the language and culture of the assigned country, he invites international students to teach classes for pay at the church. Upon learning of the plan, the foreign student advisor informs the NAFSA member it is illegal for international students to work off campus without permission. In response to this news, the NAFSA member informs the students that he did not understand the law. He tells them that if they want to please God, they should teach the classes without financial remuneration.

Question

Are the actions of the community member appropriate?

Answer

No. The member of the community organization has coerced the international students to teach the language classes by implying that harm may befall them if they don't cooperate.

NAFSA's Statement of Ethical Principles

The following are the most applicable provisions of the Statement.

In Relationships with Students, Scholars, And Others, Members Shall:

Not exploit, threaten, coerce, or sexually harass others.

39. Assisting Spouse

Scenario

The holder of an F-2 visa has been admitted and issued form I-20 by University A. The F-2 visa holder requests the assistance of University A's Foreign Student Advisor in completing an application to change to F-1 status. She confides that her husband is opposed to her getting F-1 status.

Question

Should the Foreign Student Advisor help the woman against the wishes of her husband?

Answer

Yes. Regardless of the husband's wishes, the FSA should assist the woman in completing her application for a change in visa classification.

NAFSA's Statement of Ethical Principles Reference

The following are the most applicable provisions in the Statement:

In Relationships with Students, Scholars, and Others, Members Shall:

- a. Understand and protect the civil and human rights of all individuals.
- b. Inform participants of their rights and responsibilities in the context of the institution and the community.
- c. Provide accurate, complete, current, and unbiased information.

40. An Issue of Expense**Scenario**

A student has received a government scholarship that will cover the complete cost (as stated on the I-20 form) of the students' education for two and a half years.

The student has asked the admissions advisor to issue an I-20 showing his expenses to be considerably higher than the amount normally quoted. He argues that the current amounts are based on dormitory living and it is his intent to commute and live in one of the upscale high rises in the city.

Question

Should the advisor issue a special I-20 reflecting the amounts the student has requested?

Answer

No. The I-20 should reflect a reasonable estimate of the student's expenses for one academic year.

NAFSA's Statement of Ethical Principles Reference

The following is the most applicable provision in the Statement:

1. In Relationships with Students, Scholars, and Others, Members Shall:
Provide accurate, complete, current, and unbiased information.

2. In Administering Programs, Members Shall:
Clearly and accurately represent the identity of the organization and the goals, capabilities, and costs of programs.

41. Graduating Senior

Scenario

A student erroneously received an approval for her application for graduation. Two weeks before graduation the student was contacted by the Records and Registration Office, informing her that an error had been made and that she needed six additional hours of elective credit to graduate. Citing special circumstances, the Dean of the student's college requested that the admissions officer grant credit for foreign course work taken at a college that the university did not allow credits from. The admissions officer denied the Dean's request.

Question

Did the admissions officer act appropriately?

Answer

Yes. It is inappropriate for the Dean to bypass the proper channels for having credits allowed under special circumstances.

NAFSA's Statement of Ethical Principles References

The following are the most applicable provisions in the Statement:

1. NAFSA Members Have A Responsibility To:
 - a. Seek appropriate guidance and direction when faced with ethical dilemmas.
 - b. Make every effort to ensure that their services are offered only to individuals and organizations with a legitimate claim on these services.

2. In Their Professional Preparation and Development, Members Shall:
Recognize the limits of their expertise and confine themselves to performing referrals when situations are outside their area of competence.

42. Marketing Intensive English programs (IEPs) and Use of Photographs

Scenario

An administrator of an urban intensive English Program (IEP) is revising the brochure for the IEP. In looking over possible photos, she chooses one of a local university campus. The photo seems particularly good in setting the tone she wants. She decides to use the photo even though her IEP is not located on the campus. The institution's name is not in the photo and no statement that the IEP is located on the campus will be made in the brochure. It is, however, obvious to those familiar with the area where the photo was taken.

Question

Is the administrator acting ethically in using this photo in her IEP brochure?

Answer

No. Using a photo of another campus that can be easily recognized is misleading.

NAFSA’s Statement of Ethical Principles References

The following are the most applicable provisions in the Statement:

1. NAFSA Members Have a Responsibility to:
Maintain high standards of professional conduct.

2. In Making Public Statements, Members Shall:
Provide accurate, complete, current, and unbiased information.

43. Class Size in Intensive English Programs (IEPs)

Scenario

A group of IEP students complain to the administrator that their class is too large as it has sixteen students. They ask that the class be split into two classes. They argue that some of the other classes have 12 or fewer students and no class has more than 15 students except theirs. The IEP administrator listens carefully and seriously considers their request. She decides not to split the class. She explains that a class with 16 students can provide students individual attention and practice using English. In addition, she explains that the IEP promotional literature states that IEP classes will be small, with an average of 15 students.

Question

Did the IEP administrator act appropriately in keeping the class with 16 students?

Answer

Yes. The administrator has abided by the published promotional literature and does not feel the class size is detrimental to the students’ acquiring English skills.

NAFSA’s Statement of Ethical Principles Reference

The following is the most applicable provision in the Statement:

In Administering Programs, Members Shall:
Clearly and accurately represent the identity of the organization and the goals, capabilities, and costs of programs.

44. The SEVP (CIPRIS) Program

Scenario

International Student Advisors (ISAs) in a major metropolitan area meet regularly for their professional development. In their most recent meeting, the discussion turned to the SEVP (Student and Scholar Exchange Visitor Program). SEVP, previously known as CIPRIS, is

the program launched recently by the DHS to provide more complete and accurate tracking of foreign students.

Several individuals expressed the opinion that several proposed parts of the program (e.g., collecting a fee, reporting reductions in course load, and direct reporting to INS) are unethical. The group discussed the matter further and passed a resolution asking NAFSA to investigate this violation of NAFSA's Statement of Ethical Principles.

Question

Is this an appropriate remedy for the ISAs to propose?

Answer

No. The NAFSA NAFSA's Statement of Ethical Principles does not apply to institutions or government agencies. The Statement applies only to individual members-of-record of the Association. Members may legitimately feel that a particular regulation or institution is unethical. These feelings can (and should) be expressed in a variety of ways such as through INTER-L discussions, letters to institutions/agencies, letters or meetings with government officials, discussions with NAFSA leaders, and resolutions presented at NAFSA Business Meetings. However, NAFSA's Statement of Ethical Principles is intended only to provide professional behavior guidelines for individuals in the profession of international education.

44. Enrollment Verification

Scenario

During the early registration period for the upcoming semester, an international student meets with his International Student Advisor (ISA). The student explains that he does not have the money to register at this time; he needs to obtain funds from his home country. Unfortunately, he cannot obtain funds from home until he can show proof that he has actually registered for the upcoming semester. The University requires full payment of tuition within 48 hours or registration is cancelled.

The student requests a letter to verify enrollment for the following semester in order to secure the funds from home. He indicates that if he is unable to get this letter, he will not be able to attend classes next semester and will not receive any funds for living expenses. He promises to register and pay as soon as he gets his funds from home.

Given the difficult situation of the student and his earnest promise to register, the ISA agrees to prepare a letter to verify enrollment for the following semester.

Question

Should the ISA have issued the letter to verify enrollment?

Answer

No. It is not appropriate to issue such a letter, despite the plight of the student. The institution’s policy of not permitting registration without payment would not justify the decision to provide the letter. Instead the ISA might have helped the student to explore other alternatives to secure funds for the initial tuition payment (e.g., emergency loan program or borrowing from friends). In addition, the ISA may decide to advocate for a more flexible registration and tuition payment policy.

NAFSA’s Statement of Ethical Principles References

The following are the most applicable provisions in the Statement:

1. NAFSA Members Have a Responsibility to:
Balance the wants, needs, and requirements of program participants, institutional policies, laws, and sponsors. Members’ ultimate concern must be the long-term well-being of international educational exchange programs and participants.

2. In Relationships with Students, Scholars, and Others, Members Shall:
Respond to inquiries fairly, equitably, and professionally.

45. Program Flyers

Scenario

The coordinator for programs at the community college developed a fall welcome supper in conjunction with a local church. He posted flyers around campus inviting new international students to attend the church supper with “Bible Study to Follow.”

Question

Did the coordinator violate NAFSA’s Statement of Ethical Principles?

Answer

No. He clearly identified the nature of the program, the activity, and the sponsoring organization.

NAFSA’s Statement of Ethical Principles Reference

The following is the most applicable provision in the Statement:

In Administering Programs, Members Shall:
Clearly and accurately represent the identity of the organization and the goals, capabilities, and costs of programs.

46. Controversial Speaker

Scenario

The program coordinator for the university invited a well-known feminist to be part of the celebration of Women's History Month. During the speaker's presentation, she made negative references to the Muslim religion and its treatment of women. Two international students, angered by the remarks, went to the president's office to complain about the program's insensitivity to their religious faith.

Question

Did the program coordinator violate NAFSA's Statement of Ethical Principles?

Answer

No. The programmer is not responsible for the speaker's comments. International students should be advised that they can expect divergent opinions. Additionally, the right to free speech in the United States allows individuals to make comments that others may find objectionable.

NAFSA's Statement of Ethical Principles References

In Relationships with Students, Scholars, and Others, Members Shall:
Understand and protect the civil and human rights of all individuals.

47. Short Term Program Leaders

Scenario

A study abroad administrator organizes May term trips abroad led by faculty. Over 200 students participate each year. Some of the trips are service oriented while others are educational tours. Faculties are invited to propose tours and to recruit students if the proposal is approved. Proposals from faculty with minimal overseas travel and no group leadership experience are routinely approved. No training is required for faculty leading the programs.

Question

Is the administrator operating ethically in offering these tours?

Answer

No. NAFSA's Statement of Ethical Principles stipulates that qualified individuals be recruited to provide program leadership and that appropriate training and evaluation be given to individuals involved with such programs. If there are no criteria for selection of leaders and no training or evaluation, the activity is a violation of the Statement.

NAFSA's Statement of Ethical Principles Reference

The following is the most applicable provision in the Statement:

In Administering Programs, Members Shall:
Recruit individuals, paid and unpaid, who are qualified to offer the instruction or services promised, train and supervise them responsibly, and assure by means of regular evaluation that they are performing acceptably and that the overall program is meeting its professed goals.

48. Student Disciplinary Records

Scenario

Several students participating in study abroad programs behave inappropriately in the host country. Upon investigation, the study abroad program provider and other college personnel learn that these students had been subject to disciplinary action on the home campus for similar behavior. Therefore, the university/college decides to require that information about disciplinary actions on campus be included in the study abroad application. Students are advised of this requirement in the program materials.

Question

Is this new requirement a violation of NAFSA's Statement of Ethical Principles?

Answer

No. It is not a violation of the Statement if there is a previous arrangement and students are informed of the policy before applying.

NAFSA's Statement of Ethical Principles Reference

The following is the most applicable provision in the Statement:

In Relationships with Students, Scholars, And Others, Members Shall:
Maintain the confidentiality, integrity, and security of student records and of all communications with program participants. Members shall secure permission of the individuals before sharing information with others inside or outside the organization, unless disclosure is authorized by law or institutional policy or is mandated by previous arrangement.

49. Student Academic Probation

Scenario

A student is approved by her school to study abroad through another institution and is accepted by that institution's study abroad office. Following the approval but prior to her planned period of study abroad, she is placed on academic probation at her school. Her study abroad advisor revokes the approval and informs the other institution that the home school will not allow the transfer of either financial aid or any credit earned while the student is abroad.

Question

Did the home school's study abroad advisor act ethically in revoking its decision and in sending new information to the other institution?

Answer

Yes. Even after acceptance, it is appropriate to consider new information that has a bearing on a student's eligibility to participate in a program. Academic or even discipline-related information of this nature may be shared, but only among administrators at both institutions who have a need to know; it falls within the guidelines set by the Family Educational Rights and Privacy Act.

Policies at both institutions should be clear about what constitutes eligibility for a given program, providing as well a clear statement about the uses of information that comes to light after a student's acceptance.

NAFSA's Statement of Ethical Principles References

The following are the most applicable provisions of the Statement:

1. NAFSA Members Have a Responsibility To:

Make every effort to ensure that their services are offered only to individuals and organizations with a legitimate claim on these services.

2. In Relationships with Students, Scholars, and Others, Members Shall:

a. Maintain the confidentiality, integrity, and security of participants' records and of all communications with program participants. Members shall secure permission of the individuals before sharing with others inside or outside the organization, unless disclosure is authorized by law or institutional policy or is mandated by previous arrangement.

b. Provide accurate, complete, current, and unbiased information.

3. In Professional Relationships, Members Shall:

Uphold agreements when participating in joint activities and give due credit to collaborators for their contributions.

50. Financial Problem or Not?

Scenario

The International Student Office at a large public university manages a small "tuition waiver" program for international students with serious financial need. Students submit an application form, which is reviewed by a staff committee each semester.

One of the waiver recipients for this particular semester is a young woman well known to the International Student Office. She served as a volunteer during International Student Orientation. During the course of an advising session on another matter, the student shared with her International Student Advisor that her family was insisting that she transfer to a nearby private university. The student, who wanted to remain at her current

institution, was struggling with this issue. She also shared that her parents would be paying tuition at the private university, well known to be a very expensive institution.

After listening to the student, the International Student Advisor informed the student that if family money could be found to pay tuition at a private university, then certainly the student did not have need for a tuition waiver at her current, much less costly, public institution. The Advisor explained that she would arrange to cancel the tuition waiver and the student would be billed for the full cost of tuition.

Question

Did the International Student Advisor act ethically?

Answer

No. The Advisor made a decision without sufficient information and without consulting with the committee that makes the awards. The advisor has damaged her trusted advising relationship with the student by making this quick decision. Perhaps the student's situation has changed. The student should have an opportunity to present her response to any challenge of her financial situation, if that is the decision of the committee. Also, the waiver application form and process should be reviewed to determine that fair, unbiased decisions are made by the committee and that student applicants are required to present support and documentation of their financial need.

NAFSA's Statement of Ethical Principles References

The following are the most applicable sections of the Statement:

NAFSA Members Have a Responsibility to:

1. Seek appropriate guidance and direction when faced with ethical dilemmas.

2. In Relationships with Students, Scholars, and Others, Members Shall:
 - a. Inform participants of their rights and responsibilities in the context of the institution and the community.
 - b. Provide accurate, complete, current, and unbiased information.

51. Student Complaints Regarding Course Content in Intensive English Program

Scenario

In a U.S. culture class in an intensive English program, students vote on various topics that they want to cover in the class. One of the winning topics is homosexuality. During the ten days that students study this topic, they hear guest speakers representing the gay community, take a field trip to a lesbian bookstore, read selections written on gay issues, and watch a Hollywood film on the theme. In the middle of the unit, two students say that they are so offended that they cannot continue attending the class. The director listens carefully and gives them alternative options such as attending another class at the same level or attending one that is higher or lower than their level. The students choose not to

come to class and at the end of the ten days demand a refund for the tuition for the week they missed. The director denies their request for a refund.

Question

Did the director act ethically in denying their request for a refund?

Answer

Yes. The director was sensitive to their concerns and provided alternatives to the class that the students found objectionable. The students chose not to attend class. In addition, the director recognized the interests and rights of the faculty member and other students in the class to choose topics of interest.

NAFSA’s Statement of Ethical Principles References

The following are the most applicable provisions of the Statement:

1. NAFSA Members have a responsibility to:
 - a. Maintain high standards of professional conduct.
 - b. Balance the wants, needs, and requirements of program participants, institutional policies, laws, and sponsors. Members' ultimate concern must be the long-term well-being of international educational exchange programs and participants.

2. In relationships with students, scholars, and others members shall:
 - a. Demonstrate awareness of, sensitivity to, and respect for other educational systems, values, beliefs, and cultures.
 - b. Respond to inquiries fairly, equitably, and professionally.

52. Firing a Volunteer

Scenario

For a number of years, a dedicated volunteer at an international student office has devoted many hours assisting office staff and international students, willingly doing anything asked of her by the staff. Recently, however, the volunteer has been consistently responding to international students in an arrogant, belligerent, and often condescending manner which could be construed as rude and insensitive. A couple of students have commented about her inappropriate behavior. The volunteer has also not been completing some of the volunteer responsibilities as agreed.

Question

Should the office staff terminate her volunteer service?

Answer

Not immediately. The staff members should meet with her individually first to discuss her inappropriate behavior and remind her of the volunteer orientation in which volunteers are trained to treat students and scholars with respect and sensitivity. If her

behavior persists, then she may be asked to cease her volunteer duties.

NAFSA's Statement of Ethical Principles References

The following are the most applicable provisions of the Statement:

1. In Relationships with Students, Scholars, and Others Members Shall:
 - a. Recognize their own cultural and value orientations and be aware of how those orientations affect their interactions with people from other cultures.
 - b. Demonstrate awareness of, sensitivity to, and respect for other educational systems, values, beliefs, and cultures.
2. In Administering Programs, Members Shall:
Provide appropriate orientation, materials, and on-going guidance for participants.

53. Guaranteed University Admission

Scenario

A for-profit consultancy company abroad guarantees admissions into the U.S. colleges and universities which it represents. The company charges \$750 per client and advertises its services extensively in print and broadcast media. An adviser at a non-profit center in the same country discovers only a handful of the schools represented by the consultancy company are accredited. No company employee is a member of NAFSA.

When students inquire at the non-profit center about the company and its guaranteed admission, the educational adviser counsels them to use the center's free resources, make their own decision about signing up with the consultancy company, and keep her informed on the progress of their applications.

Question

Is this advice ethical and appropriate? What should educational advisers do when asked about a private consultancy firm?

Answer

The adviser's actions were ethical. As a professional, an adviser's actions should be based on informed decisions, and it is important to give unbiased information. It also helps to seek the opinion of colleagues and NAFSA.

NAFSA's Statement of Ethical Principles References

The following are the most applicable provisions of the Statement:

1. NAFSA Members Have a Responsibility to:
Seek appropriate guidance and direction when faced with ethical dilemmas.
2. In Relationships with Students, Scholars, and Others Members Shall:

- a. Inform participants of their rights and responsibilities in the context of the institution and the community.
- b. Respond to inquiries fairly, equitably, and professionally.
- c. Provide accurate, complete, current and unbiased information.

54. Admitting Students from an Unaccredited School

Scenario

An undergraduate dean on leave from his US university agrees to assist in developing a two-year private institution abroad, patterned after junior colleges in the United States. The new institution fails to receive recognition, either from the appropriate national agency or from one of the regional accreditation associations in the United States. The dean, now back at work at his university, learns that students are unable to transfer credit from the new institution or gain US university admission due to the lack of accreditation. The dean instructs his school's admissions office to admit such students and accept credit for their coursework, since he can vouch for the quality of the two-year institution.

Question

Should the admissions office ignore established policies and accept students from this college based on the dean's recommendation?

Answer

It depends. If the dean has the authority to make this type of exception, then such students can be accepted and their credit transferred. If the dean has no such authority, the admissions office should not accept his recommendation.

NAFSA's Statement of Ethical Principles References

The following are the most applicable provisions of the Statement.

1. NAFSA Members Have a Responsibility to:

- a. Balance the wants, needs, and requirements of program participants, institutional policies, laws, and sponsors. Members' ultimate concern must be the long-term well-being of international educational exchange programs and participants.
- b. Resist pressures (personal, social, organizational, financial, and political) to use their influence inappropriately and refuse to allow self-aggrandizement or personal gain to influence their professional judgments.

2. In Their Professional Preparation and Development, Members Shall:

- a. Accurately represent their areas of competence, education, training, and experience.
- b. Recognize the limits of their expertise and confine themselves to performing duties for which they are properly educated, trained, and qualified, making referrals when situations are outside their area of competence.

3. In Relationships with Students, Scholars, and Others Members Shall:

- a. Respond to inquiries fairly, equitably, and professionally.
- b. Provide accurate, complete, current, and unbiased information.

55. Unpaid Professional (Volunteer Support)

Scenario

An unpaid professional volunteer many hours each week in an international office at the local university in a position once filled by a paid staff member. The office provides this person with minimal support: For example, while there is an office space for this volunteer to work, he is given the oldest computer in the office. There is no funding support from the office to attend international education conferences or other professional development opportunities and this unpaid professional is not included in staff meetings, staff training opportunities, or staff evaluations.

Question

Is the level of office support commensurate with the duties and responsibilities of the professional, paid or unpaid? Is the office obligated to provide support to the unpaid professionals?

Answer

No, the level of office support is not commensurate to the duties and responsibilities fulfilled by this unpaid professional. Yes, the office is obligated to provide support.

NAFSA's Statement of Ethical Principles References

The following is the most applicable provisions of the Statement:

In Administering Programs, Members Shall:

- a. Recruit individuals, paid and unpaid, who are qualified to offer the instruction or services promised, train and supervise them responsibly, and assure by means of regular evaluation that they are performing acceptably and that the overall program is meeting its professed goals.
- b. Encourage and support participation in professional development activities.
- c. Provide appropriate orientation, materials, and on-going guidance for participants.
- d. Strive to ensure that the practices of those with whom one contracts do conform with NAFSA's Statement of Ethical Principles and the Principles for International Educational Exchange.

56. Volunteer Behavior

Scenario

A community volunteer who is an active participant in an international spouses' group sponsored by the international office, invites a few of the women to her house for a potluck lunch. After lunch, she takes them into her living room where tables are set up with merchandise. She proceeds to do her sales pitch. The international student spouses feel awkward as well as obligated to their hostess, but do not want to purchase her products. Later, the spouses share this situation and their concerns with staff members in the international student office.

Question

Did this volunteer violate the NAFSA NAFSA's Statement of Ethical Principles? How should the international office respond to this active and valued volunteer without alienating her?

Answer

No, as a non-member and as an entirely personal action on the part of this volunteer, this person is not directly subject to NAFSA's Statement of Ethical Principles. Under the circumstances, however, the international student office does have the responsibility for providing adequate and on-going training and support to volunteers engaged in office programs. Thus, it is appropriate for a staff member to talk with the volunteer about the concerns raised by the international student spouses and the inappropriate use of the volunteer's relationship with these spouses for personal gain.

NAFSA's Statement of Ethical Principles References

The following is the most applicable provisions of the Statement:

In Administering Programs, Members Shall:

Provide appropriate orientation, materials, and on-going guidance for participants.

57. Optional Information in SEVIS

Scenario

In an attempt to follow all the requirements for SEVIS, the FSA/DSO at a small Midwestern school puts in all information on students requested by SEVIS, including the Social Security number, driver's license and Individual Taxpayer identification numbers, all of which are optional items in SEVIS and not required by the regulations. Some of these students had an official request on file with the university that directory information not be released.

Question

Has the FSA violated NAFSA's Statement of Ethical Principles in providing U.S. ICE with optional information? Has she violated FERPA?

Answer

Yes, the FSA has violated NAFSA's Statement of Ethical Principles. While the FSA has a responsibility to administer the school's immigration responsibilities, this is usually only part of the broader institutional role as adviser, counselor and helper to the student. School officials must carefully limit their disclosures of information to government officials to those items authorized by law. All other information about the student should be kept confidential.

School officials must constantly bear in mind that their roles, the roles of the schools, and the roles of the students they advise are educational in nature. Violations of confidences and unauthorized releases of information are sure ways to destroy the educational relationship between the institution and its students, undermining the learning environment and the very purpose of international educational exchange. With the exception of specific legal requirements, school officials must be vigilant in maintaining the students' confidence in their roles as counselor-educators." (NAFSA Practice Advisory: Release of International Student Information to Government officials. 2001 NAFSA: Assoc. of Intl. Educators, 2001, p.17.)

There may be a violation of FERPA regulations and the FSA should get an opinion from the university's counsel. With the growing pressure on FSAs to release confidential information to government agencies, FSAs must be very knowledgeable about the changing regulations and educate the institution. Advisories and opinions on the release of information to government agencies have been released by NAFSA and AACRO and other higher education organizations and these should be reviewed.

NAFSA's Statement of Ethical Principles References

The following are the most applicable provisions of the Statement:

1. NAFSA Members Have A Responsibility To:

Balance the wants, needs and requirements of program participants, institutional policies, laws, and sponsors. Members' ultimate concern must be the long-term well-being of international educational exchange programs and participants.

2. In Their Professional Preparation and Development, Members Shall:

Stay abreast of laws and regulations that affect their clients.

3. In Relationships with Students, Scholars, and Others Members Shall:

Maintain the confidentiality, integrity, and security of participants' records and of all communications with program participants. Members shall secure permission of the individuals before sharing information with others inside or outside the organization unless disclosure is authorized by law or institutional policy or is mandated by previous arrangement.

58. SEVIS options for out of status students

Scenario

A student at North South State University drops below full-time without the prior authorization of the DSO. The DSO attempts to contact the student, but the student does not respond. Through SEVIS, the DSO notifies U.S. ICE that the student has dropped below full-time without authorization. When the student finally does come by at the end of the semester he explains that he was unable to go to school full-time because he had a full-time job off-campus. The job was unauthorized and the student now only needs nine hours to graduate. He wants to go home for the Christmas holidays and then reenter on his student visa.

The DSO explains to the student that because he was enrolled part-time without authorization and has worked illegally, he is out of status. Since he has worked illegally, he is not eligible for reinstatement. While he can return home, he may or may not be readmitted to the U.S. The advisor tells the student that it is his decision to return home and perhaps not be readmitted to the U.S. or remain illegally in the U.S. until he finishes his program. After reviewing the choices with the advisor, the student decides not to return home and remains illegally in the U.S.

Question

Has the DSO violated NAFSA's Statement of Ethical Principles by telling the student that he could remain in school and in the U.S. illegally?

Answer

No. The DSO must be very careful to provide those students who are out of status with all possible options so that the student can make the choice appropriate for their specific situation. There will be situations under SEVIS in which a student cannot get back into status and the student will have to decide what he/she will do. If possible, a university might want to develop procedures for blocking students from dropping below full-time. Although it would not have helped this student, it might keep another student from falling out of status.

NAFSA's Statement of Ethical Principles References

The following are the most applicable provisions of the Statement:

1. In Their Professional Preparation and Development, Members Shall:
Stay abreast of laws and regulations that affect their clients.
2. In Relationships with Students, Scholars, and Others, Members shall:
Provide accurate, complete, and unbiased information.

59. Political opinion or terrorism?

Scenario

A student from Saudi Arabia at University Rolando is a very good student and mixes well with both American and international students. He feels very comfortable with the staff of the international office and spends a lot of time in the International Office where he often expresses his political sentiments. While he has never advocated terrorist activity, he has expressed an understanding of the reasons for Palestinian suicide bombers in Israel and support for what they are doing. A new DSO becomes alarmed with his views and reports him to the FBI.

Question

Has this DSO violated NAFSA's Statement of Ethical Principles by reporting the student to the FBI?

Answer

Yes. While the DSO should report any actual knowledge of terrorist activity, this wasn't the case in this scenario. Students come from different cultural backgrounds and have very different political views. While these views may not be popular in this country, they currently still have a right to express them. The advisor has compromised her position with the student and needs to be careful not to overact to student's political opinions.

NAFSA's Statement of Ethical Principles References

The following are the most applicable provisions of the Statement:

In Relationships with Student, Scholars, and Others, Members shall:

- a. Understand and protect the civil and human rights of all individuals.
- b. Not discriminate with regard to race, color, national origin, ethnicity, sex, religion, sexual orientation, marital status, age, political opinion, immigration status, or disability.
- c. Recognize their own cultural and value orientations and be aware of how those orientations affect their interactions with people from other cultures.
- d. Demonstrate awareness of, sensitivity to, and respect for other educational systems, values, beliefs, and cultures.
- e. Maintain the confidentiality, integrity, and security of participants' records and of all communications with program participants. Members shall secure permission of the individuals before sharing information with others inside or outside the organization, unless disclosure is authorized by law or institutional policy or is mandated by previous arrangement.

60. Terminating a student

Scenario

Hamad has been working on campus in the business office since his freshman year at Central State University. He graduated in May with a Bachelor's in Business Administration, had made a timely application for practical training and was waiting for his EAD. During the summer break, the foreign student advisor saw Hamad delivering mail on campus and assumed that he was working illegally. The DSO/FSA went back to her office and terminated Hamad in SEVIS and notified both Human Resources and the business office that Hamad was working illegally.

Questions

Did the DSO/FSA act unethically? Would it have mattered if Hamad had e-mailed the DSO/FSA and told her that he needed to keep working because he had no money?

Answer

Yes. Terminating a student has serious consequences and the DSO should be absolutely sure that the student is working illegally before terminating him. Since the DSO has 21 days in this situation to terminate the student in SEVIS, she should have contacted all parties involved to be absolutely sure of her information and explained what the ramifications of illegal employment and termination are for both the student and the university. Only after determining absolutely that the student was working illegally should the DSO terminate the student.

NAFSA's Statement of Ethical Principles References

The following are the most applicable provisions of the Statement:

1. NAFSA Members Have a Responsibility to:
Balance the wants, needs, and requirements of program participants, institutional policies, laws, and sponsors. Members' ultimate concern must be the long-term well-being of international educational exchange programs and participants.

2. In Relationships with Students, Scholars, and Others Members Shall:
 - a. Maintain the confidentiality, integrity, and security of participants' records and of all communications with program participants. Members shall secure permission of the individuals before sharing information with others inside or outside the organization, unless disclosure is authorized by law or institutional policy or is mandated by previous arrangement.
 - b. Inform participants of their rights and responsibilities in the context of the institution and the community.

Ethics Case Studies for the NAFSA IEL KC

1. Articulation Agreement:

Scenario

An American university after reviewing a private college in Asia, agrees that students holding a two-year degree from the school will be admitted into the master's degree program in the American University—provided they complete an additional two years of study at that Asian private college, take the appropriate standardized graduate examinations, and achieve the requisite level of English proficiency. The widespread promotion of the affiliation, through signs and newspaper advertisements causes many parents and students to believe that the school will award an American degree. The logo of the American university is prominently displayed alongside the logo of the private college. Enrollment at the institution increases in spite of high tuition rates.

When the first batch of graduates under the affiliated program applies for graduate study at the U.S. University, their applications are rejected. In addition, the local government does not officially recognize the local private institution, thus, the local employers will not consider the graduates of this program as full-fledged four-year degree holders. Some graduates, instead, apply to local universities in order to improve their credentials, only to discover they have passed the acceptable age limit for admission. Frustrated and irate, they and their parents complain to the US Embassy in their country.

Question

Have the representatives of the American university acted ethically in this venture?

No, the American University has an obligation to fulfill the agreement it has made with the private college in Asia. It appears that the American University did not carefully outline the details of the agreement and advertised an affiliation and admissions process it is not planning to uphold. The American University's actions reflect a lack of integrity, transparency, and access to academic programs.

Represents violation of the NAFSA's Statement of Ethical Principles:

Integrity

We will manifest the highest level of integrity in all our professional undertakings, dealing with others honestly and fairly, abiding by our commitments, and always acting in a manner that merits the trust and confidence others have placed in us.

Transparency

We will demonstrate the appropriate level of transparency in dealings with individuals and organizations. In collaborations with other institutions and individuals we will proceed on the bases of equality and mutuality. Transactions with external providers of programs and services will be conducted professionally, always keeping the welfare of students foremost, and disclosing any potential conflicts of interests. We will provide faculty, staff, students, and

scholars with the information they need to make good decisions about program participation and to facilitate their adjustment to the locales and cultures where they will study or work.

Access

In planning, developing, and implementing our programs we will strive to ensure that they are accessible to all qualified individuals, doing our utmost to guarantee that international education is available to all who desire it and can benefit from it.

2. Third-Party Recruiters:

Scenario

The president of a small, moderately selective liberal arts college informs the director of the international programs office that discussions have taken place with an agent who claims to be able to recruit twenty qualified international students per year for the school. The president is convinced that the agent's extensive experience as a high school counselor gives him a keen understanding of the needs of international students. He further believes that a contract with the agent will assist the college in addressing its current fiscal dilemma. The director of the IPO, who has had prior dealings with the agent, speaks candidly to the president about the agent's unscrupulous behavior. Chief among his concerns are incidents of the agent's having lied about educational opportunities in the United States, having misrepresented program costs, and having overstated availability of scholarships for international students. Since a memorandum of understanding has already been signed, the president decided to proceed with a contractual agreement. "We can try this out and see what the bottom line is next year," he says.

Question

Has the college violated NAFSA's Statement of Ethical Principles by entering into a contractual relationship with the third-party recruiter?

Yes, as the bottom line of the institution is more important to the President than the ethical treatment of students being recruited and working with a company that follows basic ethical practices. It is paramount to not only follow ethical practices within the institution, but to also ensure that external affiliated entities follow those principles. Beyond demonstrating poor personnel management skills, it demonstrates a lack of integrity towards international students, a lack of professionalism, and a lack of transparency.

Represents violation of the NAFSA's Statement of Ethical Principles::

Integrity

We will manifest the highest level of integrity in all our professional undertakings, dealing with others honestly and fairly, abiding by our commitments, and always acting in a manner that merits the trust and confidence others have placed in us.

Competence

We will undertake our work with the highest levels of competence and professionalism, regularly seeking and acquiring the training and knowledge necessary to do so. Our commitment to professional competence will extend to exercising thorough oversight of external programs and placements. Through careful planning and the development and implementation of appropriate policies, we will do our utmost to ensure the safety, security, and success of students, staff, faculty, and scholars.

Transparency

We will demonstrate the appropriate level of transparency in dealings with individuals and organizations. In collaborations with other institutions and individuals we will proceed on the bases of equality and mutuality. Transactions with external providers of programs and services will be conducted professionally, always keeping the welfare of students foremost, and disclosing any potential conflicts of interests. We will provide faculty, staff, students, and scholars with the information they need to make good decisions about program participation and to facilitate their adjustment to the locales and cultures where they will study or work.