

# **Author's Commentary on "Confidentiality Concerns"**

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This case raises important issues dealing primarily with confidentiality and the student-mentor relationship. Maxwell has obviously abused his position by breaking the code of confidentiality imposed both by the department's stated guidelines and by the unstated expectations of a mentor. In addition, Maxwell involved Bernhard in an ethical dilemma. Maxwell's position as faculty member and mentor gives him considerable power over Schmidt and Bernhard, power he has abused. Beyond Maxwell's obviously wrong actions, the course of action to be taken by Bernhard, Schmidt and Schmidt's adviser is not as clear. All three are faced with the competing demands of loyalty and the need to stop Maxwell's inappropriate behavior.

Question 1 addresses a faculty member's responsibility to mentor graduate students. In this case, Maxwell breaches the responsibility of trust and respect for Schmidt. Maxwell's history of passing along confidential information is setting a bad example for Bernhard and the other graduate students in the department.

Question 2 investigates Bernhard's responsibilities in this case. Bernhard is pulled between his loyalty for Maxwell and his friendship with Schmidt. If Maxwell often tells Bernhard confidential departmental information, Bernhard has three reasonable choices: 1) He can keep the information to himself. 2) He can tell Maxwell that he isn't comfortable hearing the information and ask him to quit confiding in him. 3) He can report Maxwell's behavior to the department head or someone else in the department. Because of the power disparity and the control that Maxwell has over Bernhard's passing or failing the exam, Bernhard is placed in a difficult situation. Choices 2 and 3 may hurt his standing as a graduate student in the department; however, if Bernhard keeps quiet, Maxwell could go on mistreating other graduate students. Based on principle alone, Bernhard should choose either Choice 2 or 3. The potential of the information to cause harm would have to be the deciding factor between Choices 2 and 3. Had Bernhard chosen Choice 1 and

refrained from passing on any information that he heard from Maxwell, he could have avoided putting himself into this dilemma, but he would not have been fulfilling his responsibilities to future graduate students. However, Bernhard didn't make any of these choices; therefore, he made a bad decision.

Question 3 focuses on Schmidt's conflict between her promise to Bernhard and her feeling of anger about the confidentiality breach. Schmidt must worry not only about possible consequences to her own graduate career but to Bernhard's career as well. She could be putting Bernhard into a bad situation with Maxwell, as Question 2 explores. She faces the same choices as Bernhard in that she has the ability to prevent further breaches of confidentiality. An interesting question here is whether Schmidt should tell her adviser before or after the exam results are announced. If Schmidt tells him before the announcement, she could potentially place the adviser in a situation where the appearance of conflict of interest occurs. Obviously, the adviser would like Schmidt to pass the exam; any interference on his part with Maxwell could be construed as trying to influence the exam results.

Once Schmidt has told Campbell, he must decide what to do. In the case, he chooses to dismiss the incident entirely. He might choose this course of action for several reasons: He may not see anything wrong with what Maxwell has done, or he may be worried about stirring up animosity before Maxwell decides to pass Schmidt. If the latter is the case, then he should explain his reasoning to Schmidt, and they should decide together whether they should take action after the exam results are announced. If Schmidt has asked him not to tell anyone, he will need to be creative to come up with a solution. He might bring up the issue of confidentiality in general at a faculty meeting or during the next year's exams. Or he may wait until both Schmidt and Bernhard have graduated to mention the issue to Maxwell. If he confronts Maxwell, Maxwell may deny the incident.

While it may be in the best interests of Bernhard and Schmidt to let the whole incident blow over, the integrity of the departmental exam process is at stake. Schmidt's adviser must try to find a way to address this issue without hurting the graduate students' interests if they choose to remain anonymous.