

Student Assessment & Related Ethical/Legal Issues Paper

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An educator in nursing has an important role in ensuring new nurses or students are prepared to take on the role of primary healthcare professional. In the clinical or classroom setting, it is pertinent for the educator to know if their learners have retained all the information in readiness to perform patient care. The importance of a student assessment in the educational setting is needed to evaluate new nurses' or students' learning processes. As it is said in an article, “Assessment is now seen as a means of teaching and learning in addition to evaluating students’ progress and establishing their accomplishments” (Sokhanvar et al., 2021, p. 1). Without assessments, it makes education difficult to evaluate students’ learning, competencies, and clinical performances. As assessments are now going through significant changes, it is important to address the ethical dilemmas and legal considerations that may arise during the assessment process. This paper will investigate the impact of assessment practices on students, educators, and educational institutions regarding ethical dilemmas, legal considerations, and the privacy and confidentiality of student assessment data.

Ethical Dilemmas

The code of ethics created by the American Nurses Association (ANA) and the International Council of Nurses (ICN) is to be practiced by nurse educators to uphold the nursing profession's learning process. As educators continue to do student assessments, it is important to understand the possible ethical issues that may arise during the student assessment process and the potential consequences of unethical assessment practices on students. The ethical issues of student assessments that will be discussed are assessment biases, grade inflation, and the effects of tests and grades on students’ self-esteem.

Assessment Bias

Assessments directly correlate to identifying important differences among people regarding their knowledge and skills. A common concern in assessments is the effect of being biased toward certain groups. It is said in the text provided, “Bias can occur, however, when scores from an assessment are misinterpreted, or conclusions are drawn about performance that go well beyond the assessment” (Oermann & Gaberson, 2024, p. 294). For example, an educator could interpret a low score to mean incompetence in the learned information or content. These biases may include learning disabilities, ethnic minority groups, or even the items or test itself. There are **also implicit also** called unconscious, biases. “It describes unintentional attitudes and discriminatory behaviors that affect our actions and understanding of race, ethnicity, age, sexual orientation, and gender expression.” (Edwards-Maddox et al., 2022, p.441). The potential consequences of this kind of unethical assessment on students may lead to the student’s confidence in their learning abilities and their motivation. Inaccurate student assessments may also influence students’ learning outcomes and could affect patients in the future. In efforts to combat assessment bias, students are to be provided with unbiased content that should not affect their learning performances. Educators should also reinforce the ethical guidelines in providing respect and dignity to their students. It is said that “Nurse educators should impart the importance, awareness, and aid to help future nurses identify implicit bias in their caregiving as part of the nursing curriculum” (Edwards-Maddox, 2022, p. 441). In efforts to reduce assessment bias, nurse educators should assess their teaching methodology and curricula to assure that these biases are being voiced in all courses in their nursing programs.

Grade Inflation

Grades provide educators with a measurement of a student’s education. It is intended for educators to use them in decision-making in improving their teaching methods. When grade

inflation occurs, it rewards higher grades over time for performance but does not improve the quality of the learning process. Many issues cause grade inflation that is listed in our textbook such as faculty making grading decisions based on tradition rather than evidence, mandatory faculty evaluation and the threat of negative student evaluations, differences in grading practices of tenured and nontenured faculty members, or fear that the student evaluations influenced tenure decisions, and the faculty perception of lack of administrative support for assigning failing grades (Oermann & Gaberson, 2024, p. 297). The current problem of grade inflation is the intention of increasing a student's grade without an improvement in their performance may affect their future in preparing to take the National Council Licensure Examination (NCLEX) or even their performances as registered nurses in the clinical setting. Although there is no direct solution to eradicate grade inflation in nursing curriculums, there are implications that educators should do to uphold academic integrity in bettering future licensed nurses. As educators may have autonomy in their grading practices and freedom in their grading policies, it is advised that they keep it consistent and evade bending their practices. "With many schools utilizing GPAs as a part of the prediction of success in nursing programs, it is imperative that schools of nursing implement and enforce consistent grading practices" (Elie, 2015, p. 4). To promote this consistency, the use of rubrics in the learning assessments may serve as a guide for an educator's course to assist in grading. This will facilitate fair grading practices and consistency throughout the nursing program.

Self-Esteem

Another ethical concern that may arise during the student assessment process would be the effects of tests and grades on the student's self-esteem. It is said in our textbook that "testing results in emotional or psychological harm to students" (Oermann & Gaberson, 2024, p. 298).

The feeling fear, discouragement, and anxiety may result in lowering their self-esteem. The potential consequences of lower self-esteem may affect their performance in studying, test-taking, and information retention. Educators must intervene to reduce compromising their student's self-esteem. The educator's role in preparing students to do well on their tests is to help them improve on their studying and test-taking skills and to guide them to manage their anxiety.

Legal Issues

There are also legal considerations and requirements related to student assessment which educators must be compliant with. A common legal issue in nursing education regarding student assessment is the accommodation for students with disabilities. It is stated in legislation that prohibits nursing programs from discriminating against individuals with disabilities and requires educators to make accommodations for disabled students to properly assess them. This legislation, the Americans with Disabilities Act (ADA), defines a disabled person with a mental or physical impairment that limits life activities. As stated in our textbook, "Nursing education programs have a legal and ethical obligation to promote inclusive nursing education environments by accepting and educating qualified individuals with disabilities" (Oermann & Gaberson, 2024, p. 304). This means that it is the responsibility of the nursing program to provide appropriate accommodations and services to aid disabled student in eliminating any barriers to their learning process. Common accommodations that are compliant with the ADA would be extensions. "Extensions of time for examinations and altering the examination setting to reduce distractions are common accommodations" (Helms et al., 2006, p. 194). Through this, the format of the assessment or examination is not changed. If certain changes to test items are made the educator must provide valid assessment information.

The potential legal consequences of non-compliance with the ADA would result in legal action. A nursing program that is not compliant with the ADA could face a lawsuit under the ADA which may result in fines or legal expenses. This could also potentially damage the nursing program's reputation and the institution or school.

Privacy and Confidentiality

Nursing educators and educational institutions need to protect student's privacy and confidentiality during the assessment process. Educators must maintain a privacy standard regarding their assessments of their students. Student names or identification numbers should not be associated with any of the educator's assessments and results should not be posted to the public if so. There are federal laws that protect student assessments that limit access to assessment results such as the Family Educational Rights and Privacy Act (FERPA). Therefore, this federal law gives students certain rights with respect to their education records (Oermann & Gaberson, 2024, p. 300).

As education becomes more integrated with technology, digital assessment tools are made available for educators to use. These digital assessment tools give educators flexibility in their teaching methods and assist students in the learning process. With the increasing usage of technology and digital assessment tools, concerns arise with privacy and data protection of the students. The impact of technology and digital assessment tools on privacy and data protection has greatly increased over the years. Data breaches can occur in the digital world which can lead to legal actions against nursing programs and the institute or school. This may result in rigorous dependency on the institute or school's technology provider. "Schools can put pressure on EdTech companies to embed privacy protections in the design, operation, and management of

their products and services” (Archambault, 2021, p. 43). This should assist students’ assessment data to be more secure and provide privacy and data protection for the nursing program.

To ensure student assessment privacy and confidentiality, there are strategies that educators use to reduce breaches of confidentiality. Fein et al. (2011) identified a strategy for safeguarding access. Safeguarding access is described as limiting data access to only the student and the educators involved. Another strategy that educators may use is encrypting identification information that is connected to a student’s assessment data. Because of the increasing use of technology in nursing education, safeguarding access and encrypting identification information is highly recommended in ensuring privacy and confidentiality.

Conclusion

When performing student assessments in nursing education, it is important to remember the ethical dilemmas and to avoid such issues to keep a safe learning environment. Educators must remember to eliminate assessment biases, avoid grading inflation, and boost students’ self-esteem. It is also important for nurse educators to review legislation concerning student assessments to avoid legal issues such as the Americans with Disability Act (ADA). Providing privacy and data protection through safeguarding and data encryption will protect both the student’s rights and the nursing program’s reputation. Both ethical and legal assessment practices ensure fairness, equity, and the overall well-being of the student. Recommendations that are offered for promoting ethical and legal assessment practices in the nursing educational setting would include frequent faculty meetings with an emphasis on ethical and legal issues and stricter assessment data protection protocols.

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