

Ethics and Academia: The Grey Matter Counts

Prof. Marianne Jennings
W.P.Carey School of Business
Arizona State University

Steps for analyzing ethical issues

1. Read the case (in real life: gather facts)
2. Define the key issue or issues
3. Generate alternatives
4. Apply questions/gain perspective
5. Analyze and evaluate alternatives
6. Choose alternative and support it
7. Develop action plan

Analysis Model

1. Do the numbers
2. Apply the law
3. Examine categories
4. Checks for rationalization/personal bias/preconception
5. List those affected by actions/decision
6. Your credo and absolutes.
7. Apply questions
8. Rely on cases and history
9. Incorporate strategy

Intro Scenario: “Billing the Employer”

- Betty Dawson is a bookkeeper
- 18-year employee; good pension
- Single mother; Two children
- Asked to make an entry that allows the college to bill employers directly for sponsored students’ tuition at a higher rate, with the extra funds split between the college and student rebates
- Betty is not a CPA or an expert on tuition and fees
- However, Betty talks with her supervisor who says there is no problem
- Betty then goes to the associate dean; he assures her there is no problem
- Betty’s coworkers tell her to just forget about it

1. Do the numbers

- Results look better
- Benefits to us on evaluation
- Possible budget benefits

2. Apply the law

- a. Is what I am about to do legal?
- b. Are there litigation costs and/or violations associated with solutions I am considering?

3. Examine the categories

- a. Taking things that don't belong to you
- b. Saying things you know are not true
- c. Giving or allowing false impression
- d. Buying influence or engaging in conflict of interest
- e. Hiding or divulging information
- f. Taking unfair advantage

3. Categories (con't)

- g. Committing acts of personal decadence
- h. Perpetrating interpersonal abuse
- i. Permitting organizational abuse
- j. Violating rules
- k. Condoning unethical actions
- l. Balancing ethical dilemmas

4. Checks for rationalization, personal bias, preconception

- Language of rationalization
- Failure to see issues
- “Falling off the ethical cliff”
- Conclusion before analysis
- Group think
- Absence of absolute standards or failure to recognize them as a value in others

Watch the Gray Area!

- Why is it important that it be gray to you?
- Is it legally gray?
- Is it ethically gray?
- Is it a good-faith disagreement?
- What if it's not a gray area?
- Does everyone believe it's a gray area?
- Interpretation vs. loophole vs. nondisclosure of relevant information

5. List those affected by your decision

- Citizens
- Students
- Creditors
- Employees
- Community
- Environment
- Social fiber/moral ecology

6. Your credo and values

- Line you wouldn't cross?
- Part of unit/college standards?

7. Apply Questions

- a. Categorical imperative
- b. Front-page-of-the-newspaper test
- c. The element of conscience
- d. Taking it out of the politics and pressures for an outside perspective

Blanchard/Peale

- a. Is it legal?
- b. Is it balanced?
- c. How does it make me feel?

Laura Nash Model

- A. Have you defined the problem accurately?
- B. How would you define the problem if you stood on the other side of the fence?
- C. Can you discuss your decision with the affected parties?

Laura Nash Model

- D. To whom and to what do you give your loyalty?
- E. What is your intention in making this decision?
- F. How did this situation occur in the first place?

Laura Nash Model

- G. How does the intention compare with the probable results?
- H. Whom could your decision or action injure?

Laura Nash Model

- I. Are you confident that your position will be as valid over a long period of time as it seems now?
- J. Could you discuss your decision with your supervisor, co-workers, friends, family?

8. Apply cases and history

- Truth percolates
- Consequences for missteps

9. Incorporate Strategy

- Long-term focus
- Vision of institution five years and ten years out

Eugene and the Vendor

Eugene is on a committee reviewing proposals from vendors for the new student recreation facility.

One of the vendors has been aggressive in pricing, as well as providing value-add items in its proposal and guaranteeing changes in processes and systems to meet university needs, all of which will benefit the university community.

Eugene (con't)

That same vendor also introduces Eugene to MRT, a marketing, research and training company that is in partnership with the vendor. MRT is holding an educational conference and sends registration information to Eugene.

Eugene (con't)

Eugene decides to attend the conference, which is a few months away, both because of its content and also to understand the capabilities of MRT in the event the university may need its services in the future. Eugene will use his department budget to pay for the trip.

Eugene (con't)

A few weeks later, the university decides to award the contract to the more aggressive vendor, in recognition of its pricing and value-add components, as well as its willingness to customize. However, the university does not communicate this decision to the vendor right away, since it needs to talk with key people internally first.

Eugene (con't)

In the meantime, the vendor puts another carrot on the table. The vendor offers to pay Eugene's expenses to attend MRT's conference. These expenses will be around \$1,000.

Should Eugene accept the vendor's offer to pay conference expenses? Apply ALL 9 steps!

The Oil Slick

In an inspection of one of the large labs you find an oil slick on the floor. The finding is an OSHA violation. You tell a lab assistant that the slick needs to be cleaned up, but the lab assistant does not take action. The lab is run by one of your preeminent faculty members and is responsible for bringing in annual and sizeable NSF funds. When you return you find the slick is not only still there but that it has grown. You inform your vice president who says, “Just let it go. They’ll get around to it. You can’t confront stars over petty rules.” What now?

A scenario

Joe, a student taking a stats course, was injured by a hit-and-run driver. The injuries were serious. Joe was on a ventilator. While Joe did recover, he required therapy for restoring his cognitive skills. He asked for more time to complete his course work. The prof denied the request. Joe would have to reimburse his employer for the tuition if he did not complete the course with a passing grade. Joe's father works with stats a great deal. Joe's father went and took the course final for Joe. Joe earned an "A" in the course. Any problems?

Funding for a Building

One of the nation's top researchers on the use of antipsychotic drugs in treating children has presented a memorandum of agreement to the university for the construction of a new physical sciences building. The donation for the full cost of the building will be made by a nonprofit corporation. The nonprofit was created by a pharmaceutical firm, one of the country's largest producer of antipsychotic drugs. The researcher has filed consulting form disclosures for work with this firm. The president is ready to accept the memo and the building. Any issues?

The Golf Tournament

Each year the university VP for operations participates in a charitable golf tournament (i.e., a golf tournament for charity). Proceeds from the tournament go to several nonprofit foundations around the state. The VP is always able to recruit the highest number of participants among the business people who have won contracts with the university. You have noticed that all of the participants that the VP has recruited have all had major contracts with the university. Any problems? Would it be different if the VP solicited direct donations from the companies?

Lord Byron and the Bear

When he was a student at Trinity College at Cambridge, Lord Byron (George Gordon) was irritated by a college rule that barred dogs as pets in the student facilities. Lord Byron brought a pet bear to campus, using the college fountain as a place to bathe his bear. What ethical standard was Lord Byron following? Discuss the implications of his conduct.

The Doc Who Really Knows

A physician for a young woman noted that the local college she attends is having fund-raisers to raise money for treatments and medical bills for the young woman who has apparently told her fellow students that she has a serious form of cancer. The physician had just given the young woman her annual physical and declared her to be in excellent health. What can the physician do? What should the physician do?

The Contracts

BCBSRI, along with CVS, was lobbying members of the Rhode Island legislature for passage of a bill that would have been beneficial to BCBSRI and CVS. Whilst the bill was pending, BCBSRI hired a communications company to produce a cable access program, to be hosted by Rhode Island state senator John Celona. Celona was paid \$13,565 for his hosting duties. Also, while lobbying for the bill, BCBSRI executives also entered into a contract with a company owned by RI house majority leader, Gerard Martineau, for \$175,500 in prescriptions bags. Only about one-half of the bags under the contract were delivered. BCBSRI and CVS executives also arranged for BCBSRI to pay \$400,000 in brokerage commissions to the RI Senate president for BCBS insurance contracts he brokered.

Problems?

Using the Janitor to Get a Transcript

You have begun a practice of asking for transcripts from job applicants as a means of verifying educational credentials. You are quite satisfied with the new program because all applicants have been able to furnish their transcripts. However, one of the state colleges has disclosed to the county attorney that one of its night-shift janitors has been involved in a sort of transcript ring, selling transcripts to job seekers in exchange for a fee, generally about \$1,200 for an undergraduate degree (masters degrees run about \$5,000). Do you check back through your hires' transcripts? Some of them have been terrific hires – would you do anything if you discovered they had used the buy-a-degree-through-the-nightshift-janitor program?

The Bids

The university has sent out an RFP for a remodel in the business school. One company that has submitted a bid employs the president's wife as an architect.

Another bidder is a minority-owned firm owned by the husband of a regent/trustee.

A final bidder is from a company owned by the husband of one your department's employees. Problems? Issues?

The Pack of Gum