



TO ENHANCE MORAL REASONING
AND
IMPROVE CRITICAL DECISION- MAKING
IN ENVIRONMENTAL HEALTH©

Prepared for
Concordia University of Edmonton
ENVH 523
(Spring/Summer 2018)

Prepared & Delivered by
E-sinc®
Glenn Wm. Sinclair, Inc.
Suite #1700, 10175 - 101 Street, NW
Edmonton, Alta., T5J 0H3
(780) 974-9220
gws@e-sinclair.com

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MODULE I

I. INTRODUCTION to the SEMINAR

The Course OBJECTIVES:

- 1) *That potential Environmental Health Officer's (EHO's) recognize moral dilemmas and their impact in the worlds of Environmental Health.*
- 2) *To create an experience for those involved in Environmental Health whereby they gain new skills at handling the challenges of ethical decision-making.*
- 3) *Improve an EHO's ability to use the differences in stages of moral reasoning to improve productive working relations with facility operators, politicians, teammates, and others who impact their daily tasks.*

note #1: For purposes of this course **the terms ethical and moral will be interchangeable**. It should also be noted that the purpose of this seminar is not to make you more moral or ethical but to enhance your ability to reason through moral/ethical problems!.

note #2: There are three primary formats for holding discussions in the class: **round-table** — when each person will provide comments, input &/or feedback in an orderly fashion, and at the invitation of the prof; **crossfire** — moderated within the group itself, comments and questions will go back and forth among the participants (the prof will only intervene if he determines too few are dominating the process); **conversation** — this is directed toward the prof, initiated by questions, queries or concerns raised by group members.

Professorial Overview

• Why I'm even interested in this stuff!?

I tend to think along the same lines as my professional colleague Peggy Connolly:

We are confronted on a daily basis with ethical dilemmas...Should a parent leave a sick child alone or stay at home with the child and risk losing the job that provides health insurance? Is it morally permissible to pay protection money to stay in business and provide for one's family? Is it ethically acceptable to create a child to be a donor for another? Whether deliberative or unconscious, satisfying or distressing, decisions about moral issues are ubiquitous in daily life, affecting choices & behaviour in public & private spheres...¹

¹ *Ethics in Action: a Case-based Approach*, Connolly, Peggy et al, Wiley-Blackwell (2009) p.1

Intelligent, reasonable and deeply caring individuals hold diametrically opposing & mutually exclusive perspectives. We continue to be challenged to find ways to acknowledge others' perspectives respectfully, and to honour those who hold them, even when it is not possible to accommodate their positions...²

Despite the prevalence of ethical challenges in daily life, few people have had training in moral reasoning...Still, today, although students who enroll in ethics classes may be exposed to ethical theory, they may have limited opportunities for examining its practical application to the complexities of everyday moral situations...³

Understanding moral issues is difficult. People often fail to recognize moral dilemmas and, when they do, are uncertain how to respond. No single set of ethical principles encompasses all the dimensions & complexities of moral challenges for all people in all places at all times...perceptions of & responses to ethical dilemmas may be skewed by the conflict between moral interests & self interest.⁴

• **Why I teach it!?**

• **Where else I use it!?**

• **Why do I have a text book and do I need to read it?**

Cowboy Ethics by James Owen is a book that summaries most of the reasoning that we will discuss throughout this course. It will help you prepare for your Final Exams (both written & debates) as well help in class discussions and teamwork.

If you do not have your own copy, you can purchase one from the prof for \$40.00 and then, at the end of the course, can turn it back in for \$35.00 if it is excellent condition (i.e. no permanent markings, etc.), somewhat less if it is in very good...

² *Ibid* p. 1 & 2

³ *Ibid* p. 2

⁴ *Ibid*

For those who say there is no time or place in the real world of business, industry and government for the study of ethics (i.e. leave it to all the *do-gooders*), let me ask you then:

- **why not start an entertainment business in baby stomping (something like dwarf-tossing but with more *hunger games* type results? (the participants could be recruited especially from welfare families)**
- **why not put every unemployed &/or developmentally challenged person to work in the army front lines (send them to the Ukraine or perhaps Mali as part of our commitment to NATO's forces)?**
- **why not legalize all recreational drugs (not just pot, but definitely fentanyl and cocaine) along with prostitution, just as alcohol & gambling currently is, and simply tax them all?**

Want something a little closer to home?

Case Study #1:

The *Centre for Disease Control (CDC)* in Atlanta (Georgia, USA) and the TB Case.

An American, after undergoing a preliminary test, appears to have TB. If so, it probably is not a serious case; nevertheless, he is asked to stick close by (i.e. in his city) until more intense testing is analysed and a complete diagnosis is possible. While awaiting the results, the man leaves for a social event in Italy. The CDC's *environmental health division (EHA)* then determines that while a full quarantine might not be necessary they nevertheless, should not have released him so quickly as there is the possibility of infecting others and he may have a serious lapse in his own health and therefore they request that he return to hospital. They cannot locate him.

CDC then discovers he has left the country although they are not sure exactly how (they suspect by airline) and to where they are unsure as well (Italy does not come immediately to mind). They decide to contact all the airlines that fly from Atlanta to Europe and the feedback eventually convinces them that he flew on one (1) of two (2) possible days and likely on one (1) of three (3) possible flights. None of the flight crews, nor central office reservation teams, can confirm exactly where he would have sat if he did go on their flight (these discount airlines did not have reserve seating).

CDC then decides to make a public announcement requesting that anyone sitting near a white man (of particular dimensions and features) on a recent flight (on these specific days) to either Paris, Dublin or Rome please contact their office. When this doesn't bring forth many clues (and certainly no response from their patient) the question is then raised whether they should request the passenger lists and contact the people directly...

In the interim, information is relayed to media in the prospective locales where the individual might be visiting requesting their assistance in finding him and having him get in touch with CDC. Then the results come back and there is confirmed evidence of a minor health issue although it is not contagious. At the same time they finally make contact with the individual. Arrangements are made for his return...

Working at your *currently designated table*, analyse this case according to the questions below and prepare to present to the full group...

- What (and by who) are the ethical dilemmas that are raised in this scenario?

- Which is the most serious ethical dilemmas facing the EHA officials?

- Where, if at all, are the airlines facing ethical dilemmas in this scenario?

- Why do you think these dilemmas emerged in the first (1st) place?

FULL CLASS *Roundtable Conversation...*

The Participants

(Individually)

Prepare a mini-bio (*see next page*) which includes:

- name (print in BIG BLOCK letters the name you prefer to be called)
- e-mail address (how you wish the prof to communicate directly to you)
- snail mail (postal) address + phone number (for any mailings the prof may have to make)
- where are you on your *learning journey*? & why?
- what you intend to do with your degree (when you obtain it)?
- what uniqueness(es) will you contribute to this course?

NOTE: Don't forget to complete the DIT-1⁵

(Roundtable)

- what do we (individually + collectively) hope to gain from the experience of this course?

- why do we think a course on ethical reasoning has been included in this professional program?

- ***And, provide one [1] idea/characteristic/aspiration you would like to be remembered for? (i.e. your legacy!!)***

⁵ An assessment tool to determine one's stage(s) of moral reasoning developed by the late James Rest, University of Minnesota based on the original paradigm by the late Lawrence Kohlberg of Harvard University. The results have no bearing on your grade in this course, but will help you understand the paradigm and how you intersect with it.

PLEASE PRINT LEGIBLY!!

Name: _____

_____ E-Mail

who am I/where have I come from?

where am I in my *learning journey*? & why?

what do I intend to do with the degree I hope to gain?

for now, what uniqueness(es) will I contribute to this course?

[**note:** turn this page in to the prof]

Let's discuss how the marks for this course should be determined given the three (3) factors/influences in our current *learning journey*.

- _____ % — **prof** (minimum is **80%**)⁶
 - _____ % — **peer assessment:** (i.e. *for small group/team work*)
 - _____ % — **self-evaluation:** (i.e. *how well did I meet my own learning goals?*)
- Questions, points of departure, statements of enhancement, how the professor determines marks (including structures of final examinations)...

• **SPECIAL NOTE re Final Exam:**

The **written part of the final exam** will be **open book** and *can be finished and submitted anytime throughout the course*. If you decide to undertake this as a team of two or three (maximum), your formal submission must be turned in no later than the final day of Module II (i.e. next week). A copy of the case will be e-mailed to you before the end of Module I – the DVD of the case will also be shown at the conclusion of Day 2 of Module I. The questions related to case that form the core of the written exam are noted in this Guidebook at the conclusion to Module I.

When preparing your written responses, bullets are permitted, however, all fragments, sentences and paragraphs used must be cogent and in understandable English.

If you plan to work on a team, you must inform the professor by the conclusion of Day 2 of this module, complete with the name of each member of your team. Furthermore, it must be understood that each person in the team will receive the same mark, no matter how the workload was undertaken.

The **other part of the final exam** will take the form of **Debates**. These will be held on the final day of Module III. Teams will be designated during Module II and a practice session will be conducted to help you prepare for the event. The cases to be debated will be provided in advance of Module III.

NOTE: Before leaving the classroom, make sure to turn in your bio page + the completed D.I.T.

⁶ **What are some of the things that combine to establish the professor's mark?** Participation in the class (including regular attendance), producing a useful and understandable role play on a real EHO-relevant ethical dilemma, successful completion of both components of the final exam – the book review and the final debates!

II. Case Study #2 – Introduction to *Ethics Unwrapped*...

You Don't Know Jack...

An Examination of a Leader who slipped and fell...

{in your designated team – see *Appendix A*– prepare responses to these questions}

- Examine the behaviour of Jack and determine where he made critical ethical failures and in assessing why you think he did that, what was his predominant stage of moral reasoning?

- Reflecting on Jack's behaviour, identify at least three [3] lessons you learned and explain how you would incorporate these lessons into your professional practice to help ensure you choose an ethical practice and do not make the same ethical missteps or errors.

- Looking beyond the career aspect of this analysis what does this story tell us that has broader applicability to life outside your profession by connecting to your personal world?

- Is there anything from your reading of *Cowboy Ethics* that could have helped Jack remain on the *straight and narrow*?

- Reflecting on the following vignettes from *In It to Win* how might being aware of these ethical mistake help an EHO from falling into that problem?
- *Moral Equilibrium*
- *Rationalizations*
- *Framing*

Thinking further about Jack, who saw himself as an ethical person when he started his career as a lobbyist:

- What was his most serious moral failing?
- What would you have done (if he was working for you) to ensure he acted ethically?

And how do these aspects of *Ethics Unwrapped* help us avoid moral pitfalls?

- *Self-serving Bias...*
- *Overconfidence Bias...*
 - what is the difference between these two biases?

- why is it important to be aware of each/both?

What about *role morality*?

- what does this tell us?

- how might knowledge of this be helpful in our work?

III. Case Study #3: Family vs. Profession

You are a bio-chemist working in the area of environmental health for the National Research Council in Ottawa, having obtained both an Honours B.Sc. from U of Calgary, an M.Sc. from U of Saskatchewan, worked for a time with the provincial Ministry of Environment in Manitoba and now are being considered for an educational sabbatical to get your degree in Environmental Health from CUE. You are on summer vacation visiting your brother, who left a very successful career in banking and moved his family into the Selkirk Mountains of B.C. where they have poured their time, energy and entire life savings (\$\$\$) into the recent purchase, renovation and subsequent re-opening of a large, historic resort hotel in a small town renowned for its allegedly curative hot springs.

Being a TYPE A personality, you become bored and decide to show their grade six (6) daughter (your niece) environmental health techniques to use in a science fair project. The first task is to test the water in the springs. You learn, much to your surprise, that it is very high in a derivative of strontium, a mineral in this particular chemical form that has recently been suspected to raise the possibility of birth defects when in contact with the skin of pregnant women.

Team Challenge (Small group listings are in **Addendum A**)

- *What do you do with your suspicions?*
- *To what extent should family be a factor in your decision?*
- *To what degree is the fact your niece is involved an issue?*
- *What is your final decision?*

Prepare a presentation for the full group...

IV. The RATIONAL USE of LOGICAL REASONS — THE LECTURE:
Stages in our Critical Thinking

[for a comprehensive understanding go to the prof's web-site www.e-sinclair.com
in the Research Section — read the paper: *Kohlberg through the Sinclair Prism*]

Have We Got the Cart Before the Horse

Cognitive-Developmental Approach

cognitive because it recognizes that moral education, like intellectual education, has its basis in stimulating the *active thinking* of the individual about moral issues and decisions.

developmental because it seems the aims of ethical reasoning is movement through moral stages.

A person can not get to moral action if s/he is incapable of moral thought.

What are the Preliminary Questions?

- *What is it that makes me think a particular decision is better?*
- *How does a critical decision most consistently get justified when I reflect back on it?*
- *Why do I think I am (or am not) facing an ethical dilemma?*

The Dewey Concept {with influences of/from Piaget}

No Vacuum Here Awareness {with influences of Ralph Moser}

Don't Touch ME with that Moral Stuff!!

It's a tool to get us to better Justice & Caring...

The Basic Paradigm

PRE-CONVENTIONAL

Stage One (1) — the punishment & obedience orientation. The physical consequences of action determine its goodness or badness, regardless of the human meaning or value of these consequences. Avoidance of punishment and unquestioning deference to power are valued in their own right, not in terms of respect for an underlying moral order supported by punishment and authority (the latter being Stage Four).

Stage Two (2) — the instrumental-relativist orientation. Right action consists of that which instrumentally satisfies one's own needs and occasionally the needs of others. Human relations are viewed in terms like those of the marketplace.. Elements of fairness, of reciprocity, and of equal sharing are present, but they are always interpreted in a physical, pragmatic way. Reciprocity is a matter of *you scratch my back and I'll scratch yours*, not loyalty, gratitude or justice,

CONVENTIONAL

Stage Three (3) — the interpersonal concordance or *good boy/nice girl* orientation. Good behaviour is that which pleases or helps others and is approved by them. There is much conformity to stereotypical images of what is majority or *natural* behaviour. Behaviour is frequently judged by intention — *he means well* becomes important for the first time. One earns approval by being *nice*.

Stage Four (4) — the *law & order* orientation. There is orientation towards authority, fixed rules and the maintenance of the social order. Right behaviour consists of doing one's duty, showing respect for authority, and maintaining the given social order for its own sake.

POST-CONVENTIONAL

Stage Five (5) — the social-contract, legalistic orientation, generally with utilitarian overtones. Right action tends to be defined in terms of general individual rights and standards which have been critically examined and agreed upon by the whole society. There is a clear awareness of the relativism of personal values and opinions and a corresponding emphasis upon procedure rules for reaching consensus. This is the *official* morality of the government & constitution.

Stage Six (6) — the universal-ethical-principle orientation. Right is defined by the decision of conscience in accord with self-chosen *ethical principles* appealing to logical comprehensiveness, universality and consistency. These principles are abstract and ethical (the *Golden Rule*, the categorical imperative); they are not concrete moral rules like the *Ten Commandments*. At heart, these are universal principles of *justice*, of the dignity of human beings as *individual persons*.

Evolution of the Research...

- stages are *structured wholes* or organized systems of thought; individuals are *consistent* in level of moral judgment;
- stages form an *invariant sequence*, under all conditions except extreme trauma, movement is always forward, never backward; individuals never skip stages — movement is always up to the next stage;

- stages are *hierarchical integrations*, thinking at a higher stage includes or comprehends within it lower-stage thinking; there is a tendency to function at or prefer the highest stage possible.

Not IQ — Yet Structured...

The stage or structure of a person's moral judgment defines:

- **what he finds valuable in each of these moral issues**
- **why he finds it valuable**

However, mature moral judgment is not a sufficient condition for mature moral action. One cannot follow moral principles if one does not understand (or believe in) moral principles. However, one can reason in terms of principles and not live up to these principles.

- **moral judgment, while only one factor in moral behaviour, is the single most important or influential factor yet discovered in moral behaviour**
- **while other factors influence moral behaviour, moral judgment is the only distinctively *moral* factor in moral behaviour**
- **more judgment change is long-range and irreversible: a higher stage is never lost; moral behaviour as such is largely situational and reversible or *loseable* in new situations.**

Other Approaches:

character education — the *bag of virtues*

values clarification — *no right answer*

In terms of moral discussion, the important conditions appear to be:

- exposure to the next higher stage of reasoning;
- exposure to situations posing problems and contradictions for the individual's current moral structure, leading to dissatisfaction with the current level;
- an atmosphere of interchange and dialogue combining the first two conditions, in which conflicting moral views are compared in an open manner.

How do we become better at Moral Decision-Making? The opportunity is here...

A central question remains: *does the learner (i.e. you) want to make better decisions when facing ethical dilemmas?*

- | | | |
|-------|-------------------------------------|---|
| (i) | <i>punishment and obedience -</i> | fear |
| (ii) | <i>the attempt to make a deal -</i> | you scratch my back, I'll scratch yours! |
| (iii) | <i>let's try to get along -</i> | nice person image |
| (iv) | <i>law and order -</i> | show me the rules! |
| (v) | <i>social contract -</i> | I have an obligation to you |
| (vi) | <i>universal principles -</i> | I believe!! |

[Review the *stages schematics* **handout**]

Another way to explore this is to look at the stages in terms of the question of **the value of human life**. Here are examples of each stage of reasoning:

- Level 1 *The value of human life is confused with the value of physical objects and is based on social status or physical attributes of the possessor.*
- Level 2 *The value of human life is seen as instrumental to the satisfaction of the needs of its possessor, or of other persons.*
- Level 3 *The value of human life is based on the empathy and affection of family members and others towards its possessor.*
- Level 4 *Life is conceived as sacred in terms of its place in a categorical, moral, or religious order of rights and duties.*
- Level 5 *Life is valuable in terms of its relation to community welfare and in terms of life being a universal right.*
- Level 6 *Belief in the sacredness of human life as representing a universal human value of respect for the individual.*

Once you become comfortable with the various stages and more adept at determining the levels at which others predominately operate from, then you can adjust the level(s) you choose to use when attempting to mediate or resolve a dilemma resulting primarily from the behaviour of others. However should you believe that your own behaviour and/or the thinking that supports it is inadequate or insufficient for the challenges/tasks at hand, then it is incumbent to refine your own level(s) of moral reasoning. If your present disposition is to use level four (4) reasoning, start to reformulate your arguments at a level five (5).

For personal reflection...

- **Does this make your decision-making better (in your view)?**

- **Is there more comfort with the rationale?**

- **Does the resultant action(s) more consistently match your thinking?**

- **Do you see an improved articulation of your approach to ethical dilemmas?**

- **Is the moral dilemma more easily recognized?**

- **Ought it to be more readily addressed?**

- **Do you think you would be more effective in moments of crisis?**

V. The MORAL DILEMMA:

How do we reason through the critical moments in our managerial decision-making:

- **when both choices are equally distasteful or desirable?**
- **do we see such moments as the beginnings of ethical dilemmas?**
- **do we believe there are more (and/or less) rational approaches to be used?**
- **if there are tools that could assist, would we use them?**
- **and if so, would we want our subordinates also to have access to them?**

These questions help form the backdrop to this exercise. The entire course is oriented to analysis and application of a tool to enhance your capabilities to resolve the critical ethical dilemmas occurring in the managerial domain.

Some examples

- *A situation where an individual's personal integrity & judgment is challenged AND a choice must be made even though it is painful + the situation is uncertain (least adverse effect). [earlier ENVH 523 class]*
- *A moral dilemma is when there is an internal conflict between what you believe is right & the difficult consequences you are faced with. [earlier ENVH 523 class]*
- *Professional ethics is the application of moral standards and ideas of the good life to the intentions, actions, technologies and goals/targets used in the professional world [Wexler]*
- *Having to make a decision based on choice that challenge your core belief & integrity, none-the-less the morally right decision may lead to unpleasant consequences creating grey areas. [earlier ENVH 523 class]*
- *A situation where a decision needs to be made between two (or possibly more) equal & conflicting options, the outcome of which will result in a painful solution! [earlier ENVH 523 class]*
- *Professional ethics is that particular branch of applied ethics which seeks to describe the moral standards in use in professional practices and to prescribe effective ways to change, raise or alter these moral standards. [Wexler]*
- *A conflict where an individual is forced to make a choice in which their reasoning is challenged and there is often a trade-off between the consequences to oneself & the consequences imposed on others. [earlier ENVH 523 class]*
- *A moral dilemma is an internal conflict between two (2) equal choices/options that must be made but the consequence is painful. [earlier ENVH 523 class]*

A. *Introductory Individual Brainstorm:*

- What is a dilemma?
- How does one come to a decision when neither choice is acceptable?
- Or, when both are equally desirable?

List all relevant components of what you think would be included in a definition of a *moral/ethical dilemma*.

B. *Small Group Discussion* (Part I):

{initial pairings will start at the pre-set tables}

Focus on establishing, through consensus, a mutually acceptable definition (it is permissible to start with one of the examples and improve/enhance it).

C. *Small Group Discussion* (Parts II & III):

- A second (2nd) round whereby Groups are now paired off: two (2) small groups will merge and attempt to combine their two (2) definitions into one (1) single definition.

- The third round (3rd) repeats the process...merging into a single definition

D. *Full Class Presentations*:

Each super-group will present and explain their definition.

- Can we produce a collective consensus statement for use as a *working definition* for and throughout this Seminar (it can be a modified version of the above given definition or a considerably different statement)?

VI. Conversations around dealing with the world out there...

Case Study #4 **The Idealistic Professional!!**

It is important to recognize that in the process of reasoning through an ethical dilemma, the stages upon which a person predominately builds rational arguments to resolve that dilemma are most likely to be reflected in those situations that affect the individual immediately, in the questions of *home and work*. **This case study allows you to see the development and growth of ethical reasoning in one individual, as well as quite well defined stages of moral reasoning of other characters that, in their interaction, help &/or hinder the development the central character's stage(s) of ethical reasoning.**

While viewing the full length version of the rather intriguing movie *The Firm*⁷ be **prepared to identify two [2] major moral dilemmas during the film:** indicate the levels of moral reasoning used by the characters involved and whether or not the dilemma was resolved, and why!

{in your designated team – see *Appendix A*– prepare responses to these questions}

As well, **there are a number of scenes to pay particular attention to:**

- a) During the recruiting of Mitch McDeere (Tom Cruise) the Managing Partner reveals how he knew what to offer: *what is your first reaction to this information?*

- b) Discussing the offer with his wife Abby, Mitch says *Did you ever think I'd make a six-figure salary?* — what was her reply, and what does that tell you about her?

⁷ *The Firm*, a film by Sydney Pollack, released in 1993 by Paramount Pictures as a John Davis/Scott Rudin/Mirage Production starring Tom Cruise, Gene Hackman, Jeanne Tripplehorn, Ed Harris, Holly Hunter, Hal Holbrook & David Strathairn.

- c) Why do you think the firm selected Avery (Gene Hackman) to be McDeere's mentor? In what ways did he help McDeere grow in *ethical reasoning*?

- d) What did Abby mean when she said there is a difference between being upset and being scared? And, a little later, why did she reply to Mitch's *I want to give you everything you gave up*, with the comment: *Stop it! Just bring flowers*?

- e) The trip to the Cayman Islands comes early in the story, and the Islands play a recurring role throughout the story: does this have anything to do with Abby's earlier comment *It's not for me — it's not even for you!?* And, why do you think that Mitch would immediately go and visit his brother after returning for the first time?

- e) After the visit to Washington, Mitch then met with the *inner circle* at the firm: was this a form of confession? or Step One in coming to grips with the fact that *your life as you know it is OVER*?

- d) During the dinner scene on the day of the Bar Exam reception, Abby said: *You can't promise me anything anymore!* What did she mean and was she right? How valid was Mitch's comment: *I couldn't stand you not knowing*?

- c) When the *inner circle* met with Avery after the discovery that Mitch had a brother who was a felon, what was the reasoning behind the need to have such information? Why wasn't Avery more concerned?

- b) When Mitch starts down his journey on the *over-billing problem*, what are his reasons? And what stage level is he operating at?

- a) What level of reasoning says: *You did the cheating, I'm the one that feels guilty?*

- a) Avery's comments at the school yard (*I take rejection well*) and his little speech at the Hyatt in the Caymans tell you what about his reasoning stage level?

- b) How do you rationalize Mitch's breaking into the computer codes, printing the information, and then taking it out of the firm? And, then his brutal beating of the Security Boss (Wilfred Brimley)?

- c) Forgetting the rather interesting screenplay between the Chicago boys and Mitch, consider the reasoning apparent in Mitch's comments: is there any evidence of change in stage level? And if so, is it an example of growth or simply a shift?

- d) What is your general assessment of the Senior Partner, Oliver Lambert (Hal Holbrook)? What stage level did he seem to reason at? Where did his emphasis on *family* fit in with all this? Where is his disconnect with *Cowboy Ethics*?

- e) What about Avery? Illustrate his level(s) of reasoning! Where did his recurring thoughts about marriage and his own love life fit in with all this?

- b+d) What stage(s) do you think Abby generally reasoned at? Illustrate:

- c+a+e) What stage(s) do you think Mitch generally reasoned at? Where are there transitions? In each case, who helps or hinders? At the conclusion of the story, where is he predominately reasoning, and will this become relatively constant? Explain &/or illustrate each of your responses:

- all groups) What was the *ultimate ethical dilemma* for Mitch & Abby? And, what stages did they use to get through it?

B..

Small Group Discussions...

Prepare a collective response to your designated questions and be prepared to present to the full class.

Full Class Conversation...

We will hear from various groups on the different questions and will then reflect/converse on the responses...

Concluding Roundtable

- In what ways/contexts is this entire approach to understanding and dealing with *ethical dilemmas* beginning to make sense?

- How might the reading of *Cowboy Ethics* have helped the characters in the Law Firm? In what way might we use both the book & our insights from the film to real-life situations when we face organizations and corporations in the communities we work within so that we end up with results that are more productive and easier to deal with?

VII. SPECIAL ASSIGNMENT: *Additional Queries Part 1*

{see Addendum A for your designated group}

- In your small group prepare a **presentation/role play** on your designated *query*.

Notes on developing a Role Play:

Each Team will be assigned a particular case study to turn into a *Role Play*. Each member of the team must play at least one of the characters (additional characters can be added, but such must be relevant to the story and their stage(s) of ethical reasoning must be easily determined at the outset). Each character will have an assigned stage of ethical reasoning at the start of the role play. However, in the resolution of the ethical dilemma(s) at the centre of the story, characters may move in their stages of reasoning in order to achieve the desired conclusions.

The role play has to be at least four [4] minutes in length, but cannot be more than six [6] minutes in order that the development of a solution is readily apparent to the class without being tedious or confusing.

At the start...**Brainstorm**.... then develop your presentation/role play

- what is the moral dilemma
- what stage(s) are each of the key individuals at?
- what stage(s) are you most likely to develop a resolution?
- As the challenge is to role-play potential resolutions to this dilemma. **Go through the process at least a couple of times, each time switching roles** to permit each participant to play different roles — this may help determine who is most comfortable in arguing the agreed upon stage of that role.
- After completing the practice rounds of the role-play, develop a presentation for the full class and appoint a spokesperson to introduce your story. The presentation should concentrate on the major question (noted above at the end of each dilemma)

Query A

You are in middle management in the Dept of Health and have an irksome employee. He is tardy, often absent, produces rather substandard work, and continually creates histrionic scenes calling attention to himself as an indispensable contributor. You have the opportunity to pass this employee over to another office within your Department (but out of the city) by writing a glowing recommendation. The employee in question is eager for the transfer as it will involve a raise in pay and increased responsibilities.

Do you temper your remarks, write a glowing letter, and rid yourself and your work group of this problem?

Query B

As a newly promoted Environmental Health Inspector in Edmonton, you have rented an apartment in a major complex in Sherwood Park, which is not located in your inspection area. However, you do know the landlord as you have had professional dealings with him regarding other properties, which you have inspected in St. Albert. After having lived in the apartment for a couple of months, you start to have a problem with mice. You complain to the landlord who immediately brings over traps and tries to determine how the mice are entering your apartment. Happy that the landlord is dealing with the situation, you are shocked when your neighbouring tenant(s) accuse(s) you of using your position to get your complaint dealt with. Unknown to you, they have been complaining for weeks & months to the landlord about the same issue.

In talking to the Department Head, she suggests organizing a meeting of all tenants (away from the apartment) whereat you will document all complaints and then turn it over to the Inspector for the area. In talking with two of your classmates, they both suggest that you go directly to the landlord and tell him that provided he undertakes a major pest eradication program for each tenant within a week, you will not have him written up with a citation (and court date).

What do you do? Where or how can this be most quickly brought to resolution?

Query C

As a recently appointed EHO, you go to inspect a restaurant and discover there is a temperature violation in one of the refrigerators (7 degrees, Celsius). The operator indicates that he can't do much about this because the fridge is frequently used (door opened & closed often) and so the issue is unavoidable.

The restaurant operator has a reputation for always trying to make a deal whenever he can (especially when he thinks he can cut corners). You know of one previous occasion when he offered to cater, for free, a former EHO's kid's birthday party if a certificate of health was issued. You have been asked to help a charity golf tournament by arranging the food...

Would you ignore this violation if he will do the catering for the tournament or insist that the problem be fixed? Explain your decision:

Presentations &/or Role Plays...

II (cont'd). More on Ethics Unwrapped...

Intro to Behavioural Ethics...

- why do you think you were shown this now?
- from your experiences to date, who should be shown this video?

VIII. *Wrap-up to Module One [I] and other conversations...***Review of Written Component of Final Exam*****Incident at Morales...***⁸

This film involves a variety of ethical issues faced by a company that wants to quickly build a plant in order to develop a new chemical product to gain a competitive edge over the competition. Potential technical and ethical issues arise from choices of designs, including valves, piping, chemicals, etc. The process to develop the product is designed to be automated and controlled by computer software. The process also involves high pressures and temperatures as well as using chemicals that require special handling.

Because of environmental considerations related to the chemicals used in the process, the company decides to construct their plant in Mexico. Out of this decision arise technical, environmental, financial & safety problems that involve ethical issues.

The central figure, Fred, confronts a number of key moments of critical choice including the use of expensive controls from a company that has an inside connection at the firm, the introduction of environmental health controls that would actually be higher than local requirements, the purchase of pipes & connectors made from stainless steel or a high pressure alloy when marketing pressures require a slightly different product.⁹ And perhaps there are cultural expectation as well?

CAST of CHARACTERS:

Fred	Chemical Engineer hired by <i>Phaust</i> to design a plant to manufacture a new paint remover
Wally	Fred's supervisor at <i>Phaust</i>
Chuck	Vice-President of Engineering at <i>Phaust</i>
Dominique	Corporate Liaison from <i>Chémistré</i> (parent company in France) to <i>Phaust</i>
Maria	Fred's wife, a compliance litigator for U.S. Environmental Protection Agency
Hal	Market Analyst at <i>Phaust</i>
Jen	Research Chemist at <i>Phaust</i>
Peter	Project Manager of the construction firm that builds the new plant in Morales
Jake	Plant Manager for the <i>SuisseChem</i> plant in Big Spring, Texas
Manuel	Plant Manager for the new <i>Phaust</i> plant in Morales, Nuevo Leon, Mexico

⁸ A film produced by the **National Institute for Engineering Ethics**, Texas Tech University, Lubbock Texas, 2005.

⁹ This is summarized from the Study Guide provided with the above noted film.

SECTION A:

Whether doing the exam by yourself or in a team, provide answers to these questions

- *four (4) key moments when ethical choices are made...*
- *to what extent would you define Fred to be a morally good person...*
- *where better decisions could have been made that would have averted some of the ethical dilemmas within the Incident at Morales...*
- *to what extent is this as much an public health issue as it is an engineering one? (and) where would you have intervened or at least made sure everyone realized that public health was a pre-eminent issue in the scenario?*

SECTION B

If working as a team, you must answer all the questions in this section (B). If doing the exam individually, select any five [5] and answer only those questions.

- Would reference to a CODE of CONDUCT have solved this problem? Explain:
- What questions of ethical conduct do you see around the initial hiring of Fred? Were they appropriately handled, in your mind?
- What is it about Wally's *One Rule* that could lead to ethical problems?
- How do you react to Chuck's comment about inflating the budget as a hedge against potential budget cuts? What is the difference between inflating a budget & providing contingency funds as a line item in the budget?
- Chuck's brother-in-law is the U.S. rep for a supplier of controls: what ethical issues does this raise? What is your response to Wally's justification of this approach to purchasing?
- Why did Fred share his concerns with his wife? Was this appropriate? Discuss his comment that since the plant is beyond her jurisdiction it is of no concern to her?
- Is Wally justified in confronting Fred about the environmental meeting? Who should moderate such a meeting – a public/environmental health professional? Why or why not?
- Did Fred act responsibly in both (a) lining the evaporation ponds and (b) specifying cheaper controls? Were there any ethical dilemmas here that a public/environmental health officer would have faced?
- While talking with Peter, Fred is inspired to make the couplings a maintenance issue, specifying that the couplings should be replaced regularly: to what degree is it appropriate to convert design decisions into maintenance procedures without including operations people in the decision process? To what extent does this happen in other public &/or environmental health situations?
- Although the chemical process was supposed to be automated, Fred allowed Manuel to volunteer to control the process manually: how was this an ethical decision?

SECTION C:

If answering as a team, select any five [5] of the following and provide responses; if doing the exam individually, select any two [2] of the following and provide responses.

- How should a company, such as *Phaust*, encourage ethical decision-making in the future? Where have you witnessed similar problems in your world of work (*without necessarily naming names*)?
- How does *corporate culture* affect how we practice public health? To what extent does *political culture* impact our ethical decision-making?
- Even if a lawyer indicates you have no legal obligations to your former employer when you go to a new job, what *moral obligations* do you have to ensure the confidentiality of information you acquired at the earlier job?
- How much responsibility does the employer have to ensure that you are free to pursue your tasks employing the highest standard of ethical decision-making? Is there an obligation, whether government or private sector, to protect you from having to make an unethical though technically legal decision?
- Where and when is it a good idea to share your ethical challenges with your partner at home? What ought you to do when your partner reveals to you a problem at their workplace that you recognize as a public health issue? [What if it is not in your jurisdiction?]
- Do you believe that standards should be universal, or is it okay to have particular health standards in one (1) country and another set for another country? And what about from province to province? Municipality to municipality?
- What obligation(s) do we have to consider downstream (i.e. future) implications or possibilities when making critical choices about an immediate problem? And, when does future trump the present (or vice versa) in resolving ethical dilemmas?
- Where and when does the issue of trust impact our ethical decision-making? And should this include allowances for a *margin of error*? Is candour a component of moral choice? Is *reputation for integrity* a necessary aspect for any good public health official?

SECTION D:

Every one must answer this question:

what stage(s) of moral reasoning did the following appear to be at?

Fred _____ Chuck _____ Maria _____

Wally _____ Peter _____ Manuel _____

MODULE II**IX.***Case Study #5: **Henry's Daughters**¹⁰*

*This case provides additional perspectives on challenges surrounding ethical decision-making. It touches on some of the issues raised in **Ethics Unwrapped** as well as **Cowboy Ethics**. It can also serve as a useful reference in the Final Debates aspects of the Final Exam.*

Henry, sixty-five [65] is a retired but still well-connected automobile executive and sometime lobbyist. He is involved in an academia-industry-government smart highway design called **Sanshands**. The intent is to design & develop an automated highway/auto control system to take over driving from individuals within their cars.

Laura, twenty-nine [29] is Henry's older daughter, a professional engineer working as project manager on **Sanshands**. Her recommendations will be considered prior to final adoption of the preferred research project.

Julie, twenty-one [21] is Henry's younger daughter, is working as an intern with **Outocar** which is one of two organizations chosen to develop the test pilots (the other firm, **GuideMe**, has retained Henry as a consultant).

The two [2] sisters live together and often talk about their work. As the story unfolds they both see disconcerting actions/activities including excessive influence by **GuideMe** on the key decision-makers and plagiarism by co-workers. Pressures build within government towards choosing **GuideMe** which prompts allegations from **Outocar** that lead to a state senate ethics commission hearing. Two [2] key witnesses are *Laura* and *Henry*.

This story highlights ethical issues encountered by the characters, such as professional relationships, conflicts of interest, favouritism, confidentiality of proprietary info, sexual harassment, and individual privacy. The individuals disagree over the tradeoffs between technical performance, safety, reliability, sustainability, flexibility and cost. They also find that political and social factors can influence technical decisions.

¹⁰ Film produced by the National Institute for Engineering Ethics, Edward Whitacre College of Engineering, Texas Tech University (2010).

Several ethical observations to note...

- ethics is an integral and explicit component of ordinary technical and business decision-making...
- technically competent, ethically sensitive, reasonable people may have different perspectives on an ethical issue, and can disagree when faced with complex ethical issues...
- negotiations resolve some of the conflicts but others remain unresolved – ethical problems should be resolved by rational methods...
- codes of ethics and guidance from licensing boards can be helpful in resolving ethical challenges...
- it is sometimes necessary to make decisions under pressure with incomplete data, insufficient time and inadequate information

As the story unfolds...

ALL GROUPS:

What are the first dilemma(s) you see emerging?

Identify the two (2) biggest ethical decisions that need(ed) to be made regarding the first [1st] dilemma you recognize...

HD-4, HD-5, HD-6

Regarding the two [2] sisters, there are numerous questions that could be raised but consider these in particular: *was it ethical for Henry to pull strings to get Julie her internship?* and, *was Laura given the project because of her professional talents + work ethic or because of Henry's connections?* (And if so, would this raise a conflict of interest issue?) plus *the cake eating scene* raises what ethical issues?



HD-1, HD-2, HD-3

Relate the comments, *keep it in the family, don't rock the boat, and it's just normal business* to the overall ethical challenge(S) of Henry & his daughters

ALL GROUPS

Upon reflection, at the conclusion of the story, what was the real moral problem, and where did it start?

What were the good decisions that were made? And why?

Give an example of three [3] moral failings *Ethics Unbounded...*

From your assigned character, and from that person's perspective how would you have done things differently?

HD-1 – Laura

HD-2 – Julie

HD-3 – Jeff

HD-4 – Henry

HD-5 – Senator Bob

HD-6 – Barry

When we think about the ethical challenges of leadership, where & why do the most seem to emerge? And can *ethics unbounded* from the *Concepts Unwrapped* series add any clarity or deepen our understanding of this case?

HD-1, HD-4

professional issues: *to what extent should you consider political factors and social impacts in your decision-making? And, should Laura have said something about Marty's treatment of Warren like she did about the ogling of Julie?*

HD-2, HD-5

- **conflict of interest:** *to what degree was it appropriate for Henry and his daughters to work on the same project, but for different parties? Should Senator Bob have recused himself from the investigative committee?*

HD-3, HD-6

- **gender issues:** *does the appropriate response to sexual harassment depend on the setting – e.g. whether one is in a situation with one's peers vs. with one's supervisor vs. dealing with a client? Are sexist comments disguised as jokes acceptable? Is it ever permissible for an employee of one gender to put their hand on the shoulder of another employee or compliment an employee of the other gender?*

HD-1, HD-3, HD-5

- **intellectual property issues:** *what is proprietary information? How should you decide whether to share some of your information from work when you get home?*

HD-2, HD-4, HD-6

- **privacy issues:** *as a matter of interest, does tracking vehicle location cause a violation of privacy? If you knew an individual was illegally dumping environmentally unhealthy waste and a neighbour was willing to attach a GPS device to his truck, to what extent would you use the resultant information to track him down and catch him in the act?*

ALL GROUPS

Provide an assessment of the following characters as to the stage(s) of moral reasoning that they seemed to primarily use:

Henry (father) _____ Laura (older sibling) _____ Julie (younger sib) _____
Senator Bob _____ Jeff (DOT Chief) _____ Barry (Outocar) _____
Warren (DOT engineer – Black) _____ Marty (DOT engineer – Latino) _____

VII (cont'd) **SPECIAL ASSIGNMENT: *Additional Queries – Part 2...***

Plagiarism as an Issue in the Search for Creativity.

This incident involves a micro-biology course at the local university that has a reputation for being very difficult. It is an optional course, except for those going into *environmental health professions*. The professor is a veteran and his marking has not varied much in the past fifteen years: FIVE[5] major papers MUST be written DURING the term [emphasis mine].

A student in her graduating year took this course and wrote the first four [4] papers. When the time came to hand in the fifth [5th] paper, she had many other things to do in order to graduate. One of her friends had taken the course two years previously and still had her papers. The student asked her for one [1] of the papers, rewrote a few parts of it and handed it in, believing that the professor would never remember a paper that had been written that long ago, especially since many students take the course. Needless to say, the professor recognized the paper and he even recalled the name of the student who had originally written it.

- a) What should the professor do? Why?

- b) Suppose the set punishment for plagiarism is expulsion from school. Should the professor consider the fact that the student is about to graduate?
Explain:

- c) In what way(s) might the student who loaned the paper be guilty?

- d) Would you see either of these students as employment risks?
Explain:

- e) Would you want either of these students working on a research project for you?
Explain:

X. Conversations dealing with your world of environmental health...

*Case Study #6: Erin Brockovich – The Movie*¹¹
{refer to *Addendum A* for your designated group}

Sometimes it is not the lawyer that really makes the case — often, in fact, you are going to have to decide yourself:

- are the stakes simply too high? or,
- does the challenge appear too unrewarding? or,
- is this the time that you know you are right, no matter what?

In order to appreciate this, you'll observe a journey by a real person who cared... who believed one's environment should not hurt one's family's health... who wanted to see an environmentally healthier world... no matter what!!

¹¹ Universal Pictures & Columbia Pictures (2000) directed by Steven Soderbergh starring Julia Roberts & Albert Finney.

1. What do the initial scenes (job interview(s), court appearance, first scene(s) with her kids) tell (suggest to) you about Erin?

2. When the lawyer brought up the *wardrobe* issue, what is the moral dilemma and who is facing it?

3. *Do you have so many friends now, you don't need anymore?* What does this tell you about George the biker neighbour? And, about Erin?

4. What are your feelings towards Erin during/after the first investigation, after she gets fired, upon being re-hired?

5. What dilemma(s) is (are) Erin facing at the Water Board office? In the Jensen household?

6. Do you think that Erin is being thorough? Would you take her side (or even stick up for her)? What about the *phone call* after the data gathering?

7. The need for drawing a *connection* from the local plant to the corporate head office — is this an *ethical dilemma* or simply a political/legal problem? Explain...

8. What is the dilemma contained within these two (2) interesting statements by Erin?
For the first time in my life, people respect me...
Bend my life around what men want & need...

9. When Mrs. Jensen asks for a promise, why is she asking? How is Erin responding?
-
-
10. The following questions recall the Arbitration process...
- a) How did they get into this is the first place?
-
-
- b) What seems to be happening between the two (2) firms?
-
-
- c) What really seems to be happening at the community meeting? And, who is really leading things?
-
-
- d) Why is there such persistence at signing the names?
-
-
11. Regarding the Charles Embury issue, what do you think is his reason for talking and why does it arise when it does? What stage(s) of ethical reasoning are in play?
-
-
12. Why does Erin's decide to take George with her when she tells Mrs. Jensen the results of the decision? What stage(s) of ethical reasoning are in play?
-
-
13. Explain your reaction(s) in the scene between Masry & Erin at the end when he gives her the bonus cheque! What stage(s) of ethical reasoning are in play?
-
-
14. Where & when in this story do we seem to find most of the moral dilemmas?
-
-

15. Why do ethical dilemmas arise in the case? Who, most often, seems to be at the centre? & Why? What stage(s) of ethical reasoning seem most in play?

16. Where do you see some potential straightforward solutions? How would you implement them? And what stage(s) of ethical reasoning would you employ?

17. What lesson(s) can we take from this case study? How might they apply to our career path(s)?

18. What *stage(s)* do you see Erin operating at? (Cite & validate)

19. When Mrs. Jensen asks for a promise, explain what *stage(s)* are evident for her? For Erin? Why do you think this is?

20. Explain what stage(s) are displayed at the community meeting, and by whom?

21. Explain what stage(s) are evident in the persistence at signing the names?

22. Explain how helpful might understanding different stage(s) have been for Masry in dealing with this entire case? Explain by citing particular moments, and/or individuals...

V (cont'd).

The MORAL DILEMMA:

Final Definition...

XI. Preparing for the Final Debates: A Practice Session...

In your designated team, you will be given a practice case to study — you will either **argue in the affirmative** — or **provide the counter/alternative argument(s)**. The key is always to make sure you read the case carefully and then study the central question so as to be certain of the position you are to be taking. You will not be presenting from the same perspective as the other team. The purpose of the debate is to give you the opportunity to try to persuade the other team to come to your perspective. Think of yourselves before a city council or a public hearing and work at trying to bring the other team more towards a consensus if possible...

NOTE: In the Final Debates, each team will participate in two [2] debates. One as the proponent, one as the alternative!!

The *rules* for the debates are straight-forward:

- **In the Final Debates, there will be a coin toss to determine which team goes first (the team that wins the coin toss gets the choice of whether to go first or second); then the Case is announced and the key question for debate is given.**
 - The *affirmative team* will get three [3] minutes to prepare and then have seven [7] minutes to make their case
 - The *counter-group* will get two [2] minutes to prepare and then have four [4] minutes to respond to the *affirmative team*.

There will then be a one [1] minute caucus for the Affirmative Team to prepare a rebuttal.

- **The *affirmative team* will then have three [3] minutes to present their rebuttal.**
- **In the Final Debates, the judges will also be given an opportunity to question the *affirmative team* (after a one [1] minute caucus) – each judge may ask one [1] question plus one [1] follow-up. Following this they will score each team (although the results are not revealed at this time).**

In the Final Debates, the process would be repeated, except the teams would switch roles.

- The scoring for the Final Debates is as follows: these scores contribute to part of the *peer score*

- The *non-participating teams* will rate each team according to the scoring rubric. Their score sheets will be turned in before the judges begin to ask their questions.

(NOTE: these scores will contribute to part of the *prof's score*)

- The professor will score each debate and will compare the various peer results to his own — the higher the degree of convergence, the higher the mark for the *non-participating* group scoring — the prof's score, however is the one that will count most for the *participating teams* scores...

Preliminary Practice Round(s)...

The Debating Teams...

Debaters A

Debaters B

Debaters C

Debaters D

Debaters E

Debaters F

Each Team will be given an opportunity to present a practice case, either in the affirmative or the negative, to the prof as a way to gain confidence that their skills sets are pointed in the right direction for the finals...

Debaters A

VS.

Debaters B

Debaters C

VS.

Debaters D

Debaters E

VS.

Debaters F

Observations...

Module III**X (cont'). Conversations dealing with your world of environmental health...****Case Study #7: *Gilbane Gold***

{refer to *Addendum A* for your designated group}

Synopsis¹²

Gilbane Gold is the name given to dried sludge from the Gilbane wastewater treatment plant. It is sold to farmers as a commercial fertilizer. The annual municipal revenue generated saves the average family about \$300 a year in taxes. Several years ago the city of Gilbane established limits on the discharge of heavy metals to the sewers in order to protect *Gilbane Gold* from the build-up of toxic materials that could end up in the farmer's soil. These limits are ten (10) times more restrictive than Federal limits. However, the limits are based on the concentration of the discharge with no restrictions on total weight of material discharged.

Z CORP is a computer components manufacturer, which discharges wastewater containing small amounts of lead and arsenic into the city sewer system. By the current city test standards, the discharge usually meets the allowable levels for heavy metals. However, a newer test, known only to *Z CORP* environmental people, shows the discharge exceeds the city test standards. An ethical dilemma arise within *Z CORP* concerning whether to advise the city of the newer test. Acceptance of the newer test would require additional investment in clean-up equipment. **Tom Richards** is a *Z CORP* environmental engineering consultant who was fired for advocating the new test. Thereafter, **David Jackson**, an engineer working for *Z CORP*, goes public with his views. A television media investigation results.

Complicating the situation is the fact that *Z CORP* has just received a contract for five (5) times as many computer modules as they presently produce, albeit at a very thin profit margin. The increased production means five (5) times as much waste will be produced. The discharge concentration can be kept the same by adding five (5) times the amount of water, thus still meeting the existing city standards. The result, however, is that *Gilbane Gold* has five (5) times the amount of heavy metals in it as before. The *Z CORP* vice-president is opposed to changing the test standards as that would require additional investment in wastewater treatment equipment. This could cause *Z CORP* to lose money on the new contract. The VP contends that *Z CORP*'s responsibility is to provide jobs and a payroll and that the city should worry about the environment.

Primary Questions (for all small groups to consider)

- Have any laws been broken? And, is this even relevant?
- What are the major ethical problems? Where are they linked to technical uncertainties?
- Where are the moments of critical choice whereby the situation could have been resolved?
- When, in such moments, should you turn to your professional organization or at least to some of your professional colleagues?

¹² Excerpted from the **Study Guide for *Gilbane Gold***, National Institute for Engineering Ethics, Texas Tech University (1989)

Background Thoughts (for each group to reflect & utilize as necessary)¹³

The right course of action is usually clear when it is between *good & evil*. However, it is not unusual for Environmental Health officials to find themselves forced to choose between competing *goods*, rather than between *good & evil*. This scenario brings together the competing *goods* of:

- protection of human health and the environment (regulation and the spirit vs. the letter of the law)
- the quality of life and the welfare of people (jobs & taxes)
- personal integrity (view of self & living up to personal standards)
- free enterprise (profitability and competition in an international marketplace)

Key Players

David Jackson (young environmental engineer at *Z CORP*)

Maria Renato (Channel 13 Reporter)

Lloyd Bremen (farmer, also former commissioner for environmental protection)

Dr. Winslow Massin (professor emeritus at *Hanover University, School of Engineering*)

Phil Port (head of *Z CORP*'s environmental affairs department)

Tom Richards (environmental engineering consultant)

Diane Collins (*Z CORP* Vice-President: in charge of plant)

Frank Seeders (*Z CORP* head of production)

Specific Challenges

Each group will analyse the case from the point-of-view of a particular individual or organization. The final *cross-fire* will attempt to determine what the proper/best/preferred resolution ought to be (and the goal of all teams will be to get to a solution, without the need of an independent mediator). The team that does the most to work towards a resolution and (if different) the team that actually brings the *crossfire* to conclusion will receive a bonus of up to three [3] marks towards the final marks of each participant.

GG-1: Maria Renato, Channel 13 Investigator [in addition to the primary questions noted above]

- explain your perception of the degree of fairness in the Channel 13 investigation?
- to what extent did all *sides* get adequate coverage?
- what level(s) of moral reasoning appear to be behind Maria's approach to the ethical challenges?
- in what ways did (or did not) Maria's work contribute to resolution of the major dilemma?

¹³ *Ibid.*

GG-2: Professor Emeritus Winslow Massin [in addition to the primary questions noted above]

- assess the *helpfulness* as well as the *goodness* of the retired professor's comments & advice?
- discuss the validity of his view(s) extolling a compromise between development and production of new products and the resultant impact on the environment (and by implication, environmental health)
- should the fact he is retired be considered in weighing his value (& even whether he should have been invited for comment at all)?
- what should his advice have been to David?
- what is his seeming level of moral reasoning?

GG-3: Lloyd Bremen (farmer & former commissioner for environmental protection)
[in addition to the primary questions noted above]

- how proper is it for former officials to get involved in such events after they have retired?
- to what degree might he be a mediative force in this dispute as he both helped write the regulations and now, as a farmer, is a purchaser of Gilbane Gold?
- where might he be helpful to city officials in explaining the long term impacts of their decision-making in regards to encouraging industry while promoting Gilbane Gold?

GG-4: Phil Port, David Jackson's boss [in addition to the primary questions noted above]

- where was Phil Port's primary allegiance?
- to what extent, and in what instances, could he have facilitated a resolution to the dilemma?
- to what degree is he responsible for resolving the problems *Z CORP* seem to be creating (in other words, is this an environmental challenge or a production challenge or somewhere else??)
- what seems to be his level(s) of moral reasoning?

GG-5: Tom Richards, Consultant [in addition to the primary questions noted above]

- assess Tom's ethical conduct with respect to David Jackson?
- ...with respect to *Z CORP*, especially the environmental affairs department?
- ...with respect to Channel 13?
- what seems to be his level(s) of moral reasoning?

GG-6: Senior Z CORP Management (basically **Diane & Frank**)

[in addition to the primary questions noted above]

- assess their conduct from the perspective of a *Z CORP* shareholder / a city taxpayer / a Gilbane Gold user
- what are their primary responsibilities — what are they being paid to do?
- what would be the advantages & disadvantages if they had pursued a policy of *maximum protection of the environment, whatever the cost*?

- because the company is meeting (or comes close to) the letter of the existing discharge law, to what extent does it have a greater responsibility to meet the philosophy or objective behind this law, which is currently flawed because it does not limit the mass of pollutants discharged or require the most advanced analytical technology in measuring toxic substances?

GG-7: David Jackson, enviro-engineer [in addition to the primary questions noted above]

- what all might David have done during the development/evolution of this dilemma that could have averted it?
- what is your assessment of whether he should have *gone public* or *blown the whistle*?
- assess his decision to tell Channel 13 his side of the story *off the record* & how is *Z CORP* likely to react?
- what is the advice the *Z CORP* lawyer is likely to give?
- what advice would you give?

GG-8: The Moderators, (these *optional* individuals DO NOT appear in the video)

The challenge of the Moderators will be to help facilitate, as necessary (or as opportunity arise), the group coming to a consensus answer... The Moderators are not to run the cross-fire or even attempt to direct it; rather when either an impasse or a seemingly solution seems near, they can make suggestions to either individuals or the group as to possible ways to resolve the issue.

GG-9: The Peer Reviewers, (these *optional* individuals DO NOT appear in the video, will not sit in the circle or participate in the resolution process)

This group will assist the professor in rating each team as to its efforts to get to solution while maintaining, for a time at least, their initial position.

Initial Presentations [Team Seating will form a large oval – all but GG-9 facing each other]

GG-3: Lloyd Bremen (farmer & former commissioner for environmental protection)

GG-7: David Jackson, the young environmental engineer

GG-6: Senior Z CORP Management (primarily **Diane & Frank**)

GG-5: Tom Richards, Consultant

GG-2: Professor Emeritus Winslow Massin

GG-4: Phil Port, David Jackson's boss

GG-1: Maria Renato, Channel 13 Investigator

Cross-fire... ***Who is right? Who makes the most sense? What ought to be the final outcome? How can we all get there?***

Please remember: The *cross-fire* attempts to determine what the proper/best/preferred resolution ought to be (and **the goal of all teams will be to get to a solution**, without the need of an independent mediator). The team that does the most to work towards a resolution and (if different) the team that actually brings the *crossfire* to conclusion will receive a bonus of up to three [3] marks towards the final marks of each participant.

XII. Final review moments..

#1) *Values & Ethics in the Public Service of Canada*

Here is a summary of a presentation given to graduate students at *Saint Paul University* at different times over a two [2] year period. It is useful if you ever contemplate working for the federal government, and valuable in any other public service role. If you have any questions/queries don't hesitate to contact **Ms. Trudel-Maggiore** in Ottawa at the Department of Fisheries & Oceans (or whatever it is now titled).

#2) Thoughts about ***Cowboy Ethics...***
{refer to the *study questions* provided in advance of the course}

Preliminary Reflection... (individual brain-storming)

What is James Owen's stage of *moral reasoning* in **Cowboy Ethics**? (Examples?)

In the Author's NOTE James Owen makes the following comments:

You may find yourself in places you never expected, and shift direction along the way... Having some idea of your goals and purpose can certainly get you off on the right foot. But deciding where you want to go in life isn't some to rush. It takes time to explore the world, open your eyes to its rich array of possibilities, and discover your own interests and potential. Then, too, we live at a time when we may want or need to reinvent ourselves periodically. It's no longer uncommon to have three or four different careers in the space of a lifetime... To my mind, the most fundamental requirement for success is to know who you are at the core and what you stand for...

- What is Owen getting at?
- How does it resonate with your journey to get a degree in Environmental Health?

In your designated groups {your team for the Final Debates}, refer to the assigned questions on the special sheet...Prepare brief responses that can help lead the class to an effective connection between the text, the *Sinclair/Kohlberg Paradigm* and the course as it attempts to apply ethics to the role(s) of the Environmental Health Officer (EHO).

Give at least one [1] example of a similarity between one [1] of these characters and *Jack Abramoff*.

XIII. (a). FINAL EXAM – PART ONE [1] — *The Case*

{during first week of August: ONLY if it has not been completed and submitted}

NOTE: The written part of the final exam is open book. If you have waited until now to do this, it must be done individually. Watch the video first and then answer the questions as indicated! When preparing your written responses, bullets are permitted, however, all fragments, sentences and paragraphs used must be cogent and in understandable English.

Incident at Morales...¹⁴

This film involves a variety of ethical issues faced by a company that wants to quickly build a plant in order to develop a new chemical product to gain a competitive edge over the competition. Potential technical and ethical issues arise from choices of designs, including valves, piping, chemicals, etc. The process to develop the product is designed to be automated and controlled by computer software. The process also involves high pressures and temperatures as well as using chemicals that require special handling.

Because of environmental considerations related to the chemicals used in the process, the company decides to construct their plant in Mexico. Out of this decision arise technical, environmental, financial & safety problems that involve ethical issues.

The central figure, Fred, confronts a number of key moments of critical choice including the use of expensive controls from a company that has an inside connection at the firm, the introduction of environmental health controls that would actually be higher than local requirements, the purchase of pipes & connectors made from stainless steel or a high pressure alloy when marketing pressures require a slightly different product.¹⁵ And perhaps there are cultural expectation as well?

CAST of CHARACTERS:

Fred	Chemical Engineer hired by <i>Phaust</i> to design a plant to manufacture a new paint remover
Wally	Fred's supervisor at <i>Phaust</i>
Chuck	Vice-President of Engineering at <i>Phaust</i>
Dominique	Corporate Liaison from <i>Chimistré</i> (parent company in France) to <i>Phaust</i>
Maria	Fred's wife, a compliance litigator for U.S. Environmental Protection Agency
Hal	Market Analyst at <i>Phaust</i>
Jen	Research Chemist at <i>Phaust</i>
Peter	Project Manager of the construction firm that builds the new plant in Morales
Jake	Plant Manager for the <i>SuisseChem</i> plant in Big Spring, Texas
Manuel	Plant Manager for the new <i>Phaust</i> plant in Morales, Nuevo Leon, Mexico

¹⁴ A film produced by the **National Institute for Engineering Ethics**, Texas Tech University, Lubbock Texas, 2005.

¹⁵ This is summarized from the Study Guide provided with the above noted film.

SECTION A:

Provide answers to each of these questions

- *four (4) key moments when ethical choices are made...*
- *to what extent would you define Fred to be a morally good person...*
- *where better decisions could have been made that would have averted some of the ethical dilemmas within the Incident at Morales...*
- *to what extent is this as much an public health issue as it is an engineering one? (and) where would you have intervened or at least made sure everyone realized that public health was a pre-eminent issue in the scenario?*

SECTION B

Select any five [5] and answer only those questions.

- Would reference to a CODE of CONDUCT have solved this problem? Explain:
- What questions of ethical conduct do you see around the initial hiring of Fred? Were they appropriately handled, in your mind?
- What is it about Wally's *One Rule* that could lead to ethical problems?
- How do you react to Chuck's comment about inflating the budget as a hedge against potential budget cuts? What is the difference between inflating a budget & providing contingency funds as a line item in the budget?
- Chuck's brother-in-law is the U.S. rep for a supplier of controls: what ethical issues does this raise? What is your response to Wally's justification of this approach to purchasing?
- Why did Fred share his concerns with his wife? Was this appropriate? Discuss his comment that since the plant is beyond her jurisdiction it is of no concern to her?
- Is Wally justified in confronting Fred about the environmental meeting? Who should moderate such a meeting – a public/environmental health professional? Why or why not?
- Did Fred act responsibly in both (a) lining the evaporation ponds and (b) specifying cheaper controls? Were there any ethical dilemmas here that a public/environmental health officer would have faced?
- While talking with Peter, Fred is inspired to make the couplings a maintenance issue, specifying that the couplings should be replaced regularly: to what degree is it appropriate to convert design decisions into maintenance procedures without including operations people in the decision process? To what extent does this happen in other public &/or environmental health situations?
- Although the chemical process was supposed to be automated, Fred allowed Manuel to volunteer to control the process manually: how was this an ethical decision?

SECTION C:

Select any two [2] of the following and provide responses.

- How should a company, such as *Phaust*, encourage ethical decision-making in the future? Where have you witnessed similar problems in your world of work (*without necessarily naming names*)?
- How does *corporate culture* affect how we practice public health? To what extent does *political culture* impact our ethical decision-making?
- Even if a lawyer indicates you have no legal obligations to your former employer when you go to a new job, what *moral obligations* do you have to ensure the confidentiality of information you acquired at the earlier job?
- How much responsibility does the employer have to ensure that you are free to pursue your tasks employing the highest standard of ethical decision-making? Is there an obligation, whether government or private sector, to protect you from having to make an unethical though technically legal decision?
- Where and when is it a good idea to share your ethical challenges with your partner at home? What ought you to do when your partner reveals to you a problem at their workplace that you recognize as a public health issue? [What if it is not in your jurisdiction?]
- Do you believe that standards should be universal, or is it okay to have particular health standards in one (1) country and another set for another country? And what about from province to province? Municipality to municipality?
- What obligation(s) do we have to consider downstream (i.e. future) implications or possibilities when making critical choices about an immediate problem? And, when does future trump the present (or vice versa) in resolving ethical dilemmas?
- Where and when does the issue of trust impact our ethical decision-making? And should this include allowances for a *margin of error*? Is candour a component of moral choice? Is *reputation for integrity* a necessary aspect for any good public health official?

SECTION D:

What stage(s) of moral reasoning did the following appear to be at?

Fred _____ Chuck _____ Maria _____

Wally _____ Peter _____ Manuel _____

XIII (b). FINAL EXAM – PART TWO [2] — The *FINAL DEBATES*
{this section is subject to modification or alteration prior to Module III}

The purpose of the debate is to give you the opportunity to try to persuade the other team to come to your perspective. Think of yourselves before a city council or a public hearing and work at trying to bring the other team more towards a consensus if possible...

Each team will participate in two [2] debates: One as the *presenters*, the other providing the *critique/commentary*.

Scoring will be accounted for using the rubric of the International Ethics Bowl (sponsored by the Association of Practical and Professional Ethics – APPE). Round One [1] will use Steps #1 through #4; Round Two [2] uses Steps #5 through #8.

The *rules* for the debates are:

- **There will be a coin toss to determine which team goes first (the team that wins the coin toss has the choice of whether to go first or second); then the Case is announced and the key question for debate is given.**
- **The *presenting team* will have three [3] minutes to prepare and then have up to seven [7] minutes to make their case**
- **The *commentary team* will have two [2] minutes to prepare and then have up to four [4] minutes to respond to the *presenting team*.**

There will then be a one [1] minute caucus for the Presenting Team to prepare a rebuttal.

- **The *presenting team* will then have three [3] minutes to present their rebuttal.**
- **The judges will also be given an opportunity to question the *presenting team* (after a one [1] minute caucus) – each judge may ask one [1] question plus one [1] follow-up. Following this they will score each team (although the results are not revealed at this time).**

The process shall be repeated later in the schedule, except the teams will switch roles.

Schedule for the Debates {tentative}

Round One:

1st: **Team D** vs. *Team F*; 2nd: **Team A** vs. *Team C*; 3rd: **Team B** vs. *Team E*

Round Two:

1st: *Team C* vs. **Team A**; 2nd: *Team F* vs. **Team D**; 3rd: *Team E* vs. **Team B**

The Debates currently proposed (*but subject to change prior to Module III*) to be used in 2018 and *the questions to be asked...*

TOPIC #1 A-5: *Nuts Over Water*

Due to the healthy food value of almonds, the ethical choice is to ensure that almond farmers receive a higher priority for water than urban users or other farmers and rural land users.

TOPIC #2 A-6: *To Be or Not to Be*

Given that Canada is now facing the same issues in the *right to die* discussion, the ethical decision is to give each individual (with sound mind) the choice to request doctor-assisted death.

TOPIC #3 A-9: *Patent Rights*

Given that Canada faces the same issues in accessing new drugs for treating dangerous and/or difficult diseases, the ethical decision is to bring all drugs under the control/jurisdiction of the Canadian Health Act, thus enabling governments to order drug companies to provide drugs at no more than 100% mark-up over production costs.

TOPIC #4 A-14: *Well Spotted*

As Canada is the destination for many similar school *exploration education* trips, the ethical decision is to require all such cruises (or flights) to gain clearance from local public health officials prior to leaving the terminals to visit on-shore Canadian sites.

TOPIC #5 B-5: *Drug Pushers*

Pharmaceutical practices in Canada are pretty much the same as in the USA, and as Canada is fundamentally a country that supports a free market and gives a fair degree of professional license, therefore is the ethical decision is to permit doctors, pharmacists and other public health officials to make their own decisions as to whether they have direct contact with drug companies or any other supplier of products they need.

TOPIC #6 B-10: *Equinophagy*

Given that Canada has much the same relationship between horses and their owners, and a similar problem regarding availability of equine slaughter-houses, the ethical decision is to promote the value of horsemeat while simultaneously expanding the knowledge of EHO's to adequately monitor equine slaughter-house operations.

TOPIC #7 Dilemma Q: *(by Diane Teoh)*

As a young EHO may be too idealistic in the early days of one's career the ethical decision is to leave any investigations into the behaviours of seasoned EHO's to senior management and simply make sure one's own actions are above reproach.

TOPIC #8 Dilemma N: *Ethics Scenario*

Because of the continuing popularity of tattoos, many people will travel to find a good deal or a quick access, thus going well beyond their own health region's boundaries, the ethical decision is for each EHO to make sure that every potential problem in such studios is *red-flagged* whether within her/his jurisdiction or not.

TOPIC #9 Dilemmas R+O: *(submitted by Andrew Brooks)*

Given that restaurants are prime sources of many of the infractions that EHO's must deal with on a daily basis, the ethical decision is for each EHO to report any perceived problem to the appropriate Health authority, whether within her/his jurisdiction or not.

XIV. A FINAL ROUNDTABLE WITH THE PROF...

*How do we feel about this approach to addressing the matter of **critical choice** in our work?*

*Does it appear to be an effective to recognize and deal with **ethical dilemmas**?*

Are we going to try it out?

What should students know before (or at the beginning of) the course to make the experience more useful? More enjoyable? More long-lasting?

XV. CONCLUSIONS

Each participant must have completed the following, and submitted to the prof ...

- the self assessment: *what is the mark I should receive? & why I believe it is deserved?*
- the peer assessment: *on a scale of 1-X one [1] being very poor, x [X] being excellent and each number in between representing a graduated score rate each of your peers as to their overall level of participation in all the small group work [do not rate anyone that you did not participate with on a team or in a small group task]*
- *critique the entire course (all three (3) modules) by completing the university's course evaluation*

God bless, good luck, and don't be a stranger!!