Priorities in teaching ethics

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Abstract Departments and faculties across a university are increasingly offering courses in ethics for the disciplines that they are teaching. Such courses provide considerable career benefit to the students taking them, as well as to the profession or discipline in which the student will graduate. The paper sets out the research and the arguments that outline the benefits of presenting the courses. To put on the courses however, departments are faced with a number of issues, one of which is coming to grips with a pedagogy that is outside their range of current skills. This paper sets out the priority issues that they face, some suggested responses, and the research that underpins both the issues and several of the responses.

Key Ideas

- Research tells us that people are basically moral and that they want to work within a moral environment. These are the reasons for providing them with the necessary knowledge and skills to bring about that environment. Research also tells us that the most effective way of identifying wrongdoing is to have people who are aware of that wrong bring it into the open. It is termed whistleblowing. But whistleblowers are usually crucified. Also the legislation that protects them is inadequate. The courses need to tell them how to protect themselves, how to use the legislation as best they can, and motivate them to agitate for strengthening the legislation. These proposals are much wider than current teaching practice.
- Another capability is developing effective codes of ethics. Codes are often regarded as managerial exhortations, designed for the organisation's benefit or to attract favourable publicity. The extensive research on what makes codes effective — relevance and participation primarily — would give them a high priority.
- The last few years have seen an exponential growth in ethics-based regulations, organisational practices and legislation. Students entering the workforce need to know these developments.
- Ethics, codes, and their teaching need be discipline specific. Only discipline-based teachers will understand many of the technical aspects of the ethical issues that are identified. The health sciences are the most obvious example, but all professions have their own set of ethical issues.
- The research requirements are huge. A priority task is identifying the ethical issues in the profession; a second is deciding the rightness or wrongness of these issues. This is the province of moral theory, but unfortunately, moral philosophers are still engaged in an "internecine warfare" over the major ethical theories. And they do not teach codes, whistleblowing, or organisational practices. There are also many teaching questions to be resolved — student interaction, class sizes, examinations, which require research and decision.

Discussion Question 1 Can departments provide the ethical teaching? At Charles Sturt University there is a proposal to embed a philosopher in each discipline. Does this make sense?

Discussion Question 2 Ethics could be the only topic taught across a university. Can we, should we, ensure some consistency?

Discussion Question 3 Can we develop an institutional mechanism for cross fertilisation among teachers of ethics that spans the many disciplines involved?

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Nobody will ever claim that we can teach people to be ethical. So why should we try? One answer, of course, is that universities and colleges expect some ethical knowledge in their graduates — graduate attributes is the common term. A more satisfying answer is that we can add to the knowledge and skills of people who want to live and work within an ethical environment, and who may be prepared to make an effort toward achieving that environment. We can also provide a greater certainty on issues that may be ethically controversial within the organisations or professions in which students will work on graduation. To provide these skills however, we need to expand significantly on many current teaching practices.

This paper outlines five areas of ethics teaching which do not appear to be widely covered in the literature, and which it is argued, should receive higher priority than currently.

1. **Whistleblowing.** Research tells us that the most effective way of identifying unethical activity within an organised body is to have those within the organisation identify the wrongdoing. Known as whistleblowing or public interest disclosures, the practice is fraught with difficulty for the person making the disclosure. Students need to be informed of these difficulties and of possible answers to them.

2. **Codes of ethics.** Although often seen as window dressing, dictated by senior management to enhance the public image of their organisations, research again tells us that codes can be made effective by involving those within the organisation in developing responses to the ethical issues that they face. Codes developed in this way strengthen ethical practices by acting as self-developed guidelines for decision making.

3. **The changing ethical infrastructure.** The extensive corporate scandals of recent years have been a root cause behind an "exponential" increase in the legislative, organisational and institutional developments that have been enacted. Students need to be aware of these changes along with knowledge of those that are proving effective, as well as those that are not.

4. **Discipline specific ethics teaching.** This section accepts that commonly occurring wrongs are encountered in all organisations. It further argues that all disciplines have ethical issues that are particular to that discipline or profession. This assertion, if valid, has implications for the lecturer, for the student, and for the professional society.

5. **Research and investigation.** Effective teaching of ethics requires a very large research and investigative program of the part of the ethics lecturer. In no particular order, they would be the ethical issues facing the discipline, the role of the professional society or industry association, the use of ethical theory and teaching approaches.

Several arguments can be put forward for supporting the teaching of ethics across each of the disciplines or professions in a university or college. The Graduate Attributes requirement is one. This requirement usually is that graduates acquire some ethical attributes or understanding. The attributes are not usually intended to enhance ethical behaviour, but to strengthen comprehension of ethical issues and values. The University of Sydney for instance, requires the development of an "ethical, social, and professional

understanding". The University of Wollongong requires its graduates be able to make "ethically informed choices".

The additional arguments for teaching ethics, some of which underpin the reasons why universities and colleges have established ethics as one of the graduate requirements, are based on research into our ethical preferences and leanings.

Ethics courses can provide approaches for building a more ethical environment. Research tells us that people desire to work in such an environment. Valentine and Fleischman's survey of over 300 business professionals (2004), for instance, reached the conclusion that people subject to formal ethical training have positive perceptions of their company's ethical position, as well as higher job satisfaction. Delany and Sockell had earlier (1992) obtained similar results from over 1000 respondents.

These findings on people's ethical preferences are intuitively believable. The intuitive argument lies in the belief that people feel that that they will be treated fairly in an ethical organisation. Pay raises, promotions, etc. or even the disciplining of staff will be handled equitably and fairly. Maclagan (1998) in a treatise on the application of Piaget and Kohlberg to ethical reasoning stated his belief that most people in organisations are essentially well intentioned.

This preference for an ethical environment is possibly innate. The proposition that that we are intrinsically cooperative, and to some extent altruistic, receives strong support in the evolutionary psychology literature (Ridley, 1997; Winston, 2002; Levy, 2004; Hauser 2006, Joyce, 2006). Even Darwin argued that our evolutionary history will have built into us a series of ethical values — that we are social animals, developing feelings of sympathy, obedience to a leader, faithfulness to the group, defending and aiding other members. All of which he argues would support the group in its competition for food and even survival. (Darwin, 1871, pp 85, 103).

A supporting argument for ensuring that the teaching of ethics is as effective as possible is drawn from business. The argument, however, can be extended to other disciplines. This is the finding that ethical companies are more profitable (Kotter & Heskett, 1992, Kanter, 1996, Margolis and Walsh, 2002, Orlitzky, Schmidt and Rynes, 2003). The Orlitsky et al study found that "corporate virtue in the form of social responsibility and, to a lesser extent, environmental responsibility is likely to pay off…" van Beurden and Gössling (2008), in a comprehensive review of the findings from empirical research into the relationship between ethics and profit, draw a similar conclusion: "Good ethics is good business."

A search for an explanation behind these findings draws on some of the earlier arguments — that people who endorse the ethical values of the organisation that they work for will give it more loyalty and support. Another possible explanation is that companies that are, and that are known to be, ethical will possibly face lower compliance and operating costs. Costs will be saved in contracting procedures, staff management and numbers, litigation and related procedures. They are benefits that extend across all types of organised activity.

If these explanations are correct, the argument can be extended to organisations in other disciplines and professions. With some caution, therefore it is possible to

claim that ethical organisations, across all disciplines, are likely to be more effective, more cooperative and less costly in carrying out their functions.

The following sections outline the five approaches that are argued will strengthen the teaching of ethics in the disciplines and professions across a university or college. These courses are usually taught by people from within that discipline. The following approaches have been developed in sufficient depth, therefore, for a person with discipline skills but without strong knowledge of ethical theory or moral philosophy to follow the research and investigative program that is necessary for the development of a course.

1. Disclosures in the Public Interest (Whistleblowing)

Several studies have shown that the exposure by people inside the organisation is the most effective way of bringing wrongdoing into the open. A massive research program into whistleblowing in the public sector in Australia is the most recent source that evidences this finding. This program comprised eight surveys across the public service, the largest of which sent out 23,177 questionnaires to public servants in 118 agencies. 7663 public servants responded. The research was organised by fourteen state and the federal government ombudsman and anti-corruption agencies, along with five universities (Brown, 2008). Reviews of this report are available in the December 2008 issue of the *Canberra Times,* and in the Newsletter of Whistleblowers Australia (*The Whistle,* 2009).

The evidence that whistleblowing is the most effective approach to identifying wrongdoing came from the surveys sent to managers and ethics case handlers. Some 765 respondents rated reporting of wrongdoing by employees as more effective than any other method for identifying wrongdoing, including routine internal controls, audits, or even management observation (Brown, 2008, p. 45).

Surveys on fraud in the private sector conducted by the big accounting companies confirm that whistleblowing is the most effective way to stop wrongdoing. For instance, Price Waterhouse Cooper's 2007 survey on economic crime, based on interviews in over 5,400 companies located in 40 countries, found that whistleblowers reported 43% of fraud identified in companies. Professional auditors were able to detect only 19% (PWC, 2009).

Researchers at the Chicago Graduate School of Business and the Universities of Toronto and Michigan have drawn up a "top ten" list of the most active fraud detectors. The study analysed 230 cases of alleged corporate fraud in U.S companies between 1996 and 2004. Topping the list of fraud detectors were employees, followed by the media, then non-financial market regulators, analysts, auditors, strategic players, the Securities and Exchange Commission (in the US), shareholders, professional service firms and, lastly, short sellers. (Management Issues, 2007). The Chicago researchers noted however that European research by accountancy firm Ernst & Young found that employees are fearful of the consequences of blowing the whistle. Fraud against companies is a different issue to wrongdoing by companies, with companies more likely to support internal whistleblowing systems that detect fraud against them. These

findings are nevertheless an indication of the willingness of people in organisations to report wrongdoing.

Public Interest disclosures are also regarded as a benevolent, do-good aspect of organised society. For example: "Whistleblowing is seen as one way to obtain, or regain, societal control over the large organizations that increasingly dominate society. The premise behind recent governmental promotion of whistleblowing is that people of conscience work within these large, complex organizations, and would normally take action against wrongdoing except for fear of losing their jobs or other forms of retaliation." (Dworkin, 2002).

The Australian public sector whistleblowing research made one additional series of findings that should be mentioned. It found that the rate of whistleblowing, of support for whistleblowers, and of retaliation against whistleblowers varied enormously across agencies. Some agencies, in short, managed whistleblowing effectively and were therefore able to ensure a more ethical organisation. Others punished the person who exposed the wrongdoing. This finding alone indicates that whistleblowing should be a significant component of all ethics courses.

But to be effective, whistleblowers face several problems.

Retribution against whistleblowers

First is that whistleblowers are crucified. 'They pay a terrible price" says Fred Alford in a study entitled *Whistleblowers: Broken lives and Organisational Power* (2001). Most whistleblowers, Alford argues, "lose their career and their savings, many lose their house and family, and ultimately their sense of place in the world". Another observation is Roberta Johnson's "There are almost always dire consequences to whistleblowers, to their careers, and to their personal lives as a result of their actions," quoting seven different sources (Johnson 2006).

A series of movies have highlighted the problems that they face. *The Insider,* with Russell Crowe as Jeffrey Wigand, a tobacco company executive, is one. Another was *Silkwood* with Meryl Streep as Karen Silkwood, an employee at Kerr-McGee's plutonium plant in Oklahoma**,** found dead under mysterious circumstances on her way to a union meeting with information on plant safety.

Australia has its own list of victimized whistleblowers: Toni Hoffman, the theatre nurse who exposed Dr Patel at Bundaberg Hospital (Thomas, 2005), is a well known case. The whistleblowers who exposed the research fraud in the faculty of medicine at one of Sydney's major universities are no longer able work in their chosen field. Gillian Sneddon, electoral officer for Milton Orkopoulos, Minister in the NSW government convicted on 28 counts of drug and under age sexual offences, claims to have been moved out of her job (Benson, 2008). That the harsh treatment meted out to whistleblowers has a deterring effect is epitomised by Dominic Hogan, former Manager for Iraq in AWB. When asked why he did not expose the bribes given to the Saddam Hussein regime, replied: "It would have been career suicide" (*Sydney Morning Herald,* 7 February 2006).

Veteran Channel Nine reporter Laurie Oakes recently made the statement that whistleblowers who tell their stories to the media are as endangered as ever,

despite boosts to press freedom in Australia. The statement was made to journalists at the 2009 Australian Press Freedom Dinner (*Sydney Morning* Herald, 2009). It appeared, he went on to say that it was an issue that did not appear to greatly concern the public. Through ethics courses, it may be possible to change this public position.

Whistleblowers, therefore, need to be taught as much as possible about the methods used to protect themselves, a task on which lecturers need to have background information. A review of whistleblower protections is provided by Bowden (2006).

Definition of whistleblowing

The definition used in this paper emphasises that the actions that the whistleblower exposes are against the public interest:

> *Whistleblowing is the exposure, by people from within or associated with an organisation, of information on wrongdoing by the organisation that is against the public interest, and that is not otherwise available.*

Unless bullying and other personal concerns are widespread, i.e. of public interest, this definition excludes those who have a grievance against a workmate or even against the whole organisation. Such a grievance places a particular onus on staff managing the whistleblowing process to distinguish between those who are complaining for personal reasons and those who are acting in the public interest. The motivation of the whistleblower is irrelevant.

Protections available to whistleblowers

Two broad protections are available — the legislative safeguards, and the steps that whistleblowers themselves can take for their protection. Whistleblower legislation in Australia (and the US) supposedly has three objectives:

1. Protect the whistleblower from reprisal
2. Stop the wrongdoing
3. Punish the wrongdoer including any who inflict retribution

There is, however, currently no protection for whistleblowers at the Commonwealth level in Australia, and very little available for the private sector. The result at the national level is seen in the national study of public sector whistleblowing, which found that there was a high level of observed wrongdoing but a low level of reporting. The study found that 71% of respondents "saw wrongdoing in the last two years" but only 39 % indicated that they had "reported the most serious wrongdoing" (Brown, 2008, p. 38). The reasons given were the belief that nothing would be done together with the fear of reprisal.

Each of the states has a whistleblower protection law for the public sector, but they are largely ineffectual. Collectively there are nine protections offered in the state legislation, but no state has all nine (Bowden, 2006). A review of the NSW legislation by the State Ombudsman shows the Australian State Acts and

compares their capabilities (NSW Ombudsman, 2004). This review states "The … (NSW) … Act almost completely fails to address the core objective of ensuring disclosures are adequately dealt with" (p.13). The report further states that the NSW Act is inadequate to achieve all its three core objectives (p.15). NSW has since reviewed its legislation but there has been no strengthening of the whistleblower protections.

The principal steps taken in the private sector are to extend the Corporations Act to include whistleblowing protection.

Steps available to protect oneself

Several sources are available on ways to protect oneself from damage. They suggest knowing the applicable legislation, if any, involving others, ensuring that you have proof, seeking support, especially from family and friends, and above all, staying cool. Martin argues however, that it is difficult to protect oneself from retaliation, although outlines what can be achieved (1999). A subsequent work reinforces his belief that legislation will be largely ineffective (2003). For protection advocated in the US see the website of the US Government Accountability Project.

Legislative Reform in Australia

The platform of the incoming government in Australia carried a commitment to reform of whistleblower legislation at the Commonwealth level. This task was undertaken by the Parliamentary Committee on Legal and Constitutional Affairs (Parliament of Australia, 2009). The principal recommendations of the Committee's report are that new legislation, titled the Public Interest Disclosure Bill, should be introduced which would:

- establish a central agency, the Commonwealth Ombudsman, to oversight the whistleblowing process,
- comprise a two stage process of internal and external reporting,
- cover all employees in the Australian Government public sector,
- protect disclosures on illegal activity, corruption, maladministration, breach of public trust, scientific misconduct, wastage of public funds, dangers to public health and safety, and dangers to the environment,
- provide statutory protections against detrimental action in the workplace and immunity from criminal and civil liability, defamation and breach of confidence,
- be accompanied by an awareness campaign to promote a culture that supports disclosures within the public sector, where people feel confident to speak out when they are in doubt.

The Labor Party under Keating had the opportunity to pass similar (some would argue stronger) legislation proposed in a 1994 senate inquiry. This legislation was never passed. The current set of recommendations is still to be accepted and passed into legislation.

2. Codes of ethics

Codes of ethics are a second method of strengthening ethical practices. Yet they often described as little more than window dressing — as statements designed by senior management to show the world that their organisation is trustworthy. A second reason why they are seen as ineffective is that they are regarded by staff as top-down management dictates. They are designed more to stop theft or other misuse of resources by employees than to stop the company itself adopting unethical practices. Muel Kaptein and Mark Schwartz examined 79 empirical studies into code effectiveness and conclude that **"the results are clearly mixed"** (Kaptein and Schwartz, 2008).

The Code of Ethics of Enron Corporation is perhaps the best known example of a public relations exercise. A 64 page document, it can be located on several internet sites. One such site quotes Enron's Chairman, Kenneth Lay, subsequently convicted on six counts of conspiracy, securities and wire fraud in the corporate trial, and all charges against him in the personal banking trial:

"As officers of Enron Corp, its subsidiaries, and its affiliated companies, we are responsible for conducting the business affairs of the companies in accordance with all applicable laws and in a moral and honest manner...We want to be proud of Enron and to know that it enjoys a reputation for fairness and honesty and that it is respected."

"Compliance with the law and ethical standards are conditions of employment and violations will result in disciplinary action, which may include termination...in addition to responding to the legislation, we are adopting this policy statement to avoid even the appearance of improper conduct on the part of anyone employed by or associated with the company. We have all worked hard over the years to establish our reputation for integrity and ethical conduct. We cannot afford to have it damaged." (Enron, 2009).

The document prohibits directors, officers or employees from trading in Enron stock, an issue on which several of Enron's directors came unstuck.

Research over the last decade has thrown considerable light on more effective approaches to developing and managing codes. The tendency to regard codes as management dictates is overcome by involving staff in the development of the code. The research shows that such an involvement captures the commitment of the organisation's employees, and provides approaches to the resolution of their dilemmas that are more acceptable (Kaptein and Wempe, 1998, Trevino and Weaver, 2003, Seshadri et al., 2007, Harned et al., 2003, Pagnattaro and Peirce, 2007). Periodic staff workshops would involve new employees in updating the code.

A second finding from the above studies is that the code should reflect the ethical issues experienced by the organisation. The Kaptein and Wempe article notes in particular that that a "good code reflects the moral dilemmas that employees experience, and provides assistance in their resolution".

These findings have increasingly been incorporated in the development of codes of ethics. A third development is the incorporation of internal whistleblowing systems into organisational practices. Such an acceptance is reflected in

Australian Standard AS 8004-2003, Whistleblower Protection Programs for Entities, which sets out guidelines for whistleblowing systems.

An examination of the above findings is set out in Bowden and Smythe (2008). They have concurred with the first three requirements and added three more. They support the advocacy of the Australian Standard for Organisational Codes of Ethics (AS 8002) that the endorsement of senior management is a necessary requirement for a code to be effective. Although this paper has argued that the code should reflect the ethical issues identified by staff, such decisions are unlikely to be effective if the organisation, through its senior decision makers, does not throw its weight behind them.

Another is that a system of sanctions for transgressions of the code should be established. This assertion, however, is a disputed item. Some moral philosophers argue that we should not require legislation to enforce moral behaviour. Simon Longstaff of the St James Ethics Centre and Hugh Mackay have argued against a legislated approach (Mackay, 2004) This paper disagrees, arguing that human nature will at times cause some to cross the line drawn by a code of ethics. A second argument, perhaps more persuasive, is on the supposition that obedience to the laws of the land, such as traffic laws for example, would be at a minimum if no policing system existed. The policing of a code is necessary on the same argument.

A final requirement of a good code of ethics is that staff are needed to develop and operate it. Such staff may only be a part time person in a small organisation, to a small section in larger organisations. They are needed to run the seminars and workshops that develop the code, to establish and operate an internal whistleblowing system, and to train in and police these developments. Even if these activities were all contracted out, at least one staff member would still be required to organise and supervise the contracts and provide contact with and input from the organisation.

In summarising these paragraphs, therefore, it has been argued that an effective a code of ethics meets six principles, and that they are required elements in the teaching of an ethics course:

1. Involvement of staff
2. Identification of the organisation's ethical issues
3. The specification of an independent whistleblowing system
4. The active contribution of senior management
5. Establishment of a system of sanctions for breaches of the code
6. Assignment of staff to manage the code, whistleblowing system and ethics related activities.

The requirement to operate an internal whistleblowing system is not specifically identified in AS 8002, the Australian Standard on codes of ethics. But this standard is inconsistent with other AS 8000 series codes, as it does state that it complies with the overall standard AS 8000. That standard does include a requirement for internal whistleblowing.

The major area of departure of the above six principles from AS 8002, however, is the requirement that a code also confront issues directly experienced by the

organisation or profession. The provisions of the AS 8002 code, in contrast, are applied universally across all types of organisations and all professions and disciplines. As such, it is couched in excessively general terms. If this approach were to be widely accepted, there is little point in involving staff in the development of a code, and in tailoring the code to the specific problems faced by the organisation. Also again, if the prohibition of a universal set of wrongdoings is accepted as a valid approach, teaching codes of ethics on a course would only require somebody to read out and discuss the wrongs set out in the AS 8002 code. In fact, as has been argued above, and will be further supported in later paragraphs, the teaching of ethics, including the teaching of the code of ethics, does include universal wrongs but also has to be specific to the profession or industry.

3. The changing ethical infrastructure

In the last decade or so, with the exposure of the Enron Corporation, WorldCom and similar corporate wrongdoing in the US, and the HIH, FAI and James Hardie scandals in Australia, a range of legislative and advisory systems, together with a number of institutional changes, have been introduced to strengthen ethical behaviour across all types of organisations, whether they be corporate, government or not-for-profit. This section highlights the more significant changes that have been introduced over the last decade or so. As students in most disciplines will end up working within an organisational context, it would seem highly desirable that they become acquainted with these changing requirements.

The steps adopted in Australia cross all sectors. The changes in the public sector have been primarily the whistleblowing laws outlined above, but accompanied by an increase in the role and number of agencies such as such as Ombudsman Offices, Crime and Corruption Commissions, etc. John Pritchard, Commissioner of a recently established agency, the Police Integrity Commission in NSW, has noted that the increase in such "integrity agencies" had been "exponential" (Pritchard 2009). This increased emphasis on ensuring ethical behaviour in the public sector originated with the 1989 Fitzgerald Inquiry in Queensland and the 1997 Wood Royal Commission in NSW into police corruption.

The changes that affect the private sector are equally as extensive. As graduates from a university or college could work in either sector, it is desirable that they are introduced to the changes in either institutional environment in which they may work. The private sector changes are:

(a) The introduction in 2003 by the Australian Competition and Consumer Commission (ACCC) of policies to reduce penalties in light of corporate compliance with the Trade Practices Act. The policy was extended in August 2003 to absolve companies that adopted a voluntary code of conduct from being subject to competition laws (Parliamentary Library).

(b) Revisions in 2004 to the Corporations Act, which provided protection to whistleblowers in Part 9. 4 AAA. The revisions have not been that successful, for the Act itself is complex and difficult to understand. "Unlovely and unloved" is one description of it (Jordan, 2008). The Australian Securities and Investments

Commission, the responsible agency for the Act, has declined to provide information on the effectiveness of the whistleblower clauses.

(d) An updated version (2007) of the *Principles of Good Corporate Governance and Best Practice Recommendations,* first issued in 2003 by the Australian Securities Exchange (ASX). This document recommends a Code of Conduct plus a system to protect whistleblowers, developed under the principles set out in AS 8004. Listed entities are required to disclose in their annual reports the extent to which they follow the ASX requirements.

(e) The series of Corporate Governance Standards, the AS 8000 series mentioned earlier. They include AS 8001, Fraud and Corruption Control; AS 8002, Codes of Conduct; AS 8003, Corporate Social Responsibility and AS 8004, Whistleblower Protection Programs. The standards are intended for all types of organisations, public, private, and not-for-profit.

There have been equally extensive developments in specific sectors. We are all aware of the debates and changing requirements in stem cell research and the application of gene technology, but there have been many other smaller changes across a variety of industries. Graduates need to be aware of this regulatory environment in their particular field.

Stopping wrongdoing is a constantly expanding field. There will be future changes in regulatory requirements. One example is the likelihood that the Australian business guidelines will be extended further. The US Sarbanes-Oxley Act, which is more rigorous than the equivalent Australian legislative requirement, is already assessed as ineffective. Introduced following the US corporate debacles, Sarbanes-Oxley legislates for Board responsibility, the establishment of ethical standards and a code of ethics, and the creation of an internal whistleblower system for reporting wrongdoing in the organisation. The full impact of these changes is uncertain, but generally regarded as unsuccessful (Earle and Madek, 2007, Austen, 2009).

4. Teaching needs to be specific to a discipline

The multi-agency research on whistleblowing in the Commonwealth public sector mentioned above had 38 wrongdoings listed. That listing would suggest that all organisations across all disciplines would experience the same wrongdoings. As noted, the code of ethics outlined in AS 8002 has the one set of provisions for all types of organisations or professions.

This section accepts that commonly occurring wrongs are encountered in all organisations. It further argues, however, that all disciplines have ethical issues that are particular to that discipline or profession.

The argument that unethical practices can be specific within an industry or profession is not difficult to substantiate. The medical profession has seen many exposures of wrongdoing. Business is another activity where malpractices are encountered that are specific to that occupation. Collusion, bribery, extortion are, for example, are encountered primarily in the private sector and in its interactions with government or other companies. They are activities where the ethical issues

are often complex, particularly in the institutional and geographical contexts in which they occur. Bribery in a country where it is a normal component of business activity — in the routine shifting of supplies off the docks for instance — raises ethical questions which are not easily answered.

The ethics literature in the building, construction, engineering, or architecture fields provide further examples. Activities such as reverse auctions, bid shopping, or cover pricing are instances where the industry is far from agreement on the ethics that are involved. Advertising and marketing are other activities that face specific ethical problems — privacy maintenance, excesses in telephone calling, cooling off periods, returns policies, and use of subliminal advertising are examples. The conference where this paper was presented, a conference on academic integrity, spent much of its time on plagiarism. This is an ethical issue specific to academia. Other issues which are largely specific to academia are misleading statements in research applications or in the documenting of research results.

Even pharmacy has its own set of industry specific ethical issues (Chaar, 2009).

A number of implications arise from the assertion that many ethical issues are specific to a profession or discipline. One is that the ethics courses have to be taught by a member of that profession, for he or she will be more aware of the technical or professional implications when teaching students to recognise ethics problem and in examining approaches to handling them. Even a member of the profession or industry however, may not be familiar with all industry issues that are encountered. If they wish to teach the ethics component, then they will need to determine what, if any, are the more important ethical issues that should be raised with students. Other implications are outlined in the following paragraphs.

Case teaching

The identification of the major ethical issues in the discipline raises the possibility that many could be converted into teaching case problems. Some disciplines rely on case teaching as a principal component of an ethics course. Heckert's (2001) examination of current teaching practices in the US, for instance, found a three stream approach: codes of ethics, case problems, and moral theory, where: "the most popular tool for teaching engineering ethics in the USA (was) the case method." Haws (2000) found a similar concentration. Case studies can also provide the student with a history of major ethical occurrences in the profession. They have the great advantage that, if set in a case problem format, of strengthening student ability to analyse an ethical issue, and to decide, in a simulated real life setting, what could be the optimum response.

The professional society and its code of ethics

Another implication is the role of the professional society, and that society's code of ethics. The society may be a source for identifying the major ethical transgressions that have been or are currently being experienced in the industry. If the argument is accepted that a code should reflect the ethical issues faced by the members of that organisation, then the professional society should also have

established in its code guidelines for handling those issues. The code would also detail the role that the professional society would play in managing whistleblower exposures within organisations in which members of the society are employed.

The problem of the recent graduate

A graduate will encounter the ethical issues of the profession or industry within a few years after graduation. Some of the practices may be well entrenched. An ethics teacher would at least have the objective of providing the student with the ability to recognise the issue as an ethical one. The student may not act, but at least would have the knowledge not accept current practice uncritically. The problem of "groupthink" is inherent to all organisations. If entering say, AWB (the Australian Wheat Board), or James Hardie (the asbestos company) at the time of their transgressions, or a public sector department resisting a legitimate FOI request, he/she would have likely gone along with these practices. It would be a major step forward if that graduate left his/her educational establishment with the ability to decide clearly that the organisation was acting wrongly.

It would be an even greater step forward if the ethics course gave the student the confidence and the knowledge to do something about it, if he/she was so inclined.

5. Investigation and research

All above concerns require further investigative and research work. Staff members in an academic department considering a new ethics course are unlikely to be familiar the issues raised in the above paragraphs — with whistleblowing practices, with codes of ethics or with the changes in legislation or institutionalised practices. Even in an existing course, some effort will need to be expended in keeping the lecturer up to date in these areas. Whistleblowing research, for instance, and the legislation designed to enhance the ability and protection of employees in bringing wrongdoing into public view, has been the subject of one major research project in Australia and two parliamentary inquiries in 2009 (Roberts, Olsen and Brown; Parliament of the Commonwealth of Australia; Parliament of NSW).

Building a course around the ethics of a particular industry or profession creates further research needs. One is to determine what the ethical issues in the profession are, and whether and what the industry or professional society's role might be in resolving them. Another is in resolving any new issues that arise.

Another research task is teaching methods. How to handle large classes when considerable student to group to teacher interaction is demanded? How to build confidence and ability in those students who want to resist, or expose, wrongdoing? The lecturer will need to develop teaching approaches that appear to be effective in meeting these challenges.

A further area to investigate is ethical decision making. Not all ethical issues are resolved with clear and widely agreed responses. The debates on stem cell research are the most obvious, but unresolved ethical dilemmas exist within

almost all professions. The literature on reverse auctions for instance, will show that some in industry believe the practice to be unethical; others believe that it is ethical. Similarly, bid shopping (where main contractors shop around for subcontractors who are willing to undercut the subcontractor's price used in a successful bid) is regarded as unethical by large numbers in the building profession. Recent graduates in particular, but also established members of the profession, need a method of reaching a conclusion on whether the practice is or is not ethical.

In addition, new issues will arise from time to time in an organisation, or in a profession, that need resolution. Some will not even be recognised immediately as an ethical issue. It would be reasonable to assert, for instance, that many in AWB who knew of the payments to the Saddam Hussein government were convinced that the benefit to the Australian farmer far outweighed the dubious ethics of bribery, particularly when the method was so indirect and where many other companies were also paying bribes to remain in Iraq's food for oil program.

Once again, analytical methods are needed to decide which practices are ethical and which are not. This is the province of moral philosophy. This branch of philosophy cannot be described as receiving insufficient attention in the literature. Theoretical approaches to distinguishing an ethical action from an unethical one — of telling right from wrong — have been argued for over two thousand years. Mainstream compendia on ethical theory will provide many approaches. Peter Singer's compendium (1993) provides close to fifteen theories. Disagreements on which theories are the most effective are obvious in the literature on ethical theory. One author describes the different opinions on the main theories as "internecine warfare" (Pence 1993).

This paper will not resolve this issue in a few paragraphs. It is, nevertheless, a major issue for teachers of ethics. It is fortunate that most wrongdoing is obvious, not subject to dispute. As noted, however, other wrongs are less clear. Unfortunately, one of these is whistleblowing, where the virtue of providing loyalty to an organisation or social group is at conflict with an uncertain moral obligation of revealing a wrong within that organisation or group.

Each lecturer will need to read the theories or combination of theories and decide which he/she will adopt, and how much of it he/she will teach. Many publications are available to guide this search. See for instance, Cohen (2004). Mention must also be made of utilitarian theories, which appear to be the most favoured. J S Mill's *Utilitarianism* is the classic version and Peter Singer's preference utilitarianism is the more modern (Singer, 1997). However, a new lecturer will also discover that utilitarianism has also been subject to savage attacks. Moral philosophers do not agree on a desirable ethical theory, nor even on some of the compromise theories that have been suggested. Some will not even agree that issues raised in these paragraphs are of concern to teachers of ethics. Discipline based ethics lecturers will need to resolve these concerns by deciding for themselves how much theory, and which theory or combination of theories, they will teach. They also need to note that some lecturers argue for no or minimal theory. Others develop their own guidelines from combining existing theories. It will be a lengthy yet rewarding search.

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References

Alford, C.F. (2001). *Whistleblowers: Broken Lives and Organizational Power,* Cornell University Press, Ithaca, NY.

Benson, Simon (2008). Sex MP's staffer Gillian Sneddon to sue Labor. *Daily Telegraph,* March 21.

Bowden, Peter (2006). "An Analysis of Whistleblower Protections". *Australian Journal of Professional and Applied Ethics*, Vol. 8, No. 2.

Bowden, Peter & Smythe, Vanya (2008). "Theories on Teaching & Training in Ethics". *Electronic Journal for Business and Organisation Studies,* http://ejbo.jyu.fi/pdf/ejbo_vol13_no2_pages_19-26.pdf

Brown, A.J. (editor), (2008). *Whistleblowing in the Australian Public Sector. Enhancing the Theory and Practice of Internal Witness Management in Public Sector Organisations,* Australian National University E Press, Canberra. Downloadable from http://epress.anu.edu.au/

Canberra Times, Public Sector Informant (Dec 2008). *Whistleblowing — The Positive Picture*.

Chaar, Betty, (2009). "Ethics in Pharmacy". *Australian Ethics.* Australian Association of Professional and Applied Ethics, http://www.arts.unsw.edu.au/aapae/publications/Newsletters/Newsletter-April_2009.pdf

Cohen, Stephen (2004).*The Nature of Moral Reasoning: The Framework and Activities of Ethical Deliberation, Argument and Decision-Making*. Melbourne, Oxford University Press.

Delaney, J. and Stockell, D. (1992). "Do Company Ethics Training Programs Make a Difference?" *Journal of Business Ethics,* Vol. 11, No. 9.

Darwin, Charles, (1871/2003). *The Descent of Man. And Selection in Relation to Sex.* Gibson Square Books, London.

Dworkin, T. M. (2002). "Whistleblowing, MNCs, and Peace." *Vanderbilt Journal of Transnational Law* 35 (457-486).

Earle, Beverley H. and Madek, Gerald A. (2007). "The Mirage of Whistleblower Protection under Sarbanes-Oxley: A Proposal for Change". *American Business Law Journal*, Vol. 44, No. 1.

Enron: Quoted from *www.soxfirst.com/50226711/enrons_code_of_ethics.php.* Accessed 28 July 2009. An internet search of Codes of Ethics for Enron will bring up numerous websites expressing cynical amusement at Enron's code. Most draw on the full code published by *thesmokinggun.com/enron/enronethics1.html.*

Government Accountability Project. *www.whistleblower.org/*. Accessed August 2009.

Harned, P.J., Matuszewski, I., et al. (2003). *Creating a Workable Company Code of Ethics.* Ethics Resource Centre, Washington.

Hauser, Marc (2006). *Moral Minds: How Nature designed our Universal sense of Right and Wrong,* HarperCollins, New York.

Haws, D.R. (2001). "Ethics Instruction in Engineering Education, a (mini) meta-analysis", *Journal of Engineering Education,* Vol. 90, No. 2.

Heckert, J. (2000) "Engineering Ethics Education in the USA: Content, Pedagogy and Curriculum", European Journal of Engineering Education, Vol. 25, No. 4.

Jordan, Cally (2008). "Unlovely and Unloved. Corporate law Reform's progeny". Keeping good companies. Journal of Chartered Secretaries Australia Vol. 60, No. 3, p.136.

Johnson, Roberta Ann (2006). "Whistleblowing and the Police" Rutgers University Journal of Law and Urban Policy. 1 Vol 3.

Joyce, Richard (2006). The Evolution of Morality. MIT Press, Cambridge, MA.

Kanter, Rosabeth Moss (1996).The Change Masters: Corporate Entrepreneurs at Work, London, International Thomson Business Press.

Kaptein, M. and Schwartz, M.S. (2008). "The Effectiveness of Business Codes: A Critical Examination of Existing Studies and the Development of an Integrated Research Model". *Journal of Business Ethics,* Vol. 77, pp. 111-127.

Kaptein, M. and Wempe, J. (1998). "Twelve Gordian Knots When Developing an Organizational Code of Ethics", *Journal of Business Ethics,* Vol. 17, pp. 853-869.

Kotter J P & Heskett J L. (1992). *Corporate Culture and Performance*. New York, Free Press.

Levy, N. (2004). *What makes us Moral? Crossing the Boundaries of Biology.* Oneworld Publications, Oxford.

Longstaff, Simon, St James Ethics Centre, (13 February 2007), Public Discussion on Ethics, Fair Trade Cafe, Glebe,

Maclagan, P.J. (1998). *Management and Morality: A Developmental Perspective,* Sage, London.

Management-issues.com/. Accessed 10 Jan 2009.

Mackay, Hugh (2004). *Right and Wrong: How to decide for yourself.* Sydney, Hodder Headline.

Management Issues. www.management–issues.com (4 July 2007). "Employees most likely to blow the whistle". Accessed 2 August 2009.

Margolis, Joshua Daniel and Walsh, James Patrick (2002). *People and Profits? The Search for a Link between a Company's Social and Financial Performance*. The Center for Advanced Studies in Management, Mahwah, NJ: Erlbaum.

Martin, Brian (1999). *The Whistleblower's Handbook: How to Be an Effective Resister*. Charlbury, UK: Jon Carpenter; Sydney: Envirobook, http://www.bmartin.cc/pubs/99wh.html

Martin, Brian (2003). "Illusions of Whistleblower Protection", *UTS Law Review,* No. 5, pp. 119-130.

Mill, John Stuart (1863*). Utilitarianism,* http://www.utilitarianism.com/mill1.htm

NSW Ombudsman (2004). *The Adequacy of the Protected Disclosures Act to Achieve its Objectives.*

Orlitzky, Marc Schmidt Frank L and Rynes Sara L. (2003). "Corporate social and financial performance: A meta-analysis" *Organization Studies*, 24:3, 403-441.

Parliament of the Commonwealth of Australia, House of Representatives Standing Committee on Legal and Constitutional Affairs (February, 2009). *Whistleblower Protection,* Canberra, http://www.aph.gov.au/.

Parliament of NSW, Committee on the Independent Commission against Corruption (March 2009). *Protection of public sector whistleblower employees: Discussion Paper.* Sydney.

Parliamentary Library Research Brief no. 16 2004–05 on corporate regulation, http://www.aph.gov.au/library/Pubs/RB/2004-05/05rb16.htm#acccs

Pagnattaro, M.A. and Peirce, E.R. (2007). "Between a Rock and a Hard Place: The Conflict between U.S. Corporate Codes of Conduct and European Privacy and Work Laws." *Berkeley Journal of Employment & Labour Law,* Vol. 28, No. 2, pp. 375-428.

Pence, G. (1993). "Virtue Theory", in Singer, P. (Ed.), A *Companion to Ethics,* Blackwell Publishers, Oxford.

Pritchard, John. Police Integrity Commissioner, NSW (2009). In an address to the Annual Conference of the Australian Association of Professional and Applied ethics. Goulburn, NSW.

PWC (2007) *Economic crime: people, culture & controls,* http://www.pwc.com/ Accessed June 2009

Ridley, M. (1997). *The Origins of Virtue, Human Instincts and the Evolution of Cooperation,* Viking Press, New York.

Roberts, Peter, Olsen, Jane and Brown, A.J. (July 2009 — Draft Report). *Enhancing the Theory and Practice of Internal Witness Management in Public Sector Organisations.* Second Report of the Australian Research Council Linkage Project — Whistling While They Work.

Seshadri, D.V.R., Raghavan, A., et al. (2007) "Business Ethics: The Next Frontier for Globalizing Indian Companies", *VIKALPA: The Journal for Decision Makers,* Vol. 32, No. 3, pp. 61-79.

Singer, Peter (1997). *A Philosophical Self-Portrait.* In Thomas Mautner, *The Penguin Dictionary of Philosophy,* London, pp. 521-522.

Singer, Peter (Ed.) (1993). *A Companion to Ethics.* Blackwell Publishers, Oxford.
Sydney Morning Herald, 2 May 2009.

The Whistle (January 2009). "Whistleblowing in the Australian Public Sector" (review), No. 57, p. 10.

Thomas, Hedley (2005). *Sick to Death*, Allen & Unwin, Sydney.

Trevino, L.K. and Weaver, D. (2003). *Managing Ethics in Organisations,* Stanford University Press, Stanford.

Valentine, S. and Fleischman, G. (2004). "Ethics Training and Businesspersons' Perceptions of Organisational Ethics", *Journal of Business Ethics,* Vol. 52. No 4.

van Beurden, Pieter and Gössling, Tobias (2008) "The worth of Values — A Literature Review on the Relation between Corporate Social and Financial Performance", *Journal of Business Ethics,* Vol. 82, No. 2.

Winston, R. (2002). *Human Instinct,* Bantam Press, London.