

## Teaching Strategy: Spark the Conversation!

Good discussions on ethics are often driven by situations that challenge our abilities to determine the right thing to do, carry out effective ethical action, or lay out an effective strategy for avoiding ethical obstacles in the future.

Given that possibilities for ethical conflict exist in most fields, here are some sample scenarios you can use in your classrooms to spark discussion:

### Study Aids?

You are in an undergraduate college Literature course. Your university prohibits academic dishonesty, which includes plagiarism, copying the work of others, and other conduct that undermines the academic objective of the assignment.” In addition, your professor has also reiterated this policy in their syllabus. Your professor wants you to write a literary analysis—not a research paper—on a difficult literary text that many students struggle to understand upon reading.

There is no direct mention by the professor to not consult the wealth of “study aids” found online which are readily available, open, and free to anyone. They can provide synopsis, theme information, and in some cases, papers written by fellow students and even published journal articles by scholars in the field. You read as much of these as possible to better understand the literary piece you will be writing about. You then proceed to write your paper, and submit it.

Have you done anything unethical? Why or why not?

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### Familial Obligations?

A 19-year-old woman is being treated for a serious kidney disease. She is currently on a dialysis machine, but treatment is steadily decreasing in efficacy. Before her condition declines any further, the physician suggests family members undergo tests to determine tissue compatibility to transplant a kidney. Only the brother shows a degree of compatibility high enough to be considered a candidate. The physician meets the brother alone to discuss the risks and benefits of the operation. Although agreeing to be tested, the brother decides not to donate a kidney after weighing the various alternatives because of the risks, and because, as



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he puts it, he doesn't "feel he and his sister have ever been close enough that they would ever take that kind of a risk for each other." The physician repeats a full explanation of the risks involved, and urges him to rethink his decision because of the serious nature of his sister's illness with increasingly little time to spare. The brother remains adamant in his refusal.

If you are the brother, do you donate your kidney? Why or why not? Do you have an ethical obligation to take care of family?

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## Support for the Arts?

A wealthy manager of a multi-billion dollar mutual fund loves music, but strongly believes that government agencies should not subsidize the arts, arguing: "Why should the single mother who makes \$6 an hour as a clerk be subsidizing my seats at the symphony through the local, state, and federal taxes taken out of her paycheck?" This person has offered a donation of \$40,000 a year to fund a music festival for a local community for the next 10 years. It comes with the condition that the organizers/lawmakers not accept a grant of \$10,950 from the National Endowment for the Arts, an agency of the federal government, who has offered to support the festival for 5 years.

You are on the Board of Directors for this festival—which will decide for the community whether or not to accept the offer from this potential investor. Do you vote to accept or reject the offer? Explain your reasoning.

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## Does the Punishment Fit the Crime?

A person convicted of his first drunk driving offense faces a mandatory suspension of his license for six months, and the possibility of a thirty-day jail sentence. In addition, the offender must pay a mandatory fine of \$250 and a \$100 fee to support law enforcement efforts to catch other drunk drivers. Convicted drunk drivers are also required to undergo a minimum of 12 hours counseling for which they must pay a \$1,000 surcharge for each of three years, as well as \$50 a day. In addition, drunk drivers receive 9 "insurance points" that could subject them to huge increases in their insurance premiums. The total cost for a first offense of drunk driving in New Jersey probably exceeds \$9,000.

Do you feel this penalty for drunk driving fair or unfair? Explain your answer.



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## And Justice for All?

The phrase “jury nullification” occurs in a trial when a jury acquits a defendant, even though the members of the jury believe the defendant to be guilty of the charges. This may occur when members of the jury disagree with the law the defendant has been charged with breaking, or believe that the law should not be applied in that particular case (jury nullification can similarly convict under the same context). Jury nullification is possible because once a jury retires to the jury room to decide its verdict no one can compel the jurors to reach a particular verdict, and once the jury has reached its decision, it simply has to announce it. It doesn't have to explain or justify it. Juries thus cannot be prevented from engaging in nullification, and judges rarely inform juries of this power.

A civil rights lawyer has proposed that because the criminal justice system, to his/her view, is discriminatory towards young African American males, juries should vote to acquit regardless of the evidence **when the offense is a non-violent, drug related offense**. He/she contends that individual defendants, the African American community, and society as a whole, would all be better if young African American males, who commit non-violent, drug-related offenses, remained in the community, rather than going to prison.

You are a jury member, and a case you are participating in, falls exactly under this context. Do you share the information about jury nullification to your peers and argue on behalf of the defendant? Why or why not?

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## Who is Liable?

Some media files enable users to exchange music and film recordings digitally over the Internet, and can transmit it to anyone at no cost. The Recording Industry Association of America (RIAA), in particular, has undertaken a major effort to combat copyright violations. The RIAA sends letters to colleges and universities whenever its researchers discover on campus servers offering copyrighted music because when the Association began its monitoring efforts several years ago it discovered that about 75% of the infringing sites were on university campuses and their servers.

Under the Digital Millennium Act, on-line service providers, such as universities, can avoid liability if they take certain steps specified in the Act. These include, in cases when the university has been informed of an infringement, shutting off access to the infringing material, and notifying the user who posted it, so that he or she can take up the matter with the



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copyright holder. The user must be given the right by the university to appeal the shutoff. If a university meets the above requirements, in all likelihood, it will avoid liability for any given infringement.

The network administrators at your university, without prior warning, checked the ISP (login addresses) of two hundred and fifty (250) student computers connected to the University's network, reviewed their public files, and found seventy-one (71) students whose files contained illegally copied music files. The students lost their in-room internet connections for the rest of the year, which meant they had to use a university computer lab to gain access to the Internet. All the students were given a right to appeal their penalties, and students who attended two, 4-hour classes on copyright had their penalties reduced by one month.

Some students angrily argued that their privacy had been violated, and felt that all "punishments" be repealed.

Create a bullet point list for both the university and the aggrieved students, presenting reasons for both sides to support their cases.

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## Tell It Like It Is?

Professor X is a part-time faculty member at a well-respected university. A colleague advised him that he would never be hired as a tenure-track professor unless he had at least a doctorate. He had begun his doctoral degree previously, but never completed. However, Professor X changed his resume to say that he had graduated with a Ph.D..

Over the years, high accomplishments and fame increased for Professor X, and he held several prestigious teaching positions. He became recognized as one of the best poets in the country, as well as a gifted teacher who unconditionally gave back to the community in which he lived.

Professor X was eventually nominated as California's Poet Laureate—the first time this appointment was made in a non-political way. Prior to his appointment, the Governor's chief of staff had an interview with him to make sure that there were no skeletons in the closet.

This would be the extent of any background investigation—Professor X would never have his secret revealed, unless by his own admission.

If you are Professor X, do you reveal the lie made on your resume?



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