

TSG 158-C-1230

Title Apply the Ethical Decision-Making Method at Small Unit Level.

Task Number 158-100-1230

Title(s) Apply the Ethical Decision Making Method at Small Unit Level

Effective 4 August 2003

Materials: Case Study, Student Handout (JER, Sample ECAS and Part 2, FM22-100

Pre-reading: Read Part 2, FM22-100 in Handout.

This lesson includes a discussion of the process of ethical decision-making.

The self-paced case study allows you to work through an ethical problem. The evaluation requires you to justify your choice of a course of action in a scenario based on the sound application of the Ethical Reasoning Process.

1. Introduction:

- a. All Military leaders make decisions. Some involve ethical dimensions that require them to make tough and sometimes unpleasant choices concerning questions of what a person “should” do” or “ought” to do; or questions concerning what is right or wrong, good or bad. As leaders they should do the right thing for the right reason, every day. They should always do what is legal and moral. While some decisions may seem more important than others, all should be preceded by a consideration of ethical ramifications. In some cases, the ethical element of decision making will go no further than to consciously acknowledge that there are no significant ethical ramifications to consider. In other cases an in-depth ethical analysis is called for in addition to the application of appropriate rules and regulations.
- b. *When a situation involves a conflict of one or more moral values we are facing an ethical problem.* When faced with such a problem, a formal reasoning process is a helpful tool to help you decide what course of action produces the best solution(s).

**AN ETHICAL (MORAL) PROBLEM INVOLVES
QUESTIONS OF THE FOLLOWING KIND:**

- 1. WHAT A PERSON SHOULD OR OUGHT TO DO ?**
- 2. WHAT IS RIGHT OR WRONG, GOOD OR BAD?**

c. The Ethical Reasoning Process is such a reasoning process, and outlines a process for decision making that ensures a careful review of ethical consequences when there are several options that seem proper. It allows you to assess the impact that various forces have on an ethical problem.

ETHICAL REASONING PROCESS

Step 1: DEFINE THE PROBLEM

Step 2: KNOW THE RULES

Step 3: DEVELOP AND EVALUATE COURSES OF ACTION

Step 4: CHOOSE THE COURSE OF ACTION THAT BEST REPRESENTS ARMY VALUES

3. Application.

During this lesson we will apply the Ethical Reasoning Process by analyzing a case study for ethical considerations and developing a plan to resolve the ethical problem. At this time I want each of you to read the case study which I have distributed. In this lesson we will focus on the reasoning process and your ability to logically defend your approach.

Read "1LT Sharp and the SECRET papers" (See Appendix A) and then continue with the lesson using the outline provided

Learning Step/Activity 1 -What is an ethical problem?

Step 1:

DEFINE THE PROBLEM

(THE HARDEST STEP IN SOLVING PROBLEMS)

KNOW WHO SAID WHAT, WHAT WAS SAID, ORDERED, OR DEMANDED.
DO NOT SETTLE FOR SECOND-HAND INFORMATION; GET THE DETAILS.
PROBLEMS CAN BE DESCRIBED IN MORE THAN ONE WAY.

The first step of the Ethical Reasoning Process is to clearly define the ethical problem--to state the problem in as clear and every day language as possible. Proceed from a general statement of the problem to specific statements of the decisions to be made. "Decisions to be made" means to consider all the decisions that

need to be made. As you follow the ETHICAL REASONING PROCESS, new problems or needed decisions may become apparent (e.g. if you find out the S3 told 1LT Sharp to do what he did.) Be willing to add these to your problem list as you go. The problem list should include all the problems 1LT Sharp faces as he seeks a solution to the stated ethical problem.

Question: What is 1LT Sharp's basic ethical problem?

Response:

1LT Sharp's basic ethical problem is the pressure to be dishonest and not report this breach of security.

Question: What decisions need to be made in view of the stated problem?

Response:

Some of these may be:

- (1) Will I report the discovery or accept SSG Day's approach?
- (2) If I report it, who should I report it to, and when and how should I report it?
- (3) Should I discuss the discovery with 1LT Sharp first?

2. Learning Step/Activity 2 - Identify the ethical questions of the situation.

Media: Case study

The ethical questions you identify may include about what "ought" to be done, what is "right" or "wrong" or what is "good" versus "bad" or determining guilt or innocence.

Question: What are the ethical questions you find in this situation? For example, one ethical question might be: Is reporting the discovery immediately the "right" thing to do? What are my moral obligations (duty)? Identify other ethical questions the case study may raise for you.

responses (suggest you prepare an instructional chart with the

The ethical questions in this case include:

(1) Is reporting the discovery showing disloyalty to 1LT Sharp and SSG Day? Is accepting SSG Day's approach being disloyal to the unit? Are there limits to loyalty and to whom do I owe it?

(2) What character issues are involved? What personal values am I violating if I accept SSG Day's suggestion?

- (3) What are the consequences to 1LT Sharp and SSG Day if I report this discovery? What are the consequences if I do not?
- (4) If I were in 1LT Sharp's place and he in mine, how would I want him to handle the situation?

B. ENABLING LEARNING OBJECTIVE B

1. Learning Step/Activity 1 - Identify applicable laws and regulations.

Media: Case study, chart

Step 2:

KNOW THE RULES

DO YOUR RESEARCH. SOMETIMES WHAT LOOKS LIKE ETHICAL PROBLEM MAY STEM FROM A MISUNDERSTANDING OF A REGULATION OR POLICY.

The second step is to identify applicable laws or regulations. Laws, regulations, codes, and other professional obligations are basic constraints within which official decisions are made. Until all relevant obligations are considered, ethical reasoning is impossible. Although it is conceivable that an ethical decision could violate a law or regulation, this circumstance would be extremely rare. In this case you need to feel extraordinarily confident that you have exercised sound judgment and have a very well reasoned understanding of the situation.

Question: What specific regulations/guidelines require certain actions for this type of security breach? How would you find out?

Responses:

- a. The Joint Ethics Regulation (JER) (Appendix B, Handout) provides general guidance concerning values that apply to all DOD employees.
- c. There are specific Army regulations on the safeguarding of classified materials. In addition, most units publish internal SOPs dealing with these issues. Have the students report their responses. Summarize using the expected responses chart you prepared.

2. Learning Step/Activity 2 - Identify Military values.

Military VALUES

Loyalty: Bear true faith and allegiance to the U.S. and Tennessee State Constitution, the Tennessee State Guard, your unit, and other soldiers.

Duty: Fulfill your obligations.

Respect: Treat people as they should be treated.

Selfless-Service: Put the welfare of the nation, the Tennessee State Guard, and your subordinates before your own.

Honor: Live up to all the Military values.

Integrity: Do what's right, legally and morally.

Personal Courage: Face fear, danger, or adversity (Physical or Moral)

2. Learning Step/Activity 3 - For the situation, identify appropriate Army values to produce guiding principles.

Media: Case study

Now that we have identified the Army's values we need to reflect on how they apply to the specific situation. By reflecting on the values of loyalty, integrity, duty, selfless service, honor, personal courage, and respect and the ethical applications principles they generate, you can better understand what you should do.

Question: Based on our case study, what are some ethical implications we can derive from Army values?

Responses:

For example: Honor provides the motive for action. It demands adherence to a public moral code, not protection of a reputation. It means that we must identify with the Army's values.

- a. Integrity demands that we do not violate our personal moral beliefs.
- b. Personal courage enables us to face fear, danger or adversity no matter what the context. It means that we take responsibility for our decisions and subsequent actions.
- d. Loyalty is an intangible bond based on a legitimate obligation. It involves the correct ordering of our obligations and commitments.
- d. Respect denotes the regard and recognition of the dignity that every human being possesses. It involves treating people as they should be treated and the effect of one's own behavior on them. It includes treating people justly.
- e. Selfless service involves the proper ordering of priorities. Think of it as service before self. While the focus is on service to the state, this does not mean that the soldier neglects to take care of family or self.
- f. Duty outlines the sum of all laws, rules, etc. that make up the professional, civic, and moral obligations of leaders. At a minimum, all Military leaders are expected to fulfill their obligations.

4. Learning Step/Activity 4 – Apply the Army values to the case study.

Your decision should not violate your personal sense of integrity and the values you bring into the situation. At the same time selfless service, duty, and honor demand that you carefully consider the Military values that apply to the situation (this includes other sources of values such as Constitutional, national, State and religious values). Although it is conceivable that an ethical decision could violate a law or regulation, this circumstance would be very rare. In such cases you must be absolutely certain that you have exercised sound judgment and that you have a thorough understanding of every circumstance surrounding the situation. In the long run you must have the personal courage to face the consequences if others do not see the moral aspects in the same light. While respect and loyalty to 1LT Sharp and SSG Day are commendable concerns, you need to consider that the Military value of loyalty considers loyalty upheld when one adheres to legitimate obligations. By being honest in this case you are not being disloyal. However, loyalty and respect for 1LT Sharp and SSG Day should inform your decision of how to proceed in this

case as long as these considerations do not come before values of a higher order. In the final analysis you must have the courage to do what's right, regardless of the disappointment or disapproval you may receive from 1LT Sharp or SSG Day, your peers, or your superiors.

5. Learning Step/Activity 5 - Identify other applicable moral principles which may influence your decision

Media: Case study

Considering other ethical principles, besides those contained in the Military values, can be very helpful in understanding the relevant moral factors at stake. Some of these principles are especially illuminating when the Military is applying deadly force. Principles such as the prevention of unnecessary harm and the non-combatant distinction help leaders to think about the reasons behind many of the laws they are obligated to follow and enforce.

Question: What other moral principles might apply to this situation beyond the basic Army values already discussed?

Responses:

- a. One moral principle might be the concept of "innocent until proven guilty," and "giving someone the benefit of the doubt."
- b. Another moral principle might be the "Golden Rule:" "Do unto others as you would have them do unto you." In other words "seek to correct the problem as if you were going to be the recipient of these actions." We all make mistakes and appreciate it when someone helps us fix a problem rather than just condemning us.
- c. Another moral principle that might apply in this case is to "try and resolve the problem at the lowest level."
- d. Another moral principle might be to "look out for number one." A failure to report the security breach immediately might jeopardize your own career.
- e. Another moral principle might be that decisions should be reached situationally not prescriptively and that the good of the neighbor should be the ultimate guiding principle.

6. Learning Step/Activity 6 -Consider how other moral principles affect or inform you about the problem.

Media: Case study

Question: We have identified other moral principles that may apply. How would these principles affect or inform you about the problem? Start with the 1st moral principle we just discussed.

Response:

- a. In attempting to give 1LT Sharp the “benefit of the doubt,” you would want to be careful about “assuming” things about 1LT Sharp’s actions. This might lead to you approach 1LT Sharp and ask for clarification before pursuing any other action.
- b. This would also tie into the principle of “attempting to resolve the problem at the lowest level.” You would be showing initiative and responsibility to your chain of command that you can also handle sensitive ethical problems.

NOTE: The United States Military Academy has, in accordance with their Honor Instruction, three “Rules of Thumb” that help guide cadets in reflecting on a particular course of action. It may be helpful to discuss these “criteria,” realizing that they are only a beginning. Additional reflection on the principles behind your response to these criteria is also beneficial and promotes more ethical development than just following these three “rules.” On the other hand, they do provide a very good guide for the initial analysis of a course of action.

Three Rules of Thumb:

1. Does this action attempt to deceive anyone or allow anyone to be deceived?
2. Does this action gain, or allow the gain of, a privilege or advantage to which I or someone else would not otherwise be entitled?
3. Would I be satisfied if I were on the receiving end of this action?

Learning Step/Activity 1 - Develop courses of actions.

Media: case study

3:“DEVELOP AND EVALUATE COURSES OF ACTION”

THIS STEP HAS TWO PARTS—

Part 1: DEVELOP COURSES OF ACTION

Part 2: EVALUATE COURSES OF ACTION

The third step of the ethical reasoning process is to develop and evaluate courses of action. This step has two parts. The first is for us to develop a listing of courses of action. This is a good place to practice brainstorming.

Question: What are possible Courses of Action (COA)

Responses:

- a. Do nothing as SSG Day suggests.
- b. Inform the chain-of-command before 1LT Sharp leaves.
- b. Inform the chain-of-command after 1LT Sharp leaves.
- c. Go to 1LT Sharp before he leaves and ask him how he would like to handle this problem.

2. Learning Step/Activity 2 -Assess courses of actions and eliminate unethical solutions.

Media: Case study

Take the possible courses of action on the chart and identify the pros and cons of each action.

Responses:

- a. If you do nothing, you may think you are being loyal and respectful of 1LT Sharp and SSG Day but you might be violating your integrity. Other aspects include failing to do your duty (first need to decide/know/understand what that “duty” is), and courage to possibly take a “tougher” and less popular course of action of addressing this breach of security.
- b. If you inform the chain of command before 1LT Sharp leaves, you would be loyal to your unit and be doing your duty to address the problem; but you would potentially be violating other guiding principles, namely giving 1LT Sharp the benefit of the doubt and seeking to resolve the problem at the lowest level.
- d. If you inform the chain of command after 1LT Sharp leaves you would be loyal to your unit, do your duty to address the problem, and be loyal and respectful of 1LT Sharp. You would still potentially be violating other guiding principles you have decided are important to this problem; for example, to obey the regulation in promptly reporting all potential security violations.
- c. If you go to 1LT Sharp before he leaves and ask him what he would like you to do, you are able to adhere to the values and guiding principles you have decided are important to this situation. Even if 1LT Sharp refuses to do anything, you have adhered to the values and guiding principles you have determined are relevant to this ethical problem. You can then inform his chain of command without compromising those values and principles.

Learning Step/Activity - Determine the best ethical course of action.

Media: Case study

Step 4:

“CHOOSE THE COURSE OF ACTION THAT BEST REPRESENTS ARMY VALUES”

A VALUES-BASED ORGANIZATION USES EXPRESSED VALUES TO PROVIDE THE FUNDAMENTAL FRAMEWORK FOR WHAT IT EXPECTS OF ITS MEMBERS AND USES THESE VALUES TO JUDGE ALL OF THE ORGANIZATION'S SYSTEMS, PROCESSES, AND DECISIONS. MILITARY VALUES PROVIDE A MORAL TOUCHSTONE, A COMPASS TO HELP US FIND OUR WAY TO RIGHT ACTION.

The fourth and final step of the ethical reasoning process is to choose the course of action that best represents Military values. This can be the most difficult step of the process. We must base our decision on the moral framework described by the seven Army values, not our personal desires or best interests.

Question: Which would be the best Course of Action?

Responses:

Of the four courses of action proposed above, course of action d best adheres to the ethical principles embodied in the Army values given in FM 22-100. Army values demand honesty, and loyalty, but these are not in conflict. Loyalty is upheld when you adhere to legitimate obligations. Course of action d also upholds the values of integrity, honor, duty, and courage. In terms of other moral principles, by going to 1LT Sharp first you would be giving him the “benefit of the doubt.” You would also be seeking to correct the problem as if you were going to be the recipient of these actions while resolving the problem at the lowest level possible. All three approaches to ethical thought are involved in this solution: obligation, consequence, and character.

SECTION IV SUMMARY

Ethical decision-making is a skill. The Ethical Reasoning Process gives you a framework to consider the ethical ramifications of a decision or course of action. Your ability to define the ethical problem, employ applicable laws or regulations, reflect on the ethical values and their ramifications, consider other applicable moral principles, and choose and implement the best course of action will determine whether or not you will be the type of leader who can make good ethical decisions.

REASONING PROCESS

Step 1: DEFINE THE PROBLEM

Step 2: KNOW THE PRINCIPLES (RULES AND REGULATIONS)

Step 3: DEVELOP AND EVALUATE COURSES OF ACTION

Step 4: CHOOSE THE COURSE OF ACTION THAT BEST REPRESENTS ARMY VALUES