CSE332 INDUSTRY ETHICS AND LEGAL ISSUES

Lecture 3
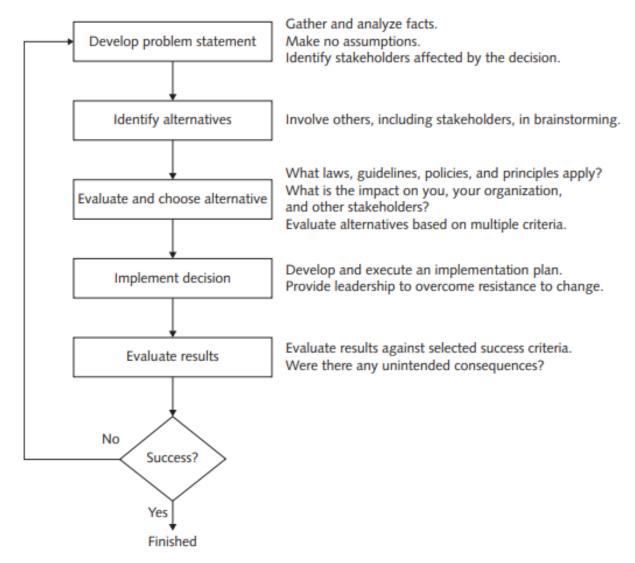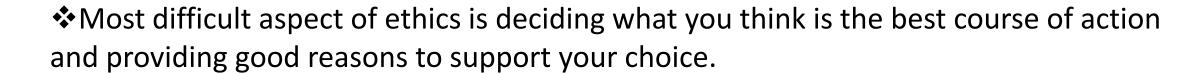
Develop problem statement	Gather and analyze facts. Make no assumptions. Identify stakeholders affected by the decision.
Identify alternatives	Involve others, including stakeholders, in brainstorming.
Evaluate and choose alternative	What laws, guidelines, policies, and principles apply? What is the impact on you, your organization, and other stakeholders? Evaluate alternatives based on multiple criteria.
Implement decision	Develop and execute an implementation plan. Provide leadership to overcome resistance to change.
Evaluate results	Evaluate results against selected success criteria. Were there any unintended consequences?

No

Success?

Yes

Finished

FIGURE 1-4   Decision-making process

Justification in Ethical Reasoning: How do you know what is best?

❖Most difficult aspect of ethics is deciding what you think is the best course of action and providing good reasons to support your choice.

❖What choices are better or worse? How do you justify your actions?

Ethical reasoning: apply ethical theories, and approaches.

Two Classical Theories

1. Utilitarian Theories
   ❖ Jeremy Bentham and John Stuart Mill
   ❖ ***Considers the consequences of an action*** (or failure to take action) in terms of how the action promotes happiness
   ❖ ***Actions are right to the extent that they tend to promote happiness*** and wrong to the extent that they tend to promote the **reverse of happiness**
   ❖ Judges the rightness and wrongness of an action by its consequences
   ❖ Advantages
      Simplicity: only one thing needs to be considered - **happiness**

2. Deontological Theories

❖Theories are based on the calculation of duties rather than the consequences

❖ *Considers* whether it is *one's duty to* **perform** *or* **not** *perform an action*

❖Immanuel Kant (famous deontological moral theorist)- If you want to know a proposed action is morally acceptable, the right question is **not** "What are the consequences?" **but** "Can I, as a rational person, consistently will that everyone in a similar situation should act in the same way?" e.g. Japanese cities of Hiroshima and Nagasaki on 6 and 9 August 1945

2. Deontological Theories

Advantages

   in that it supports common moral intuitions

Disadvantages

   ❖Inability to decide among duties when they **conflict**

   ❖Inability to take some considerations of the consequences

   ❖Seems important to **break** a promise if it will **save** them from severe harm

Applications of More Than One Theory

❖Many philosophers have come to doubt that there can only be one correct theory

❖Many philosophers believe we should use them as a guide

   ❖Partial contributions to a comprehensive, although necessarily fragmented, moral vision

   ❖Utilitarianism examines consequences

   ❖Deontological analyzes the duties involved, the duty to tell the truth, and the accuracy and integrity

Four Current Ethical Approaches

1. Principle-based Analysis

Four core ethical principles

Beauchamp and Childress's *Principles of Biomedical Ethics* (1994)

- ❖ Respect for autonomy (means self-determination)

- ❖ **Non-maleficence** (it may be better not to do something, or even to do nothing, than to risk causing more harm than good.)

- ❖ Beneficence (promoting good)

- ❖ Justice (treating others fairly)

2. Analysis of Rights

   ❖ Based on the consideration of whether an action affirms or violates human

   rights

   ❖ Moral Discussion, especially in the U.S., occurs using the language of rights

   ➢ A right is an especially powerful moral claim that others are obligated to

   respect

   ❖ In health care scholars debate a right to die, a right to life, and a right to

   health care

Four Current Ethical Approaches

2. Analysis of Rights

Advantage

Rights-based approaches are simple to apply

Disadvantage

People disagree about which claims are determined "basic human rights"

Causes much debate: some people believe there is a certain right to choice and another party believes that there is a certain right to life

Four Current Ethical Approaches

3. Ethics of Care

❖Based on what action best supports the relationships of the parties involved

❖Emphasize the importance of **focusing on the patient** and the professional in context of his or her relationships

❖Considers the emotional commitment and willingness of individuals in relationships to act unselfishly for the benefit of others

❖Values sympathy, compassion, fidelity, discernment, and love

Has lack of a well developed basis for providing justification for courses

4. Virtue Based Ethics

❖ ***Emphasizes how the action expresses*** and shapes ***the character of the person who performs it***

❖ Closely associated with ethics of care

❖ A virtue is a habit of behavior in a good way

❖ Emphasizes the agents who perform actions and make choices

➢ What would the good HIM professional do?

❖ It looks at feelings, motivations, duties, and not only actions but at character as well

Implement the Decision

Once an alternative is selected, it should be implemented in an efficient, effective, and timely manner. This is often much easier said than done, because people tend to resist change. In fact, the bigger the change, the greater the resistance to it. Communication is the key to helping people accept a change. It is imperative that someone whom the stakeholders trust and respect answer the following questions:

- Why are we doing this?
- What is wrong with the current way we do things?
- What are the benefits of the new way for you?

A transition plan must be defined to explain to people how they will move from the old way of doing things to the new way. It is essential that the transition be seen as relatively easy and pain free.

Evaluate the Results

After the solution to the problem has been implemented, monitor the results to see if the desired effect was achieved, and observe its impact on the organization and the various stakeholders. Were the success criteria fully met? Were there any unintended consequences? This evaluation may indicate that further refinements are needed. If so, return to the develop a problem statement step, refine the problem statement as necessary, and work through the process again.