Compliance & Ethics *Professional*

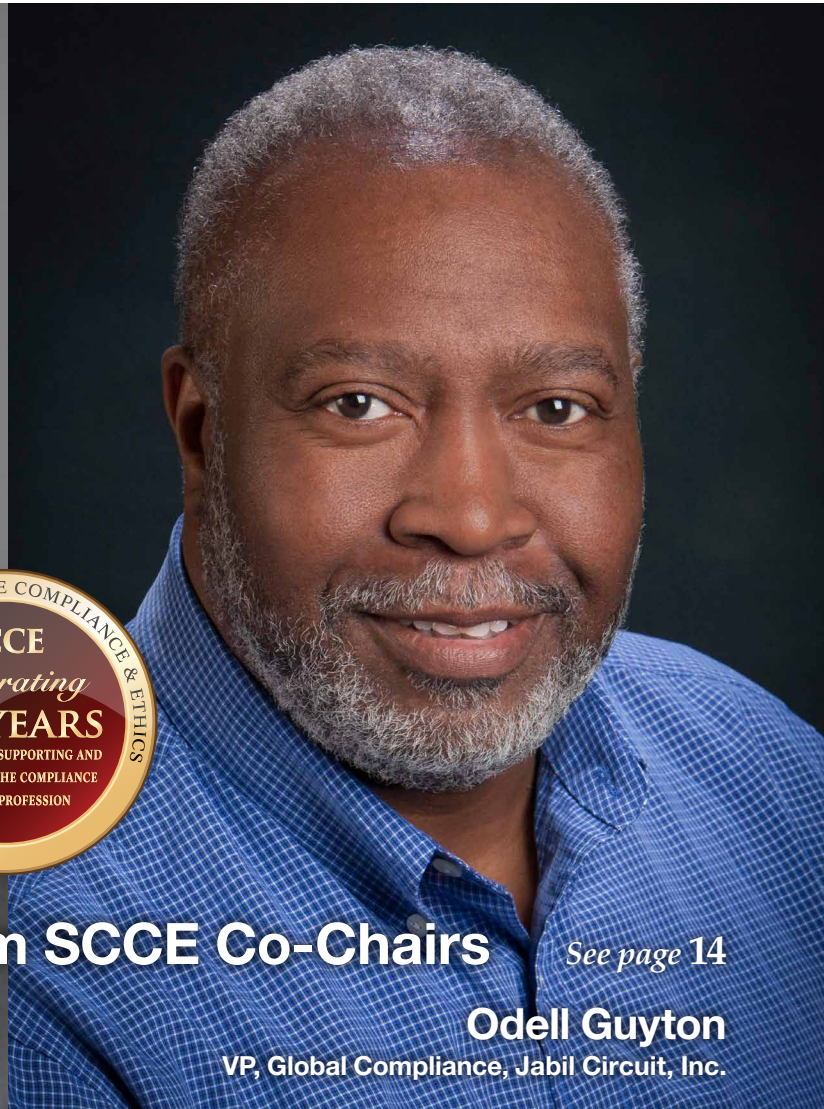May 2014

SCCE *Celebrating* **10** YEARS OF SUPPORTING AND DEVELOPING THE COMPLIANCE & ETHICS PROFESSION

SOCIETY OF CORPORATE COMPLIANCE & ETHICS

Growing the SCCE: A 10-year perspective from SCCE Co-Chairs

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Ethics and "Breaking Bad": Developing and practicing ethical skills

» Ethics tutorials increase knowledge of the organization's rules of conduct.

» "Ethical learning" is a novel approach to develop action-oriented ethical skills.

» Learner-centered education can promote critical thinking skills.

» Discussions about ethical conflicts improve decision-making skills.

» Using a popular television series can enhance the learning experience.

Ethics tutorials have been developed to help employees and students understand the rules of appropriate conduct in the organization.[1,2] An important component in these tutorials is that they feature current issues of workplace misconduct and wrongdoing. Once an employee has completed the tutorial, they should "know" their organization's expectations of ethical conduct. But is this enough?

Having this ethical knowledge is important, but knowing the right thing to do is not the same as doing what's right. In fact, there are a number of barriers that make action-oriented ethics challenging for even the most highly ethical.

I had a real-life ethics experience when I spent a decade working side-by-side with an employee who engaged in criminal conduct.[3] What did I learn from my unique experience? One lesson in real-life ethics was that I was wrong to assume that knowing what's right will lead to doing what's right.

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Others had observed the criminal transgressions years before I became aware of them. What stopped these colleagues from taking action? Fear was number one. Next were a number of realistic concerns: job security and retaliation. Other issues included peer-pressure and co-worker loyalty. No one wanted to rock the boat. In addition, there was also a misguided perception that the institution wouldn't do anything. The result: Silence.

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Would an ethics tutorial have helped? The tutorial plays a critical role in improving the understanding of the organization's commitment to a strong ethical climate, but it may not provide enough motivation to take

action. Institutions that require employees and others to take tutorials benefit from the improved perception that wrongdoing will be taken seriously. This is an important first step.

The second step is having a set of ethics action tools. Doing 'what's right' means an individual must have confidence in their ethical decision-making and this kind of confidence takes practice. Practicing ethics, like other skills, may create the necessary courage to take action. With practice, we can be better equipped to do the right thing. But how can we develop and safely practice ethical skills?

I have developed an ethics-based classroom experience (called Ethics, Morality and "Breaking Bad")[4,5] using the popular television series *Breaking Bad*[6] to promote discussion and dialogue about right and wrong; to understand the differences between ethics, morality, and family values; and to practice recognizing and appraising ethical dilemmas. In this small group experience (12 to 15 students is ideal), I offer various ethical conflicts for exploration and discussion. The discussions are geared to studying the consequences of various actions and inactions. The purpose is to allow the students to gain confidence in making their own decisions by providing a stimulating discussion in a respectful environment.

I use the learner-centered education approach to model the same standards that I wish to introduce.[7] Learner-centered education creates an environment where the "learners" or students are actively participating in their own education. The instructor becomes a dialogue-focused facilitator instead of an expert teaching facts and information.

In Ethics, Morality and "Breaking Bad" the ethical issues relate to the characters in the popular television show *"Breaking Bad."* In the five-season series, the major character, Walter White, plunges the audience into a number of ethical and moral conflicts. Walt's diagnosis of terminal lung cancer propels him down a dark path. In order to financially provide for his family, he transforms himself from a mild-mannered high school chemistry teacher to a powerful drug-lord. His evolution into a life of crime has no boundaries. Facing a terminal illness, he is no longer concerned about the consequences of his actions. He has rationalized his money-making scheme and is not deterred by fear. He tells himself, "even if I'm caught, they are not going to put a terminally ill cancer patient in jail."

We can cheer for Walt at the beginning of his transformation, when we observe that his ethics are intact. He wants to provide for his family (a pregnant wife and teenage son with cerebral palsy). He represents the decent, fair-minded family provider with strong family values. We also embrace and have empathy for the individual with a terminal illness. We want Walter to succeed, to recover, and to survive.

But then we watch Walt take a morally questionable road to achieve his goal of providing for his family. He justifies his actions using the ethical theory: "the ends justify the means." Walt takes the name "Heisenberg" (alluding to the Uncertainty Principle), where it is impossible to find his moral compass. Is he the cancer-stricken

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chemistry teacher? Or is he a criminal addicted to power? It doesn't take long for his ethical road to crumble as the consequences of his moral transgressions pile up.

As a widely popular, fictional television show, Walter's transformation can be safely studied from a distance. We can empathize with the cancer patient who feels powerless. We can also cheer Walter White and hope that he'll eventually do what's right and take the high road.

"Breaking Bad" has a number of characters that provide a range of captivating and engaging ethical conflicts and transgressions. In the classroom, the ethical learning is experiential; students practice articulating their opinions in a safe environment. Alternative points of view are encouraged and respected, as stated in our classroom code of ethics.[5]

Two ethical theories are compared. The first, consequential ethics which is concerned about the outcome or "end result" and, the second, action-oriented ethics which is concerned about "doing what's right" are thoroughly examined. Each classroom experience begins with a short "action-oriented" ethics quiz containing four hypothetical situations. Students answer the multiple-choice questions privately. We then discuss as a group the possible responses. Here's an example:

"You are a paid assistant in a laboratory. Your boss has made the rules clear— laboratory equipment cannot be taken home. One evening, when you enter the lab you see another employee putting a flask in his backpack. You:

A. Tell him that this is wrong and to put it back. You agree not to tell anyone.

B. Tell him this is wrong and you have to tell your boss.

C. You pretend not to notice. You tell the boss the next day.

D. You pretend not to notice. You leave an anonymous note for your boss about it.

E. You do nothing. You need this job.

F. Don't know.

When asked if anyone would confront the employee, no one responded affirmatively. A couple of the students reluctantly answered that they'd feel bad, but they would pretend that they hadn't noticed. I asked: "Would anyone talk to the person and tell them that this is wrong?" One student suggested that if the person was someone they knew pretty well, they might be willing to talk to them and say something like: "Knock it off—you're going to get caught!"

Everyone in the class believed that they should tell their boss, but didn't want to get in trouble with their co-workers. They also worried that the employee might get fired and get even. Fear and peer-pressure were barriers to taking action.

The same question was proposed, only the object taken was a laptop instead of a laboratory flask. All the students reported they'd tell the boss! The students believed that they'd get in trouble for *not* reporting the incident and that a laptop was much more serious than the taking of a flask. When asked if they'd report anonymously or directly, many suggested that it depended on their relationship with the boss. Another also said that it would also depend on whether or not the organization would think that reporting would be "good." In other words, an organization with a strong ethical culture will benefit by having employees more willing to take action.

Having a group dialogue where members share and articulate their ethical opinions openly is an important step in practicing

ethical decision-making. Peer commitment is also achieved. By continuing to study, articulate, and examine a range of ethical choices, this practice becomes a skill. Thinking about different ethical conflict options can increase confidence. Confidence and practice increase the likelihood that action will be taken instead of staying silent.

Other tools to increase action-oriented ethics include a confidential, anonymous hotline reporting system and educational efforts to promote its use. In fact, recent results from the 2013 National Business Ethics Survey have shown that the percentage of companies that provide ethics training rose from 74% to 81% between 2011 and 2013.[8] "This increase in ethical commitment is significant because ethics culture drives employee conduct."[8] Organizations that have made these investments in ethics are now reaping the benefits. This is very good news.

Action-oriented ethics requires the development and practice of skills. One easy way to accomplish this is to have stimulating dialogues about ethics. Using a popular television series will enhance the experience. *"Breaking Bad"* provides a captivating and powerful learning laboratory. It is well-crafted entertainment with an ethical and moral conclusion that most will find highly satisfying. And best of all, we can all sit back and cheer for Walt—or not—because all of it happens in the safety of our TV room. ✳

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