

Modified Trevino & Nelson Model for Ethical Decision Making

This is the ethical decision-making model from your main text, LINDA K. TREVINO & KATHERINE A. NELSON, *MANAGING BUSINESS ETHICS* (2014) [TREVINO & NELSON], modified slightly by your instructor.

1. Get the Facts

This is certainly one of the most important steps in any kind of decision making. The worst thing you can do is jump to conclusions without having all pertinent facts. Without the pertinent facts, you run the risk of overreacting or being ethically overzealous, which can be very off-putting to your friends and colleagues (nobody likes a “Goody Two Shoes”), indicate overall poor judgment and cause you to use up your “political” capital within your organization or group.

Be aware of emotion or other types of personal bias (we all have some) in gathering and analyzing the facts. Try to be as neutral and objective as you can be before you make too many judgments about what happened to present the ethical dilemma or is likely to happen if you take certain actions in response to the dilemma. As you go through the other steps in this model, be alert to facts you may have misinterpreted or to missing facts. In other words, do not be reluctant to revise and update both the material facts and any inferences you have drawn from them (a grounding in basic logic comes in handy here). Ask yourself (1) what important facts do I not have (knowing the importance of what you don’t know can be key), (2) what can I do to develop the facts; and (3) do I know enough to act?

Going through this factual development process (as well as the other steps in this model) can sometimes lead you to a creative response you would not otherwise have discovered. It may also cause you to decide rationally to delay action until more facts are presented (assuming a delay is not prejudicial to important stakeholders).

2. Identify & Define the Ethical Issues

This step could easily be the first, although sometimes the ethical dilemma does not fully present itself until you have all the facts (chicken or the egg?). A sensitivity to ethical issues (which can be learned) is a must. Many people fail to act ethically (even by their own standards) because they fail to see an ethical issue when it is presented (e.g., because of schema or “scripts” we all use everyday).

Answer this question: Why I am I so conflicted in this situation? Is there something wrong personally or within my family, circle of friends, organization or society generally? Could the conflict, the situation, or the decision be damaging to people or to the community? Does the issue go beyond legal or institutional concerns? What does it do to people, who have dignity, rights,

and hopes for a better life together? What is your gut telling you about this situation? Listen to your intuition and feelings; these are important data. Are “right” and “wrong” in play? If so, your dilemma is more than just a personal or business situation requiring a difficult decision; it is an ethical dilemma.

Be sure to identify as many ethical issues presented as you possibly can. As you move through the other steps in this model (especially when considering various stakeholders’ interests and talking about the problem with others whose ethical judgments you respect) you may discover additional ethical issues.

3. Identify the Stakeholders

Both consequentialist and deontological thinking involve the ability to identify persons affected by the decision. Being able to see the situation through others’ eyes is a key moral-reasoning skill. What does each stakeholder or stakeholder group want (their “position”), and why do they want it (their “interest”)? Action options you consider in response to the ethical dilemma should address or at least partially address the stakeholders’ interests (but not necessarily their positions). Be sure to identify as many stakeholders as you can.

4. Identify Action Options & Test Them

Based on the results of your fact gathering, issue identification and identification of stakeholders, what action options are you considering in response to your dilemma? Again, try to be as creative as the situation will allow in developing action options, including options that ethically avoid the dilemma altogether, if practicable. Then test of each one using the following prescriptive-reasoning approaches. When applied as intended, each approach should yield the action option that is the most appropriate using its philosophical thinking. *You may, of course, supplement these three prescriptive approaches with others you deem helpful.*

(A) Consequentialism: Identify & Weigh Consequences

Choose the action that creates the greatest net good for the greatest number of stakeholders. Use a table or chart to show the consequences (positive and negative) to each stakeholder if this helps you outline the benefits and costs of each action option. Try to identify consequences that have a relatively high probability of occurring and those that you predict will have especially negative or harmful consequences if they were to occur (even if the probability of occurrence is low). Think quality of outcome, not just quantity. Some consequences or outcomes may have greater subjective value to you. Consider both long-term and short-term consequences, and permanent and temporary consequences. Take all of this into account when weighing competing action options that produce an equal number of positive and negative consequences or outcomes. Think about how each action option at least partially addresses an interest of each stakeholder. This test, if applied properly, will select the action option that (you predict) will produce the greatest good for the greatest number.

(B) Identify & Consider Your Duties, Obligations & Values

When using the deontological or the “duties, obligations & values approach,” state specifically which duties you owe and to whom you owe them (based on the values or principles you deem to be the most important in making decisions such as promise keeping, compassion, loyalty, honesty, personal autonomy, fairness, justice, the “Golden Rule” or individual natural or personal “rights”). Do you hold some duties (values or principles) more strongly than others? Consider whether an action option satisfies (or at least avoids breaching) those specific duties. If you are a member of a profession that has specific rules or a code of conduct, they should be consulted (and in most cases honored). Also consider whether an action option would be suitable as a universal principle for everyone to follow in the same or similar situation? (If not, some actors will deem action option inappropriate.) If applied properly, the “duties, obligations and values” test will select the action option that most satisfies the duties, obligations and values you consider most important in making ethical decisions.

(C) Virtue Ethics: Consider Your Character & Integrity

This approach asks the questions: what kind of person do I want to be and what type of virtues do I want to be known for practicing in my professional or societal community? TREVINO & NELSON at p. 63 lists selected values or principles (not an exhaustive list). Presumably, in testing action options under the “duties, obligation and virtues” test in Step 4(B), you considered some of these virtues or others because you listed them as important to you in making ethical decisions. But if Step 4(B) selected an action option that does not comport with one or more virtues for which you wish to be known in your community under this Step 4(C), then you may be acting inconsistently with the type of person you want to be. If so, you need to choose another option that is consistent with the type of person you want to be or else understand that your community may not view you as you would like.

Thus, virtue-ethics reasoning (as used here) only indirectly answers what is the best action option for my dilemma? Instead, it asks this question, in this situation, am I living the virtues for which I want to be known? That is, are you living your life well and as you purport to intend? So, identify what virtues are relevant to your dilemma and say which of the action options is best aligned with the virtues you most want to practice (presumably including compliance with any applicable professional ethics). The disclosure test at p. 56 of TREVINO & NELSON or what many refer to as the “*New York Times* front page test” is a device to get you to think about what action would best align with the virtues you most want to be known for practicing. If an action option does not pass this test, then it also fails the virtue-ethics test.

5. Think Creatively About Solutions

Historically, the word “dilemma” meant a problem with only two possible resolutions, neither of which is totally satisfactory (from the Greek “double proposition”). Hence the expression: “get off the horns of the dilemma.” Nowadays, a dilemma can include a problem with more than two possible, but problematic resolutions. Even when we think all possible solutions

are unsatisfactory, there may be a way to avoid the problem altogether or a solution that while perhaps not ethically perfect, avoids the harshest results of the more obvious (and less-than-totally-satisfactory) action options. As in a negotiation, consider the stakeholders' interests (i.e., what *general* results do they seek) as opposed to the stakeholders' own chosen negotiating demand or position, which may be unduly myopic and not especially creative.

Of course, you should be looking for creative action options in all of the previous steps of this model. Is there a solution that satisfies everyone's or almost everyone's interests? Can you delay and buy some time to think through this dilemma, given its complexity, without seriously prejudicing any important stakeholder? Have you consulted someone outside of your usual advisors or confidants? Think outside the box. Sometimes a creative approach will enable you to choose an action option that otherwise might be unacceptable because you have come up with a creative way of avoiding the ethical pitfalls usually associated with that option.

6. Check Your Gut

After you have applied the rational approaches to resolving your ethical dilemma and are ready to implement an action option, be sure to do the "gut check." What is your gut telling you about this dilemma and the chosen action option? If steps 4(A), (B) & (C) support contradictory or competing actions and all other rational decision-making approaches are inconclusive or otherwise unsatisfactory, consult your gut or intuition. As noted, this "gut" test, sometimes called the "smell" test can assist you in applying other aspects of this model. If you were "raised right" or otherwise socialized to feel empathy and to adhere generally to certain moral principles, your gut may be very valuable and give you an advantage over others. If not, the gut check will not help, which is why philosophers and ethicists formulated these rational or intellectual approaches.