Designing, Teaching, and Assessing Ethical Reasoning
by Dr. Keston Fulcher, a visiting scholar from James Madison University

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Workshop Description

In this workshop participants will think through the definition of ethical reasoning and how it is assessed. They will spend the most time engaging in teaching activities shown to improve ethical reasoning skills.

The Assessment Office is delighted to offer this workshop which will be facilitated by visiting scholar, Dr. Keston Fulcher. Dr. Fulcher is the executive director of assessment at James Madison University (JMU). Over the past 20 years JMU has received an unprecedented 12 national awards related to assessment practice. Drawing upon the content expertise of ethical reasoning experts, he facilitated the creation of four ethical reasoning instruments directly linked to ethical reasoning. He has also supervised two doctoral dissertations examining the effectiveness of different teaching strategies on ethical reasoning skills.

Level: All levels welcome
Who should attend: All faculty interested in developing students' ethical reasoning skills. especially faculty teaching ETH Focus-designated sections.
Format: Presentation + Interactive Activities
Date/time/location: Friday, February 23, 2018, 1:00-2:15 PM, KUY 106
Presentation Slides
Slide 1

Ethical Reasoning:
Defining, Teaching, Assessing

Keston Fulcher
Bill Hawk & Lori Pyle
James Madison University

Slide 2

My Friends and Ethical Reasoning
Professionals: Bill Hawk and Lori Pyle
Overview

• Thank You!
• Quick Introductions
• Background on JMU’s ER Process
• Teaching Strategies
  – Show mental moves
  – Facilitate group discussions
  – Evaluate essays
• Q & A

Introductions

• Your Name
• Your Home Department/Discipline
• In one breath: What question do you have regarding teaching ethics/ethical reasoning?
Ethical Reasoning in Action

Ethical Considerations
Rich legacies of moral theories, considerations, and practical reasoning

Decision Science Findings
Practical reasoning strategies from current decision sciences e.g. social psychology, behavioral economics and brain research.

Decision-Affecting, Action Guiding, Reflective Questions
Interrogate intuitions – slow down decision-making
Multiple ethical considerations
Open-ended questions [not confirmatory]
Group / team process is best
Teaching for Improved Ethical Reasoning
Functions

<table>
<thead>
<tr>
<th>Spectator</th>
<th>Agent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluate Actions</td>
<td>Generate Action</td>
</tr>
</tbody>
</table>

Slide 8

The Madison Collaborative
Ethical Reasoning in Action

Responsibilities
Character
Rights
Authority
Liberty
Empathy
Fairness
Outcomes

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Slide 9

**Student Learning Outcomes (SLO)**

- SLO 1    Memorization
- SLO 2    Identification Simple
- SLO 3    Identification Complex
- SLO 4    Application Generic
- SLO 5    Application Personal
- SLO 6    Importance
- SLO 7    Confidence

Slide 10

**SLO 5**

To their own ethical situation or dilemma, students will evaluate courses of action by applying (weighing and, if necessary, balancing) the considerations raised by the 8KQ.
Teaching Strategy 1
Show mental moves

The Eight Key Questions (8KQ)

Outcomes
- Fairness
- Responsibility
- Authority
- Empathy

Ethical Issue
- Rights
- Character
- Liberty

See the Eight Key Questions (Handout)
Slide 13

Which Apply?

Outcomes?

Fairness?

Rights?

Responsibility?

Character?

Authority?

Liberty?

Empathy?

Ethical Issue

Slide 14

Which Apply?

Outcomes

Fairness

Rights

Responsibility

Character

Authority

Liberty

Empathy

Ethical Issue
Slide 15

Conduct Analyses

Ethical Issue

- Fairness
- Outcomes
- Character
- Empathy

Slide 16

Weigh and Decide

- Character
- Empathy
- Fairness
- Outcomes
Slide 17

Teaching Strategy 2: Facilitate group discussions

Slide 18

Welcome to JMU and It’s complicated: an ethical reasoning thought experiment

August 24th, 10:00am – 11:15am
Begin with Questions!

Ask more questions

The Eight Key Questions

- **Fairness** - how can I act equitably and balance all interests?
- **Outcomes** - what are the short-term and long-term outcomes of possible actions?
- **Responsibilities** - what duties and obligations apply?
- **Character** - what actions will help me become my ideal self?
- **Liberty** - how does respect for freedom, personal autonomy, or consent apply?
- **Empathy** - how would I respond if I cared deeply about those involved?
- **Authority** - what do legitimate authorities (e.g., experts, law, my god[s]) expect of me?
- **Rights** - what rights (e.g., innate, legal, social) apply?

Ask “FORCLEAR” for ethical reasoning.
Slide 21


See *Contagion* handout.

Slide 22

**Individual Reflection Time**

- Take three minutes to individually reflect on the Eight Key Questions and how they apply to the Contagion scenario.
- Write down what additional questions the 8KQ spark in your mind. For example:
  - “Who are the legitimate authorities?”
  - “What must it be like to be in _____’s shoes?”
  - “What might the long-term outcome be for _____?”
- Reminder – the vaccine cannot help people already infected with MenB, only those who may be exposed.
Circle Process

- You will pass the talking piece to the person next to you and share the additional questions raised by the 8KQ.
- Whoever is holding the talking piece is the only one speaking and deserves everyone’s undivided attention (eye contact) and respect (not interrupting).
- You always have the right to pass the talking piece.
- The circle is a safe space to question assumptions, to challenge each other in a respectful way, to share openly your thoughts and experiences. Everyone is equal in the circle.
- Eventually, your group will be responsible for determining where to distribute the limited vaccine supply.

Round One

- Go around the circle and name all of the Fairness questions, all of the Outcomes questions, etc. that you generated on your own.
- After everyone has had a chance to raise a question, discuss:
  - which questions resonated with you?
  - which questions hadn’t you thought about?
The Eight Key Questions +

- Fairness - how can I act equitably and balance all interests?
- Outcomes - what are the short-term and long-term outcomes of possible actions?
- Responsibilities - what duties and obligations apply?
- Character - what actions will help me become my ideal self?
- Liberty - How does respect for freedom, personal autonomy, or consent apply?
- Empathy - how would I respond if I cared deeply about those involved?
- Authority - what do legitimate authorities (e.g., experts, law, my god[s]) expect of me?
- Rights - what rights (e.g., innate, legal, social) apply?

Additional Questions to Consider

How might military personnel's liberty be constrained more than that of average citizens? Do you have a greater duty to protect them?

Is it fair to the international community to allow doctors potentially exposed to MenB to travel outside the U.S.?

Is the President a legitimate authority in this situation? Is the American Medical Association? Why? How should these authorities affect your decision?

What are the questions you have related to empathy? Can you have cognitive empathy for the environmental researchers?

As a federal agency, to whom do you have duties? Should these duties hold more weight than those people to whom you feel a personal responsibility?
Round Two

• Break from the circle process and discuss where your CDC group is going to send the vaccines. Use the 8KQ to help you decide.

<table>
<thead>
<tr>
<th>Army Bases</th>
<th>International Doctors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baltimore Youth</td>
<td>New England Parents/Kids</td>
</tr>
<tr>
<td>Environmental Researchers/Overlook staff</td>
<td></td>
</tr>
</tbody>
</table>

• Report to the larger group where you will send the vaccines and why you chose those specific locations/groups using the 8KQ in your explanation.

What did you learn today?

Eight questions for ethical reasoning

How to grapple constructively with conflicting ideas

A foundation for ethical evaluation before making decisions
Slide 29

Let’s keep the conversation going!

@JMUMC #8KQ
facebook.com/madisoncollaborative
instagram.com/madisoncollaborative

Slide 30

Teaching Strategy 3
Evaluate Essays

See Essay Example (Handout).
The Eight Key Questions (8KQ)

Outcomes

Rights

Character

Liberty

Empathy

Authority

Responsibility

Fairness

Ethical Issue

Which Apply?

Outcomes?

Rights?

Character?

Liberty?

Authority?

Empathy?

Responsibility?

Fairness?
Slide 33

Which Apply?

Outcomes
Fairness
Rights
Responsibility
Authority
Liberty
Empathy

Character

Ethical Issue

Slide 34

Conduct Analyses

Ethical Issue

Fairness
Outcomes
Character
Empathy
Weigh and Decide

Character
Empathy
Fairness
Outcomes

See Rubric handout.
Closing/Q & A

Resources

Ethical Reasoning at JMU:
https://www.jmu.edu/mc/

Assessment at JMU:
https://www.jmu.edu/assessment/

Assessment and Learning Improvement at JMU:
https://www.jmu.edu/assessment/Visitor/Student-Learning.shtml

The Eight Key Questions (8KQ) (Handout)

The Eight Key Questions reflect the best of humanity's ethical reasoning traditions. The Madison Collaborative operationalized these into a flexible and open framework to be used as prompts at the point of decision making. The questions, which can be voiced in first or second person and stated using culturally diverse content, highlight eight vital human values: fairness, outcomes, responsibilities, character, liberty, empathy, authority, and rights. These values may be expressed by different words, e.g. outcomes as “consequences,” “results,” “the future,” or “karma,” or in different languages, e.g. consecuencia (Spanish). Each names a distinctive—we believe cross-culturally common—ethical consideration.

**Fairness** - How can I act equitably and balance legitimate interests?

**Outcomes** - What achieves the best short- and long-term outcomes for me and all others?

**Responsibilities** - What duties and/or obligations apply?

**Character** - What action best reflects who I am and the person I want to become?

**Liberty** - How does respect for freedom, personal autonomy, or consent apply?

**Empathy** - What would I do if I cared deeply about those involved?

**Authority** - What do legitimate authorities (e.g. experts, law, my religion/god) expect of me?

**Rights** - What rights (e.g. innate, legal, social) apply?

**Request** wallet-sized 8KQ cards for yourself, your students, or your organization.
Contagion Activity (Handout)

Contagion

No one saw it coming. But when it hit the East Coast, it hit hard.

Twenty New England high school students spent three summer weeks volunteering with Serve Appalachia, repairing homes for low-income families, and staying at Camp Overlook. Before heading home, several students started feeling extremely sick. By the time they reached New England, at least half were seriously ill. Those who felt okay went home to their families.

The symptoms suggest meningitis B (MenB): headaches, light sensitivity, and uncontrollable fever that can lead to death or disability. Medical treatment is only partially effective, namely due to increasing resistance to antibiotics. Vaccination is necessary to prevent a catastrophic outbreak.

With the high schoolers at Camp Overlook was a group of at-risk youth from inner-city Baltimore attending a 10-day nature camp. Seven guest international doctors stayed at Camp Overlook while treating poor patients from surrounding counties. Several Army Reservists camped at Overlook while rebuilding a community destroyed by a tornado. A group of researchers considering the environmental effects on the health of rural populations were based at Camp Overlook.

The MenB vaccine is limited; no more can be produced for months. You are a Centers for Disease Control team summoned to Washington, D.C. to spearhead the response to the spreading contagion. When you arrive, you learn of five regional outbreaks:

Army Bases. The Department of Defense reports that Virginia and New Jersey Army bases are on lockdown after a few temporarily housed reservists were diagnosed with MenB. The President sent an official request to dispatch vaccine to those bases. These military personnel are vital to maintaining national security if a crisis were to develop as a result of a MenB pandemic.

Baltimore Youth. Nature camp proved to be an incredible experience for the group of at-risk children, but several returned home to the inner-city critically ill. Baltimore’s homeless shelters and food pantries shut down in fear. After making the MenB diagnoses public, health officials appealed to the mayor. With few vaccines available, hospitals in affluent neighborhoods are getting priority. Baltimore’s mayor pleads to your CDC group for vaccines to inoculate the poorest and most at-risk citizens in her city.

International Doctors. Two international doctors based at Camp Overlook contracted MenB. Unfortunately, their symptoms did not surface until they were at an American Medical Association conference for international physicians in Louisville, KY. The head of the AMA contacts your team requesting vaccine to administer to doctors before they travel to other clinics in need. The AMA CEO stressed the critical role physicians play as first-responders, caring for the sick and administering inoculations, in medical crises.
Environmental Researchers. Some environmental researchers and activists received vaccinations in preparation for their trip to Appalachia. However, two who are passionate about alternative medicine refused the shot. They fell extremely ill upon returning home to Atlanta. Due to the epic nature of this crisis, the group offered the CDC director ten times the cost of existing inoculations thanks to one of its financial supporters. The overpayment could fund the production of more vaccine. The existing supply would be used to protect Camp Overlook staff and others around the world researching environmental hazards to the health of rural populations.

New England Parents. Parents of the high schoolers who got MenB on their service trip are terrified. In addition to their ill older children, schoolmates and younger siblings are getting sick. Many of the patients under the age of 20 have died or become disabled. One parent, who happens to be the official spokeswoman for the American Academy of Pediatrics, demands the vaccine for infants, toddlers, and school-aged children who may be in contact with the returning high schoolers. However, the CDC does not recommend MenB vaccines be administered to children under 10.

1 Meningitis B, an infection of the membranes that protect the brain and spinal cord, is spread through exposure to salivary secretions, usually through close or prolonged contact. It typically affects children and young adults, those with weak immune systems, and people who live in close quarters.

The vaccine available is enough for ONLY TWO requests. Your CDC group should use the Eight Key Questions to discuss, generate more ethical questions, and then decide where to send the vaccine. Assume the logistics for getting the vaccine to each population are the same.

Written by JMU faculty and staff for The Madison Collaborative: Ethical Reasoning in Action
Ethical Decision Making Essay

Recently, my girlfriend and I went to the library. While standing in line to check out a book, I noticed what appeared to be a $100.00 bill lying on the ground. I cautiously looked around, but nobody seemed to be paying attention. When I grabbed the money and quickly placed it in my pocket, I noticed something funny: there was more than one bill. After checking out the book and stepping outside of the library, I took the wad out and my girlfriend and I counted it - one, two, three, four, five one hundred dollar bills. Yes, we had stumbled across five hundred dollars. Immediately I was excited. Thoughts of purchasing the latest gaming system ran through my head. Then other thoughts began crossing my mind that made me more conflicted. Is it right for me to keep the money or should I try to locate the person who lost it and return it? Those were the two decision pathways associated with the ethical situation. The situation became more complex too. Catching wind of this windfall, my girlfriend’s mother told her, “If he (I) were to turn the money back in, he’d be a fool.” Unfortunately, my girlfriend adopted her mother’s perspective.

This situation happened before I learned the KQ approach. Even though I didn’t know the terminology at the time, I think I can re-create my reasoning process (just more articulately) via the KQ approach.

First, I thought about what considerations could be ruled out and which ones were at play. Empathy, liberty, outcomes, and responsibility could be ruled out. I didn’t know the person who lost the money, thus I didn’t feel deeply (empathize) for him or her other than perhaps a universal sense of feeling for human beings. The issue at hand didn’t really have to do with restricting my choices, or any other “actor” in the situation, ruling out liberty. It is not clear to me how keeping this money or giving it back would net a difference regarding overall happiness or some other outcome across many people. Finally, I had no specific obligation or duty to the person who lost the money. Perhaps I could make an argument for how each of these aforementioned considerations relate to my decision. Nevertheless, they would be convoluted.

On the other hand, rights, character, fairness, and authority are much more clearly related to the ethical situation.

From a rights perspective, the right to property comes to mind. That is, there is some accepted ownership rights between someone and some object. Assuming that the person who dropped the money “owned it” then that money belonged to him or her. If I were to take the money, I would be violating that person’s right to own it. Nevertheless, conventional wisdom suggested there could be a rule that trumps the ownership right: finders, keepers. There could be less extreme examples where one could argue that a person lost his/her right to the $500. For instance, if no one rightfully claimed the money over a six month time, then the property may not apply because of some limitations rule. After some consideration I still think that the person who lost the money still should have rights to it. If a father lost an 8-yr old child at a mall for a few minutes, it doesn’t seem reasonable that another family could claim that child as their own. In
my case, someone likely dropped the $500 mere seconds before I picked it up. Certainly the “dropper” has more rights to the money at that time than I did.

From a character perspective, I see myself as someone who does not benefit from the misfortune of others. One can assume that the money was unintentionally lost and, if unrecovered, the original owner would be quite distressed. Clearly taking the money without trying to reunite it with the original owner would stand in contrast to the person I wanted to be. Looking at the issue from a fairness perspective would also conclude that I should find the owner. Is it fair for someone who lost money for a mere seconds to lose ownership of it? Is it fair for someone who is “at the right place at the right time” to just pick up $500 without giving a 2nd thought to his right (or lack thereof) over the money?

The last consideration is authority. Anyone questioning my past girlfriend’s power or her mother’s hasn’t had many interactions with either. They argued that I should keep the money. By trying to find the owner, therefore, I would be pushing against this authority.

Taking these four relevant perspectives into consideration, I chose to attempt returning the money to its rightful owner. Rights, character, and fairness all pointed to giving the money back. To me, the right of ownership, is still a bit abstract. So, I think the fairness and character perspectives were the considerations most powerful in my decision process. Going against my girlfriend and her mother was difficult, but I didn’t share their perspective.

For closure, I was able to locate the original owner. I called up the library and said that I had found a sum of money, but did not disclose how much. I told the library to have any person who called them about losing money to contact me. Within a day, a student contacted me and said he had lost $500.00. He had saved that money and was planning on buying a stereo. I gave the money back and he and his family took me out to dinner. I obviously didn’t give the money back expecting a dinner but it was nice reward for doing the “right” thing.

The girlfriend and I are no longer dating.
James Madison University’s Ethical Reasoning Rubric (Handout)

<table>
<thead>
<tr>
<th>Insufficient 0</th>
<th>Marginal 1</th>
<th>Good 2</th>
<th>Excellent 3</th>
<th>Extraordinary 4</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Ethical Situation: Identifying ethical issue in its context</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No reference to decision option(s).</td>
<td>Implicit reference to decision options AND/OR little context given regarding decision option(s).</td>
<td>Explicit but unorganized reference to decision option(s) and context.</td>
<td>Clear description of decision option(s) and context.</td>
<td>Meets criteria for Excellent AND...</td>
<td></td>
</tr>
<tr>
<td>- Context treated with nuance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Builds tension with organization and word choice.</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

| **B. Key Question Reference: Mentioning the 8 KQs or equivalent terms** | | | | | |
| Reference to zero or only one key question. | Vague references to key questions OR only two key questions referenced. | References four key questions. | References six key questions. | References all eight key questions. |

| **C. Key Question Applicability: Describing which of the 8 KQs are applicable or not applicable to the situation and why** | | | | | |
| No rationale provided for the applicability or inapplicability of any KQs to the ethical situation. | Provides a rationale for the applicability or inapplicability of two key questions to the ethical situation. | Provides a rationale for the applicability or inapplicability of four key questions to the ethical situation. | Provides a rationale for the applicability or inapplicability of six key questions to the ethical situation. | For all eight questions provides a rationale for its applicability or inapplicability to the ethical situation. |

**SPECIAL NOTE: if author identifies fewer than three applicable KQs, then Criteria “D” and “E” can be scored no higher than (1) “Marginal”**

| **D. Ethical Reasoning: Analyzing individual KQs** | | | | | |
| No attempt to analyze any of the referenced key questions. | Analysis attempted using two or more key questions. Typically incorrect ascription of the key questions to the ethical situation. Account is unclear, disorganized, or inaccurate. | Analysis attempted using three or more key questions. Basically accurate ascription of the key questions to the ethical situation. Account is unclear or disorganized. | Analysis attempted using three or more key questions. Accurate ascription of the key questions to the ethical situation. Account is clear and organized. | Meets criteria for Excellent AND... |
| - Nuanced treatment of key questions, for example: |
| - elucidates subtle distinctions |
| - uses analogies or metaphors |
| - considers different issues within same key question |

**SPECIAL NOTE: if Criterion “D” is scored a 0 or 1 then Criterion “E” can be scored no higher than (1) “Marginal”**

| **E. Ethical Reasoning: Weighing the relevant factors and deciding** | | | | | |
| No judgment is presented OR judgment presented with no rationale. | Uses products of the analysis and provides some weighing to make a decision. Account is unclear, disorganized, or inaccurate. | Conveys weighing approach using analysis products. Provides an intelligible basis for judgment. | Meets criteria for Good AND... Logically terminates in decision that will be reached. | Meets criteria for Excellent AND... Products of analysis weighed to make judgment compelling. |

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